

# Ohio Department of Commerce

## Division of State Fire Marshal

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[www.com.ohio.gov/fire/](http://www.com.ohio.gov/fire/)

614-752-8200	phone
888-252-0803	toll free
800-750-0750	TTY/TDD
614-995-4206	fax

### Fireworks Contact Information

Emergency Assistance for Incidents Storage of Confiscated Fireworks	Investigations	614-752-7107 800-589-2728
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Firework License License Verification Background Checks Red Book	Testing & Registration <a href="mailto:webfmtr@com.state.oh.us">webfmtr@com.state.oh.us</a>	614-752-7126 877-264-0023
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Exhibition Permits Variance Requests Reporting Incidents Inspections Illegal Sales Construction	Code Enforcement	614-728-5460 888-276-0303
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Continuing Education Registration/Certificates Training	Fire Academy	614-752-7196 888-726-7731
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# Frequently Asked Questions

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**Q. Who should I contact if I find illegal fireworks or have a fireworks incident and need assistance?**

**A.** The discovery of illegal fireworks or any fireworks incident which results in injuries or property damage shall be reported to the fire code official and local law enforcement immediately. The local fire code official shall immediately make a report to the fire marshal. This can be done by calling the Investigations Bureau (614-752-7107) during business hours, or the emergency number (800-589-2728) after hours. A State Fire Marshal (SFM) inspector(s) will then be dispatched to your location.

**Q. Does Ohio law require a license for the sale and use of fireworks?**

**A.** Yes, manufacturers, wholesalers, exhibitors and shippers of fireworks must have State Fire Marshal (SFM) issued licenses for fireworks use. Renewal for a license is required each year.

**Q. Can I get a license to sell fireworks?**

**A.** Not at this time. There is a moratorium on the issuance of additional fireworks manufacturers and wholesalers licenses in effect until December 15, 2011 (ORC 3743.75). By law the State Fire Marshal can only issue licenses on December 1st of each year. If the current moratorium is not extended, applications for new licenses will be accepted beginning September 1, 2012. The first time a new license may be issued would be on December 1, 2012.

**Q. As a citizen of the State of Ohio, can I buy and use fireworks?**

**A.** Yes, you may buy consumer or 1.4g fireworks from a licensed wholesaler or manufacturer; however, you cannot discharge any consumer or 1.4g fireworks in the State of Ohio. You must transport all fireworks purchased in Ohio out of the state within 48 hours of the purchase. The only items that can be used in Ohio are designated "trick and novelty" which smoke, pop, and/or sparkle. In Ohio, use of 1.4g fireworks (fire crackers, bottle rockets, etc.) is illegal. (ORC 3743.65 (B))

**Q. Where can I find Ohio's laws that regulate fireworks?**

**A.** Ohio Revised Code (ORC) Chapter 3743 and Ohio Fire Code (OFC) 1301:7-7-33 are the code references that govern fireworks in Ohio. These publications can be found online at [https://www2.iccsafe.org/states/ohiofire/OH\\_Fire/fire\\_frameset.htm](https://www2.iccsafe.org/states/ohiofire/OH_Fire/fire_frameset.htm) and <http://codes.ohio.gov/>

Remember that the most current version of the Ohio Fire Code went into effect on July 1, 2007, so make sure you are following the most current version of the rules governing fireworks.

**Q. In addition to the Ohio Revised Code (ORC) and the Ohio Administrative Code/Ohio Fire Code (OFC), what other laws and regulations apply to the manufacturing, distribution, transportation, storage, sale, exhibition/display, use or possession of fireworks?**

**A.** Federal regulations applicable to fireworks are contained in the Code of Federal Regulations (CFR), including the following:

1. Title 16 (Consumer Products) of the CFR, including part 1507 (Fireworks Devices);
2. Title 27 (Commerce in Explosives) of the CFR, including part 555;

3. Title 49 (Transportation) of the CFR, including parts 172, 173 and 174;
4. Federal Explosive Law and Regulations (also known as the "Orange Book") ATF P 5400.7, Title 27, Part 55;

Visit this link to view the CFR: [http://www.usa.gov/Topics/Reference\\_Shelf/Laws.shtml](http://www.usa.gov/Topics/Reference_Shelf/Laws.shtml)

As a part of the Ohio Fire Code, the SFM includes portions of various national model codes. For fireworks, the OFC adopts by reference certain National Fire Protection Association (NFPA) Standards, which have the full force of law in Ohio to the extent those standards are incorporated into Ohio law. The fireworks specific NFPA standards are:

1. NFPA 1123, Code for Fireworks Display (2006 Edition)
2. NFPA 1124, Code for Transportation and Storage (2006 Edition)
3. NFPA 1126, Standards Before a Proximate Audience (2006 Edition)

To obtain a copy of the relevant NFPA standards, call 1-800-344-3555.

**Q. What are the continuing education requirements for manufacturers?**

**A.** Each year, manufacturers or their designee shall attend a continuing education program approved by the State Fire Marshal. The fire marshal shall develop the program and the fire marshal or a person or public agency approved by the fire marshal shall conduct it. Within one year after attending the program, the manufacturer shall conduct in-service training for it's other employees regarding the material presented during the manufacturer's continuing education class.

**Q. What are the continuing education requirements for wholesalers?**

**A.** Each year, wholesalers or their designee shall attend a continuing education program approved by the State Fire Marshal. The fire marshal shall develop the program and the fire marshal or a person or public agency approved by the fire marshal shall conduct it. Within one year after attending the program, the wholesaler shall conduct in-service training for it's other employees regarding the material presented during the wholesaler's continuing education class.

**Q. Why are there so many rules and regulations for fireworks?**

**A.** The primary laws regulating fireworks in Ohio are enacted by the Ohio legislature and are contained in ORC Chapter 3743. The OFC is written to supplement the provisions of the ORC. As required by the ORC, the OFC incorporates several NFPA Standards. These laws exist to protect the public and to regulate the fireworks' industry in a fair manner.

**Q. What is the difference between 1.3G, 1.4G and 1.4S fireworks?**

**A.** 1.3G fireworks are used by Ohio licensed exhibitors and often are called display fireworks. The use and storage of such large fireworks are strictly regulated by the state and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). It is illegal for anyone to manufacture, possess, use, or store 1.3G fireworks in Ohio unless you have a specific license to do so. An exhibitor must have a permit issued for a fireworks exhibition before he can possess and use 1.3G fireworks.

1.4G fireworks may be found in a licensed fireworks showroom and sold to the public at various retail locations across Ohio. 1.4G fireworks are sometimes called consumer fireworks. If you chose to purchase 1.4G fireworks, you have 48 hours to take the fireworks out of Ohio. It is illegal for anyone to use (discharge, ignite or explode) 1.4G fireworks in the State of Ohio.

**1.4S** fireworks are Special Effects Fireworks and are used indoors by Ohio licensed pyrotechnic exhibitors for theatrical productions, concerts, or other special events. Some special effects fireworks can be labeled 1.4G and classified as “Article, Pyrotechnic” UN0431. These and 1.4S fireworks are not sold to the general public.

**Q. Are M80s, M100s, quarter sticks considered fireworks?**

**A.** M80s, M100s, quarter sticks and similar devices are explosive devices, not fireworks. Such devices are not considered fireworks because, in 1976, the United States Consumer Products Safety Commission determined that no more than 50 milligrams of powder can be used in 1.4G consumer fireworks (1.4G fireworks must have fuses that last at least 3 seconds, but no longer than 9 seconds) and any devices that contain more than 50 milligrams of powder (like many cherry bombs, silver salutes, M80s, M100s and quarter sticks) are defined as explosives. Since these devices are explosives, such devices are illegal for anyone to possess without a special license and/or permit. See ORC 2923.17 for more details.

**Q. Can a licensed exhibitor store 1.3g (display) fireworks or 1.4g (consumer) fireworks in an Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) approved magazine at his/her residence or other location?**

**A.** No. Only licensed wholesalers and manufacturers can store 1.3g (display) fireworks or 1.4g (consumer) fireworks in Ohio. When the fire code official having jurisdiction issues a permit for the exhibition of fireworks for a specific site, that official may also issue a TEMPORARY storage permit for fireworks to be used in a specific exhibition for the same site area of the actual scheduled exhibit. Pursuant to such a storage permit, all fireworks to be used in the exhibition must be stored in an approved magazine. These fireworks can be stored for up to 72 hours unless specific fire code official approval for a longer period (of up to 14 days) is granted in accordance with the Ohio Fire Code (OFC). See OFC 1301:7-7-33(J), OFC 3310 for more details.

# The Do's and Don'ts for Fire Departments

The use of fireworks to celebrate holidays is a time-honored tradition. Many fire departments take a lot of pleasure in legally providing the annual fireworks display for their community. Others hire exhibitors to perform the festivities. It is important for fire departments around the state to be knowledgeable about the laws and regulations on fireworks. The possibility of an incident is only one fuse away.



## Don'ts of Fire Departments

1. Don't assume that an exhibition at your local park is an appropriate site for a display, even if the show was previously held there. Remember that spectator distances require a minimum of 70 feet per inch of the largest shell. For example, if you have 450 shells including: 4", 6", 8", 10", and one 12". That single 12-inch shell requires that all spectators have a minimum distance of 840 feet. Any less distance and you are subject to criminal and civil litigation. The fire service field is not exempt from the regulations set by the NFPA 1123 2006 Edition.
2. Don't assume the insurance policy issued by the city or township for the fire department covers the exhibition of fireworks. Each exhibitor shall provide a bond or proof of insurance in the amount of at least 1 million dollars.
3. Don't allow drivers without a CDL and HAZMAT endorsement to transport fireworks that affect interstate commerce.
4. Don't assume federal law exempts you from state law. In some instances, fire departments have been exempt under federal law to purchase 1.3G fireworks. Ohio law states that only Ohio Licensed exhibitors can possess 1.3G fireworks.

## Do's of Fire Departments

1. Do review the Ohio Supreme Court decision case # 00-1904 Deborah Ryll, et al vs. City of Reynoldsburg. Sovereign immunity may not apply since sponsoring a fireworks exhibition is not a governmental function. If a fire department is the sponsor, site, exhibitor, regulator, purchaser, or signer of the checklist, they take on a great responsibility.
2. Do check all licenses. Shippers, exhibitors and assistants are required to carry their license when preparing for and during an exhibition. Verify expiration dates. Shippers may ship to a licensed manufacturer or wholesaler, or directly to a licensed exhibitor at a properly permitted exhibition site.
3. Do hold a meeting with the fire and law enforcement officials to decide who will provide temporary storage of the fireworks in the district where the permit was issued. Make sure storage meets the approved table of distances.
4. Do identify personnel. If this is an in-house exhibition, the firefighter cannot be the exhibitor and the safety inspector at the same show. Each person should only be assuming one role.
5. Do determine who will provide security during the exhibition to ensure spectators stay in the designated areas.
6. Do determine who is responsible to provide emergency response to injury, accident, or fire. You should prepare for everything from a grass fire to a fatality.
7. Proper distance and rack stability are paramount to any successful fireworks exhibition. Do check both of these key items.
8. Should an incident occur, do secure the area and take the necessary steps to make the area safe. Notify the Division of State Fire Marshal immediately and hold the scene secure until released.

# Weather Related Guidelines

## NFPA 1123, 2006 Edition

Being prepared to react to changing weather conditions is essential for a successful exhibition in undesirable conditions. Always remember to cover and secure fireworks from all moisture. It is the responsibility of the operator and the authority having jurisdiction (AHJ) to evaluate weather conditions and the display site to determine if the discharge can proceed safely. Always check to see if a "No Burn" notice has been issued. Use extreme caution in dry places or areas that might be more sensitive to fire.



**4.4.3.2** Weather-resistant coverings shall be placed over the mouth of mortars wherever there is imminent danger of water collecting in the mortars.

**8.1.4.2** If high winds, precipitation, or other adverse weather conditions prevail or begin such that a hazard exist in the opinion of the operator or the AHJ, the fireworks display shall be postponed or discontinued until weather conditions improve.

**8.1.7** Pyrotechnic materials used in the display shall be protected from adverse weather conditions.

**8.1.8** Moisture damaged pyrotechnic materials shall not be used.

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**Light Wind** – Some wind speed is favorable during an outdoor exhibition as it allows for smoke to clear. Wind conditions within this range are usually acceptable for exhibition and in predicting the appropriate fall out distances.

**Moderate Wind** – Extra precaution will be required for any wind speed within this range; including expanding fall out areas which may include relocating spectators, angling of the mortars, removing larger shells from the performance and even moving the discharge areas.

**High Wind** – High winds may radically change the performance of fireworks and the distances required for a safe exhibition. It is the responsibility of the AHJ and the operator to determine if a show can proceed in a safe and efficient manner.

**Rain and Snow** – Exhibition of fireworks may occur in the rain or snow as long as special precaution has been made to ensure all fireworks remain dry until the time of discharge.

**Lightning** – Whenever there is a possibility of lightning, all work involving fireworks shall temporarily stop until conditions improve.