

Fireworks Certification Agencies FAQs

Questions and Answers Regarding

Fireworks Certification Agencies (FCA)

March 13, 2014

Federal regulations prescribe requirements for the Fireworks Certification Agency (FCA). Additional guidance is available through the [Hazardous Materials Information Center](#), a call center (1-800-4674922) that answers questions and helps individuals and organizations comply with the [Hazardous Materials Regulations](#).

Q1: How Do I Become a Fireworks Certification Agency (FCA)?

A1: To become a DOT-approved Fireworks Certification Agency (FCA), you must apply to PHMSA as specified in 49 CFR § 107.402(a),(b) and (d).

Q2: What Happens After I Submit My Application?

A2: PHMSA will review your application to determine if it meets the required criteria. If it does, PHMSA will issue you an approval to act as a DOT approved fireworks certification agency and assign you a unique identifier.

Q3: What Options Do I Have If PHMSA Denies My Application?

A3: Within 30 days of an initial denial of an application, the applicant may file an amended application. If the application is again denied by PHMSA, the applicant may, within 20 days of receipt of the decision, request reconsideration as set forth in § 107.715. If the reconsideration is denied by PHMSA, the applicant may appeal the decision, within 30 days, to the Administrator of PHMSA, as specified in § 107.717.

Q4: Must an FCA Report to PHMSA when it has denied a Fireworks Certification Application?

A4: Yes. When an FCA has denied an application, it must provide PHMSA with the application and its reasons for the denial.

Q5: How Does the Certification Process Work?

A5: The FCA will review the application for completeness and determine that the fireworks comply with APA Standard 87-1. The FCA must submit a certification report to PHMSA with a number that is unique to the fireworks being certified, indicating that the fireworks are certified in compliance with the APA 87-1 Standard for transportation. Certification only becomes valid when the FCA has received this acknowledgement from PHMSA. After PHMSA acknowledges the certification report, the FCA may send the certification (e.g., FC-XXX-YYYYMM-ZZZZ) to the manufacturer.

Q6: Must an FCA Keep Records of the Fireworks Certifications That it Issues?

A6: Yes. While the recordkeeping requirements will be detailed in each FCA's individual approval, each record must clearly provide the unique identifier that the FCA has assigned to the fireworks. Copies of the FCA certification records must be maintained for five (5) years after the FCA certifies the fireworks. The record must be accessible at or through the FCA's principal place of business and be made available, upon request, to an authorized official of a Federal, State, or local government agency at a reasonable time and location.

Q7: How Does a Manufacturer Apply for an FCA Certification?

A7: If a manufacturer chooses to have its fireworks certified by an FCA rather than submitting an approval application to PHMSA, a manufacturer may submit its application directly to an FCA or, in the case of a foreign manufacturer, a U.S. Agent may submit an application on behalf of the manufacturer. Similar to the approval process, a manufacturer must prove that the fireworks conforms to the requirements in the APA Standard 87-1 and has passed a thermal stability test. A manufacturer would apply in writing to an FCA in accordance with the requirements of the APA Standard 87-1 and the FCA would assign an FC (e.g., FC-XXX-YYYYMM-ZZZZ) number.

Q8: What if the FCA Denies a Manufacturer's Application?

A8: If the application is denied, the FCA must notify the applicant in writing of the reasons for the denial. Following the issuance of a denial from an FCA, the applicant may seek reconsideration from the FCA, or appeal to PHMSA the reconsideration decision of the FCA (see § 173.65(a)(4)(iv)).

Q9: Are There Differences in the Way a Manufacturer, U.S. Agent or Shipper Prepares Division 1.4G Consumer Fireworks for Transportation if They Have Been Certified by an FCA Rather than Approved by PHMSA?

A9: The FCA will issue the manufacturer an "FC" number rather than an "EX" Number. Certification numbers with the prefix "FC" are issued by the FCA, approval numbers with the prefix "EX" are issued by PHMSA.

Q10: May a Manufacturer Submit an Application to an FCA and PHMSA for the Same Fireworks?

A10: No. The manufacturer must certify that the application has not been submitted to both PHMSA and an FCA. Submitting duplicate applications to PHMSA and FCAs is prohibited and a manufacturer may be fined for doing so.

Q11: Must a Manufacturer Keep Records of the Fireworks Certifications it receives?

A11: Yes. The certification must be accessible at or through the manufacturer's principal place of business and be made available, upon request, to an authorized official of a Federal, State, or local government agency at a reasonable time and location. Copies of certification records must be maintained for five (5) years following import of fireworks.

Further, the manufacturer must provide the certification record to each entity e.g., importers or shippers, responsible for offering the fireworks during transportation, to ensure they are in possession of the certification record.

Q12: How Does the FCA Certification Process Affect an Importer's or Shipper's Role in Transporting Division 1.4G Consumer Fireworks?

A12: The biggest difference is, for shipments certified by an FCA, the importer or shipper will be required to maintain a paper record or electronic image of the certification when the fireworks are in transportation, and the importer or shipper must keep a record of the certification for five (5) years following import of the fireworks. The certification record must be made available to an authorized official of a Federal, State, or local government agency upon request (See § 173.65(b)).
Q13: What if the Carrier Refuses to Transport Fireworks Assigned an FC Number?

A13: While our intent is to notify all stakeholders in the Division 1.4G supply chain of the new FCA certification option, we cannot guarantee that everyone will receive the information before FCA-certified fireworks are being transported. We recommend that an importer or shipper contact its carrier in advance to make them aware of the new FCA option, and send them a copy of this guidance document and 49 CFR § 173.65.

Q14: What is the Difference Between Transporting FCA-certified Division 1.4G Consumer Fireworks and DOT-approved Division 1.4G Consumer Fireworks?

A14: The wording on the shipping paper provided to you and the markings on the packaging will show an "FC" number rather than an "EX" number.

Q15: How can I obtain additional information on applying to become a Fireworks Certification Agency (FCA)?

A15: File the application with the Associate Administrator for Hazardous Materials Safety (Attention: Approvals, PHH-32), Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. Alternatively, the document with any attached supporting documentation in an appropriate format may be filed by facsimile (fax) to: (202) 366-3753 or (202) 366-3308 or by electronic mail (e-mail) to: approvals@dot.gov.

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