



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

March 23, 2020

Ms. Jessi Moore
Purchasing and Product Development Manager
Phantom Importing & Distribution, LLC
2445 Belmont Avenue
Youngstown, OH 44505

Reference No. 19-0118

Dear Ms. Moore:

This letter is in response to your October 3, 2019 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) applicable to the shipment of sparklers. Your email states that you are considering a new package design for sparklers. Specifically, you ask whether the package containing sparklers, as pictured in your incoming email, would be exempt from the HMR per the Pipeline and Hazardous Materials Safety Administration (PHMSA) guidance document entitled “Guidance and Criteria for Fireworks Novelty Devices.”

The answer is no. PHMSA’s “Guidance and Criteria for Fireworks Novelty Devices” exempts sparklers from the HMR when the inner packaging can contain no more than 8 sparkler devices. This Office considers the package design pictured in your email to consist of one inner packaging and one outer packaging; therefore, the package design would exceed the 8-device limitation per inner packaging. Please note that if the material does not meet the definition of any novelty devices in the guidance document, it will require an EX approval before being shipped.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kelley".

Shane Kelley
Director,
Standards and Rulemaking Division
Office of Hazardous Material Standards

Andrews

19-0118

Dodd, Alice (PHMSA)

From: Kelley, Shane (PHMSA)
Sent: Thursday, October 03, 2019 4:06 PM
To: Hazmat Interps
Cc: Fink, William (PHMSA); Singh, Harpreet (PHMSA)
Subject: FW: Sparkler Letter
Attachments: BIG BOX WITH PVC FRAME 6GAPS.jpg; PVC FRAME WITH 6GAPS.jpg; video-Sparkler Packaging.mp4

Please log this as a request for interpretation. Thank you

From: Jessi Moore [mailto:jdmoore@fireworks.com]
Sent: Thursday, October 3, 2019 3:49 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Cc: Holly Gougler <hgougler@fireworks.com>
Subject: Fwd: Sparkler Letter

To whom it may concern,

Phantom Importing and Distribution, LLC imports sparklers of all sizes, both with wire and wooden sticks, every year to distribute to our retail and temporary locations, for sale to consumers.

This year, we have looked at a new design for packaging, that would make production more efficient. We are writing to request an interpretation as to whether the packaging in the attached pictures and video, for both wooden and wire sparklers of various sizes, will comply with the product packaging requirements for exempt sparklers.

Please let us know at your earliest convenience, so that we can move forward with production.

Respectfully,



Jessi Moore
Purchasing and Product Development Manager
Phantom Importing & Distribution, LLC

2445 Belmont Ave
Youngstown, Ohio 44505

T: 330.746.1064
W: www.fireworks.com





