

**The Environmental Risk Management Authority
P O Box 131
WELLINGTON**

**Code of Practice for
Retail Fireworks: Design,
Performance, Testing, Storage,
Transport, Sale and Use**

**Approved Code of Practice
Under the Hazardous Substances and New Organisms
(HSNO) Act 1996**

**Code Reference: HSNOCOP 18-3
Date of Approval: 07 August 2008**

PREFACE

This Code of Practice (HSNOCOP 18-3) is approved pursuant to Sections 78 and 79 of the Hazardous Substances and New Organisms Act. The Environmental Risk Management Authority has delegated the power to approve codes of practice to the Chief Executive of the Authority, and this Code of Practice is approved in accordance with that delegation. It is confirmed that the requirements of Sections 78 and 79 have been met.

Approval of the code is limited to those matters in the document that relate to legislative requirements under the HSNO Act and its regulations.

This code has been developed by the Environmental Risk Management Authority and sets out means of compliance with the Hazardous Substances (Fireworks) Regulations 2001. The code was prepared to specifically address the design, performance and testing of retail fireworks. It includes the following amendments:

- (i) Hazardous Substances (Fireworks) Amendment Regulations 2007 which:
 - a. raised the age at which fireworks can be legally purchased to 18;
 - b. reduced the sale period to four days; and
 - c. restricted the sale of sparklers so they will now only be available in retail fireworks packages.
- (ii) Hazardous Substances (Fireworks) Amendment Regulations 2008 which:
 - a. clarified the intent of a percussive effect; and
 - b. specified the permitted noise level of a firework.

The objective of the code is to provide importers, manufacturers and distributors of fireworks with assessment criteria that will ensure that a fireworks testing Test Certificate can be issued and the public can be supplied with fireworks that are safe to use in the environment in which they are intended to be used.

It also provides guidance to importers of retail fireworks on the HSNO requirements for importation, storage, transport, sale and use of retail fireworks of classifications 1.3G (UN 0335), 1.4G (UN 0336), and 1.4S (UN 0337).

Manufacturers or importers making a statement of compliance with this Code of Practice on a product, packaging, or promotional material related to that product must ensure that such compliance is verifiable.

Pursuant to Section 80 (1) (a) of the Act, a copy of the code may be inspected at the Wellington office of ERMA New Zealand. Pursuant to Section 80 (1) (b) of the Act, a copy of the code is available to download from the ERMA New Zealand website (www.ermanz.govt.nz).

Approved this 7th day of August 2008.

Rob Forlong
Chief Executive
ERMA New Zealand

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SECTION ONE

1. INTRODUCTION

Retail fireworks, of classification 1.3G, 1.4G and 1.4S are regulated under the Hazardous Substances and New Organisms (HSNO) Act and corresponding regulations, in particular the Hazardous Substances (Fireworks) Regulations 2001 and amendments. These fireworks may be sold to the general public each year during the set period of 2 November to 5th November each year, after being tested and approved by an appropriately qualified Test Certifier.

1.1. Scope

This Code of Practice sets out requirements for the design, performance and testing of retail fireworks. It also provides information on the importation, storage, transport, sale and use of retail fireworks categories 1.3G (UN 0335), 1.4G (UN 0336) and 1.4S (UN 0337).

This document aims to provide guidance on the safe handling of retail fireworks throughout their lifecycle and to specifically address the testing criteria for these items.

The Code of Practice does not apply to:

- (a) indoor theatrical and film sets fireworks; or
- (b) distress signals; or
- (c) model rocket motors; or
- (d) display pyrotechnics.

2. GENERAL REQUIREMENTS

2.1. Fireworks Definition

Fireworks are defined in the HSNO Act as ‘an object containing small quantities of hazardous substances with explosive properties enclosed in a case of paper or similar material of such a strength, construction and character that the ignition or explosion of one such firework will not cause the explosion en masse of similar fireworks kept or carried with it and whose sole or principal effect is not percussive or vertical or horizontal flight’.

This definition applies to retail fireworks and not display pyrotechnics, which are regulated as separate and distinct articles under the HSNO Act. Novelty fireworks, such as caps for toy guns and streamer bombs are also not covered by this definition, although they are covered by the Hazardous Substances (Fireworks) Regulations 2001.

This definition of a firework essentially prohibits fireworks such as ‘bangers’ and ‘sky rockets’ being sold to the general public, as a banger has the sole effect of being percussive and a skyrocket’s principal effect is vertical/horizontal flight. Further interpretation of this definition is provided in Section Two.

2.2. Fireworks Regulations

Retail fireworks are assigned specific controls by way of the Hazardous Substances (Fireworks) Regulations 2001.

These include:

- Restricting the sale period of retail fireworks to between 2 November and 5 November.
- Restricting the sale of retail fireworks to persons aged 18 years and over.
- Requiring all types and consignments of retail fireworks to be tested by a Test Certifier prior to retail sale.
- Requiring that all retail fireworks meet a prescribed form e.g. composition, shape, labelling, etc.
- Restricting the sale of sparklers to packages containing no more than 50 sparklers and at least 3 other fireworks of a specified minimum size.
- Test certification of retail fireworks packages including the packaging standard and sparkler content.
- When used do not produce a noise level greater than 90 decibels.

Additionally, the importers and distributors of retail fireworks must ensure that the items meet all the other HSNO requirements, including:

- For importation, an import certificate must be obtained from ERMA New Zealand prior to importation of each consignment of retail fireworks.
- Packaging must be constructed such that pyrotechnic substance cannot escape.
- Identification must be clear and comprehensible and in English.
- Tracking records must be kept of where consignments of fireworks are held and distributed.
- Storage must be secure and appropriate to the quantity being held.
- Handling must be by an approved handler for quantities greater than 500kg.
- Disposal.

These requirements are set out in detail in the following sections of this Code of Practice.

3. DEFINITIONS

For the purpose of this Code of Practice the following definitions apply;

Act means the HSNO Act 1996 plus Amendments;

Approved handler means a person who has a test certificate that certifies that the person meets the competency requirements for approved handlers specified in the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001.

Authority means the Environmental Risk Management Authority established under section 14 of this Act;

Firework means an object containing small quantities of hazardous substances with explosive properties enclosed in a case of paper or similar material of such a strength, construction and character that the ignition or explosion of one such firework will not cause the explosion en masse of similar fireworks kept or carried with it and whose sole or principal effect is not percussive or vertical or horizontal flight;

Hazard Classification means a combination of the hazardous property of a substance and the level or type of hazard related to that property prescribed in accordance with the Hazardous Substances (Classification) Regulations 2001.

Hazardous Substance means, unless expressly provided otherwise by regulations any substance –

- (a) With one or more of the following intrinsic properties:
 - (i) Explosiveness;
 - (ii) Flammability;
 - (iii) A capacity to oxidise;
 - (iv) Corrosiveness;
 - (v) Toxicity (including chronic toxicity);
 - (vi) Ecotoxicity, with or without bioaccumulation; or
- (b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition:

Identification means the provision of any information about a substance which –

- (a) Clearly identifies the chemical or biological nature of the substance;
- (b) Specifies the nature and degree or type of hazard intrinsic to the substance;
- (c) Describes precautions to be taken by persons managing hazardous substances to avoid injury to people or environmental damage;
- (d) Directly or indirectly aids in managing any hazardous effect of a hazardous substance;
- (e) Identifies and specifies the means of contacting any person knowledgeable in the management of the substance:

Importation in relation to hazardous substances has the same meaning as in section 47 of the Customs Act 1966; and ‘to import’, in relation to those substances, has a corresponding meaning:

Lifecycle in relation to a substance, means the time for which the substance is in existence from (and including) its manufacture or importation to its disposal.

Pyrotechnic Substance has the same meaning as in Part 2 of Schedule 1 of the Hazardous Substances (Classification) Regulations 2001 (i.e. means a substance that produces pyrotechnic effects; where pyrotechnic effect, in relation to a substance that is initiated, means the production in that substance of a self-sustaining exothermic chemical reaction resulting in heat, sound, light, gas, smoke, or motion, or a combination of these.)

Regulations mean regulations in force under this Act.

Retail fireworks package means any package of fireworks that –

- (a) is offered for retail sale as a single unit; and
- (b) meets the requirements of regulation 10(4) of the Hazardous Substances (Packaging) Regulations 2001; and
- (c) if the package contains sparklers, -
 - (i) contains at least 3 other fireworks (not being sparklers) with a minimum pyrotechnic substance content of 15 g per item; and
 - (ii) contains no more than 50 sparklers, whether contained separately or in packets.

Retailer means a person engaged in a business that includes the sale of fireworks for any reason other than for resale by the person to whom the fireworks are sold.

Sparkler means a firework made up of a rigid wire or non-metallic stick that is partially coated at one end with a slow burning pyrotechnic substance, with or without an ignition tip, that is designed to be held in the hand and which emits sparks without a report.

Substance means –

- (a) Any element, defined mixture of elements, compounds, or defined mixture of compounds, either naturally occurring or produced synthetically, or any mixtures thereof;
- (b) Any isotope, allotrope, isomer, congener, radical, or ion of an element or compound which has been declared by the Authority, by notice in the *Gazette*, to be a different substance from that element or compound;
- (c) Any mixtures or combinations of any of the above;
- (d) Any manufactured article containing, incorporating, or including any hazardous substance with explosive properties:

Test Certificate means any certificate issued by a test certifier in accordance with section 82 of this Act which certifies that a requirement specified in regulations has been met:

Test Certifier is an individual approved by ERMA New Zealand to issue Test Certificates confirming that sites, individuals or containers are compliant with the HSNO Act.

4. LEGISLATION AND REFERENCED DOCUMENTS

The following legislation applies to retail fireworks and is referred to in this Code of Practice:

- HSNO Act 1996
- Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001
- Hazardous Substances (Classification) Regulations 2001
- Hazardous Substances (Packaging) Regulations 2001
- Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001
- Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001

- Hazardous Substances (Identification) Regulations 2001
- Hazardous Substances (Tracking) Regulations 2001
- Hazardous Substances (Emergency Management) Regulations 2001
- Hazardous Substances (Fireworks) Regulations 2001
- variations outlined in the Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003.

Additional material referenced includes:

- The 14th revised edition of the Recommendations on the Transport of Dangerous Goods Model Regulations, published in 2003 by the United Nations (New York and Geneva)

SECTION TWO

5. CONSTRUCTION AND DESIGN CRITERIA

5.1. Regulatory Requirements

Regulation 11 of the Hazardous Substances (Fireworks) Regulations 2001 sets out the mandatory requirements for the construction and design of retail fireworks. These requirements which must be met before a test certificate can be issued, have been transcribed below:

Regulation 11

- (a) *do not contain more than 40g of pyrotechnic substances; and*
- (b) *do not include –*
 - (i) *any chlorate mixed with sulphur, phosphorus, or any sulphide (unless the fireworks are an amorce containing more than 5 mg of pyrotechnic substance);*
 - (ii) *any toxic substances of classification 6.1A, 6.1B, or 6.1C other than traces of antimony, arsenic, cadmium, chromium, lead, mercury, nickel, selenium, zinc and their compounds; and*
- (c) *are constructed in a manner that does not allow pyrotechnic substances to escape at any time; and*
- (d) *do not have their own means of ignition (except if the fireworks are of a kind referred to in regulation 4(2)); and*
- (e) *do not, if the fireworks are shaped as hand-held fireworks, discharge fire and burst the casing following ignition; and*
- (ea) *are not in the shape of a gun, grenade, or similar device that could suggest the fireworks may be pointed or thrown at a person; and*
- (f) *have instructions for use on the outer case, or packet, if there are no outer cases; and*
- (g) *when used in accordance with the instructions for the use of the fireworks, do not, on discharge, result in hot or burning material falling to the ground in a manner that creates a hazard; and*
- (h) *have a fuse burning time of not less than 3 seconds and not more than 11 seconds; and*
- (i) *do not have a tube diameter of more than 22mm.*
- (j) *when used produce a percussive effect that—*
 - (i) *is not greater than necessary to achieve the visual effect of the fireworks; and*
 - (ii) *is a subsidiary effect only; and*
- (k) *when used produce a noise that is not more than 90 dB as measured—*
 - (i) *at a horizontal distance of 15 metres from, and at a height of 1 metre above, the location of the firework tested; and*
 - (ii) *by a sound measuring device that conforms with type 1 of BS EN 61672-1:2003, Electroacoustics. Sound level meters. Specifications.*

5.2. Composition

The pyrotechnic content of the firework is limited both in quantity and composition to ensure that the article is stable and safe and not likely to injure a person when being let off.

The composition of the pyrotechnic content contained within a firework should be verified by requesting compositional certificates from the manufacturer for each different type of firework imported. If upon testing, a Test Certifier has any reason to suspect the accuracy of the compositional certificates, they may require the importer to have the composition of the firework tested by a recognised laboratory to ensure compliance with Regulation 11 (1)(a) and (b).

Due to concerns surrounding the noise of fireworks (please see section 5.3 below), the pyrotechnic substance contained in a retail firework should be no greater than 5% by weight of flash powder. Any flash powder contained within the firework should relate exclusively to a visual effect and not to a percussive (aural) effect.

5.3. Percussive Effect

The HSNO legislation defines a percussive effect of a firework and restricts the level of noise that can be made by a firework.

Any percussive effect of a firework must be:

- (a) not greater than necessary to achieve the visual effect of the firework; and
- (b) a subsidiary effect only.

Some examples of fireworks that would likely fail this interpretation are as follows:

- If a visual effect is accompanied by a percussive effect that was out of proportion to the visual effect, i.e. there is additional lift or effect charge that is supplying the extra percussive effect, this would not meet either (a) or (b) of the definition above.
- If a cake or a candle expels some visual effects and then some separate percussive effects, this would not meet the test either - clearly the separate percussive charges are not necessary to achieve the visual effects of the firework and as they are separate, they would not be considered to be subsidiary effects.

A firework must not produce a noise greater than 90 dB. The place at which the noise is measured is at a horizontal distance of 15 metres from, and a height of 1 metre above, the location of the firework tested.

The method of measuring the noise level is by a sound measuring device that conforms with type 1 of BS EN 61672-1:2003, *Electroacoustics. Sound level meters. Specifications*.

5.4. Design

Retail fireworks must function in a safe and predictable manner. To accomplish this, consideration should be given to:

- (a) ignition method and fuse burning time;
- (b) pyrotechnic content and composition;
- (c) construction type and integrity;
- (d) performance of the firework;
- (e) debris characteristics;
- (f) size of the area affected during the functioning of the firework; and
- (g) the fire and health risks posed by the firework.

5.4.1. Ignition Method

The manner by which the firework is ignited shall be readily identifiable and shall be by an appropriate method as recommended by the manufacturer or supplier.

Methods of ignition requiring a flame should be suited to the use of ordinary matches. The use of cigarette lighters or similar, should not be necessary.

It is important to note that retail fireworks (other than novelty pyrotechnics) must not have their own means of ignition.

5.4.2. Timing

The time elapsed from lighting to functioning shall be sufficient to allow the user to retire to a safe distance but not so long that it may appear to be a misfire. The regulations require that this time must not be less than 3 seconds nor more than 11 seconds.

A maximum delay of 5 seconds is recommended between cessation of one tube firing and the firing of the next tube. This also applies to the time elapsed between the functioning of successive elements within a single firework.

5.4.3. Tube Size

Tube and multi-tube fireworks must not have an **internal** tube diameter exceeding 22mm.

5.5. User Information

Information shall be provided with each firework to allow for the safe operation of the firework. This should include a description of how the firework functions, as well as any necessary warnings to enable the firework's safe use. All instructions must be in English, easy to comprehend, and legible (for further details on identification and labelling please refer to Section Four).

6. PERFORMANCE

Retail Fireworks of classification 1.3G (UN 0335), 1.4G (UN 0336) and 1.4S (UN 0337) are firework articles suitable for use in a small area, such as a suburban backyard by persons with no training in the safe use of fireworks, for example children under adult supervision.

The performance of Retail Fireworks shall be such that persons following reasonable instructions for their use and observing the fireworks are not, as far as practicable, exposed to the risk of injury, nor should property be exposed to damage from fire.

6.1. Stability

Retail Fireworks must be stable when resting in position before lighting and when discharging. Any item that exhibits instability during testing will not be approved for distribution to the retail market.

Where a firing support is sold with a firework, the stability of the firework will be tested and assessed with that support. If the firing support has to be purchased separately, and is not included as 'part of the firework', the firework must pass testing without the support stand.

6.2. Discharge

When used in accordance with the instructions for use, a firework must not create a hazard by discharging hot or burning material to the ground.

To comply with this performance requirement, the area affected by the functioning of the firework should be within a 3m radius of the firework at ground level (horizontally) and to a minimum height of 3m. No debris other than paper, cardboard, fabric, plastic foam, clay or any other combination thereof is permitted to fall outside the 3m radius. Nor should any debris be projected laterally more than 3m from the point of initiation.

These requirements impose limits on such aspects as how far projectiles and burning debris are thrown and the size of the area affected during the functioning of the firework and therefore, the distance from which it is safe to observe.

SECTION THREE

7. TESTING PROCEDURES FOR RETAIL FIREWORKS

Regulation 9 of the Hazardous Substances (Fireworks) Regulations 2001, requires that the importer of a consignment of fireworks or retail fireworks packages into New Zealand must obtain a test certificate for all fireworks of each type within that consignment. Similarly, a manufacturer of a batch of fireworks or retail fireworks packages in New Zealand must obtain a test certificate for each batch and package.

An importer or manufacturer must not supply fireworks or retail fireworks packages to a retailer unless the importer or manufacturer has first obtained the appropriate test certificate for the fireworks.

All testing of retail fireworks and retail fireworks packages must be carried out by an ERMA approved Test Certifier (for explosives/fireworks). The competencies required by the Test Certifier are prescribed in the Hazardous Substances and New Organisms (Personnel Qualifications) 2001.

7.1. Testing Environment

Field testing of fireworks should be conducted at an isolated area that has been approved for the use of explosives.

The test area should be on level cleared ground with a radius of at least 10m with a smooth hard surface. A marked circle of 3m radius shall be provided around the firing point, with posts marked with 3m height indication at the perimeter of the circle.

The objective of field testing is to remove as many subjective decisions from the Test Certifier as possible in order to provide clarity to the client on any areas of non-compliance.

A sound meter must be used to determine whether the item meets the requirements regarding 'noisiness'. Any firework with a percussive effect greater than 90 dB will fail the regulatory requirement. Weather conditions at the time of testing should be recorded with all field notes.

The Test Certifier should ensure that they take appropriate precautions for their own safety when testing. A protective visor, earmuffs, fireproof clothing and safety footwear should be worn.

Appendix B provides a check list for establishing the testing environment and conditions.

7.2. Sampling

The requirements for samples taken by the Test Certifier are set out in Regulation 10 of the Hazardous Substances (Fireworks) Regulations 2001.

Regulation 10

- (1) *A Test Certificate may be issued by a Test Certifier for all fireworks of any one type within an imported consignment or for a batch of fireworks manufactured in New Zealand, if those fireworks comply with regulation 11.*
- (1A) *A Test Certificate may be issued by a test certifier for a retail fireworks package.*
- (2) *For the purposes of sub clause (1), a batch of (NZ manufactured) fireworks complies with regulation 11 if –*
 - (a) *not less than 10 fireworks are selected at random from the batch and each of the selected fireworks, when tested, complies with that regulation; or*
 - (b) *in a case where 1 of the fireworks selected under paragraph (a) does not comply with 1 or more of the requirements of regulation 11(1)(c),(f),(g) or (h) not less than 10 additional fireworks are selected at random from the same batch and each of the selected fireworks, when tested, complies with regulation 11.*
- (3) *For the purposes of sub clause (1), all fireworks of any one type within an imported consignment comply with regulation 11 if –*
 - (a) *not less than 10 fireworks are selected at random from those fireworks of that type within the consignment and each of the selected fireworks, when tested, complies with that regulation; or*
 - (b) *in a case where 1 of the fireworks selected under paragraph (a) does not comply with 1 or more of the requirements of regulation 11(1)(c), (f) (g) or (h), not less than 10 additional fireworks of the same type are selected at random from the same consignment and each of the selected fireworks, when tested, complies with regulation 11.*
- (4) *If a batch of fireworks does not satisfy the requirements of sub clause (2), it must not be given a test certificate.*
- (5) *If all fireworks of any one type within an imported consignment do not satisfy the requirements of sub clause (3), a test certificate must not be given for those fireworks.*
- (6) *Despite subclasses (1), (2) and (4), the Authority may waive the requirement that a batch of fireworks be tested for compliance with regulation 11(1)(b), if a batch of fireworks containing the same type or types of fireworks has earlier been tested and found to comply with that regulation.*
- (7) *Despite subclasses (1), (3) and (5), the Authority may waive the requirement that all fireworks of any one type within an imported consignment be tested for compliance with regulation 11(1)(b), if an imported consignment of fireworks containing the same type of fireworks has earlier been tested and found to comply with that regulation.*

Please refer to Section 2 for details regarding regulation 11 of the Hazardous Substances (Fireworks) Regulations 2001.

7.2.1. Sampling of single items versus assorted packs

Single items, should be selected at random from ten different areas of the shipment.

With assorted packs, eleven packs should be selected and the contents checked and itemised. This checking should include determining whether the restrictions on sparkler content are met. Ten samples of each of the individual items within the packs should then be subjected to normal testing. One pack should be retained for control/reference purposes.

7.3. Pyrotechnic Composition

Manufacturers should supply a fireworks substance certificate particular to the item being imported which covers chemical composition. This certificate is accepted as meeting the requirements of Regulation 11(1)(a)(b) and (c).

If the Test Certifier has reason to suspect the integrity of the substance certificate he/she must get them checked at an accredited laboratory at the importer's or manufacturer's cost.

Where Regulation 10 (6) or 10 (7) has been invoked, (i.e. the requirement to test has been waived) each batch or type of firework for compositional compliance (Regulation 11 (1)(b)). The test certificate issued by the Test Certifier should not certify that Regulation 11 (1)(b) is complied with, but must certify that the obligation to test for compliance with that sub clause has been waived.

7.4. Pyrotechnic Content/Checking Weight

The Retail Firework being checked for pyrotechnic content/weight should be dismantled with care by a competent person using tools that are non-sparking. The pyrotechnic composition should be removed ensuring that it is separated from other material such as clay and weighed on a balance that has a scale interval of no greater than 0.1 g.

Precautions should be taken to minimize static electricity; for example, by careful choice of clothes, floor coverings, bench tops and the use of earthing plates. Apparatus prone to static build-up should be avoided.

To prevent ignition during dismantling and weighing, the use of a manual balance scale is preferred to the use of a scale having electronic indication.

7.5. Records of testing

Results and methods of testing shall be documented and kept, (one electronic copy and one hard copy), for not less than five years from the date of testing. Appendix C provides an example 'Check List' for use in field testing.

Records, including notes taken during testing, shall be summarised and issued as a Test Certificate. Appendix D provides an example of an appropriate format for the Test Certificate. It is important to indicate on the test certificate whether or not the item being testing is an 'individual item' or whether the item has been selected from an assorted pack. A copy of the final Test Certificate must be provided to ERMA as soon as possible after the certificate has been issued to the importer/manufacturer.

SECTION FOUR

8. IDENTIFICATION

Retail fireworks must be labelled in accordance with both the Hazardous Substances (Fireworks) Regulations 2001 and the Hazardous Substances (Identification) Regulations 2001.

The Identification regulations require that all instructions for use be clear and comprehensible to a member of the general public with a reading age of at least 12 years. Hence, any labels should be in plain English, on a contrasting background, with a minimum print size of 3mm.

Fireworks labels should contain the following information:

- (a) Instructions for use
- (b) Appropriate warnings
- (c) A description of the principal effect of the firework

Appendix E provides examples of instructions for use, warnings and descriptions of common fireworks effects.

Fireworks that are too small to carry an individual label may be labelled via an outer package, provided they are sold in the outer package and not as unlabelled single items. All fireworks sold individually must be individually labelled.

9. PACKAGING

All retail fireworks must be packaged in accordance with the Hazardous Substances (Packaging) Regulations 2001. Regulations 5, 6, 7(1), 8, and 10 in particular apply specifically to retail fireworks. The integrity of the packaging of the individual fireworks must also comply with regulation 11(1)(c) of the Hazardous Substances (Fireworks) Regulations 2001

All outer packaging for transportation should be subjected to appropriate UN testing criteria. e.g. passed the drop test, and stack test, marked accordingly with the appropriate UN packaging symbol, country of origin, test date and laboratory information (see regulation 6 of the Packaging Regulations).

9.1. Packaging of individual fireworks

All retail fireworks must be constructed in a manner that does not allow pyrotechnic substances to escape. Where a firework is to be sold as an individual item on display for sale in areas accessible to the public, it must either be contained in outer packaging that meets the requirements specified in paragraph 9.2 below, or it must be secured behind a display cabinet that limits exposure of the firework to light or potential ignition sources.

9.2. Fireworks packaging standard for outer packaging of retail fireworks packages held in public areas

The fire resistance of the packaging must be such that when exposed to a white spirit cigarette lighter flame with the tip of the flame impinging upon the packaging for 25 seconds, there shall be no ignition of the packaging material. Ignition is determined as the packaging material igniting in flame or glowing embers appearing on the inside of the packaging material. However a blackening of the material prior to ignition would not constitute a failure.

The fire resistance of the packaging of retail fireworks packages, as prescribed by regulation 10(4) of the Packaging Regulations, is required to be test certified under the provisions of regulation 9 of the Fireworks Regulations.

Retail packaging is required to be constructed so that should leaking of composition from a firework occur, there would be no escape of this composition beyond the package. This may be achieved with gusseting so there are no open joints in the package. The package is to be designed to ensure that it is sift-proof (sift-proof is defined in the Hazardous Substances (Packaging) Regulations as “the ability to retain the fine dust component of a solid particle phase).

The sift-proof standard applies to the packaging in any orientation. However, in the normal upright position this includes the ability to retain the fine dust component even if the packaging was vigorously shaken. In other orientations the packaging must be sift-proof unless the packaging is vigorously shaken. In practice this standard may be met for a cardboard box where the lid has flaps that fit inside the box when closed.

If a retail fireworks package contains sparklers, then it must contain no more than 50 sparklers and it must also contain at least 3 other fireworks (other than sparklers), each with a minimum content of 15 g of pyrotechnic substance. This requirement is also subject to test certification under regulation 9 of the Fireworks Regulations.

SECTION FIVE

10. IMPORTATION AND TRACKING

Under the Hazardous Substances (Tracking) Regulations 2001, retail fireworks must be tracked from importation until the point of sale to the public.

10.1. Importation

Before uplifting a consignment of retail fireworks that has been imported into New Zealand, the importer must provide New Zealand Customs Service with an 'import certificate for explosives' issued by ERMA New Zealand.

A form for an import certificate for explosives can be found on the ERMA New Zealand website, www.ermanz.govt.nz

This certificate must be filled out by the importer with information specifying:

- The contact details of the importer
- The storage facility being used for the consignment
- The vessel the consignment is arriving on
- The date of arrival
- The quantity of fireworks being imported
- The different types of fireworks being imported (This may be provided in the form of a packing list, but must specify each different type of firework by name, and provide details of individual fireworks being imported in 'pre-packed' assorted boxes).

Import certificates take up to 10 working days to process, and should be applied for at least 10 days in advance of the vessel arriving in New Zealand.

After importation the fireworks must undergo sampling and testing by a Test Certifier prior to being distributed to retailers. It is therefore important to ensure that retail fireworks are imported well in advance of the sale period to ensure that adequate time is allowed for the testing of these items.

10.2. Tracking

Under the Hazardous Substances (Tracking) Regulations 2001, up until the point of sale to the public, all retail fireworks must be tracked.

Hence, the location and movement of all retail fireworks in NZ must be recorded at each point of the lifecycle up until the point that they are sold to the general public.

Where quantities of fireworks greater than 500kg are being transferred or transported from one person to another (for example from the importer to the distributor) the person in charge of the place where the fireworks are leaving must ensure that another approved handler will accept responsibility for the fireworks at the place where the fireworks are being transferred to.

The person in charge of the place where retail fireworks are present must ensure that information is kept on the identity of the approved handler in charge of the fireworks, the unequivocal identification of the fireworks (e.g. batch or consignment number), the quantity of fireworks, and the exact location of the fireworks. If the fireworks are to be transferred or distributed, details must be kept of what is being transferred (batch/consignment number of fireworks), the quantity, where it is going to, the details of the approved handler accepting the fireworks and the date on which the transfer occurred.

This information must be kept for at least 12 months from the date of transfer of the fireworks, either to another location, or for sale.

11. TRANSPORTATION

This section is limited to transportation requirements for retail fireworks within New Zealand.

11.1. Transportation prior to sale to the public

There are no specific provisions in the HSNO regulations relating to the transportation of retail fireworks. However, the transportation of retail fireworks is regulated under the Land Transport Rule for Dangerous Goods. This Rule is administered by Land Transport New Zealand, and requires that drivers of commercial road vehicles carrying dangerous goods, such as fireworks, have a dangerous goods endorsement on their drivers licence.

11.2. Passenger Service Vehicles

Retail fireworks are prohibited from carriage on any passenger service vehicles (buses, passenger trains) except for retail packs of fireworks after the point of retail sale.

11.3. Private Transportation

When transporting fireworks in private transportation, persons should be mindful of the characteristics of the fireworks ensuring that:

- They are located safely in the vehicle away from any source of ignition
- They are adequately secured
- They are segregated and separated from incompatible substances.

12. STORAGE, HANDLING AND SECURITY

The storage requirements for retail fireworks are dependent on the quantity of fireworks involved, and only relate to retail fireworks before the point of sale to the public.

The quantity limits referred to below relate to the gross weight of the retail fireworks, which includes the fireworks themselves and any packaging material.

12.1. Quantities below 500 kg

You may hold up to 500 kg of retail fireworks inside a retail premise, or in a container so long as the fireworks are secured so that a person cannot gain access to them without tools, keys, or any other device for operating locks. Where greater than 300 kg of retail fireworks are held you must ensure that a fire extinguisher is available within 30m of the fireworks. You do not have to be an approved handler in order to handle this quantity of retail fireworks before the point of their sale to the public.

12.2. Quantities greater than 500 kg and below 1000 kg

Must be under the personal control of an Approved Handler or handled by a person under the direct supervision of an Approved Handler. Up to 1000 kg of retail fireworks may be held inside a retail premise, or in a container secured so that a person cannot gain access to them without tools, keys, or any other device for operating locks.

12.3. Quantities greater than 1,000 kg and below 10,000 kg

Quantities of retail fireworks above 1000 kg require the establishment of a hazardous substance location. They must be secured under lock and key in a container that is of fire-resisting construction. This container must also be monitored by a security system. The container must be located at least 2 metres from any occupied buildings and must be well clear of the exits of any buildings. The area surrounding the container must also be clear of any combustible material.

12.4. Quantities greater than 10,000 kg (gross weight)

Any location holding over 10,000 kg of fireworks must have a location Test Certificate verifying that the location meets the HSNO requirements.

The fireworks must be secured under lock and key in a container that is of fire-resisting construction. This container must also be monitored by a security system.

The container should be separated from public access ways and from other buildings by distances of not less than 5 metres. It should be separated from other hazardous substances by a distance of not less than 15 metres, and from any other readily combustible material by at least 5 metres.

Notwithstanding the above, no more than 10,000 kg (gross weight) of retail fireworks may be stored, at any one time, at a location to which the public have access.

12.5. Storage of Purchased Fireworks

Persons storing purchased fireworks should endeavour to keep them:

- Segregated and separated from incompatible substances, such as flammable liquids and other chemical products
- Separated from ignition sources, including sources of heat
- Kept in a locked receptacle
- Kept away from children
- Kept away from foodstuffs

13. EMERGENCY MANAGEMENT AND SIGNAGE

Where the quantity of retail fireworks being held is greater than 1,000 kg, the person in charge of the site must ensure that they have appropriate signage in place, in accordance with the Identification regulations and the Emergency Management regulations, as varied by the Fireworks Transfer regulations. This variation requires signs to be placed at the primary points of vehicular and pedestrian access to a building and to the land where the building is located. The signage must state that fireworks are present, the general type of classification of these and the general type of hazard presented. These latter requirements can be met by use of the appropriate UN pictogram. The sign must also advise the action to be taken in the event of an emergency.

Given the speed of a fireworks fire, fast evacuation coupled with extremely tight security on any introduced source of ignition is essential. The provision of fire extinguishers with regards to any activity involving fireworks is only a general one in that the fire extinguisher would be used to extinguish a fire threatening stored fireworks or firework operations, rather than to put out a fire involving the fireworks.

Although the Emergency Management regulations do not require the provision of emergency management plans for the storage of retail fireworks, it is considered best practice that these be provided where quantities stored are over 10,000 kg, such as at large scale firework operations such as packaging distribution centres. The expectation is that a facility such as a firework repackaging and distribution centre would have excellent security in place, a very visible emergency evacuation plans, audible alarms with ideally water sprinkler systems to control any spread of fire. Also good isolation distances and inter-isolation distances would enhance isolating the hazard.

14. DISPOSAL

In general, retail fireworks will be disposed of through their use. However, old stocks of fireworks requiring disposal should be sent for destruction by a suitably qualified approved handler. The NZ Army will destroy old or unwanted explosives including retail fireworks, and can be contacted through your local Police station.

Additionally, each year some retail fireworks that are imported fail testing. While there is no explicit requirement in the HSNO Regulations for non-compliant fireworks to be destroyed or exported, where fireworks fail testing due to rupture, mis-fire or other performance defects that cannot be rectified, and therefore are unsuitable for either retail or pyrotechnic display purposes, it is considered to be best practice for these items to be destroyed as soon as practical.

SECTION SIX

15. SALE AND DISPLAY

The sale of retail fireworks is limited, such that:

- (a) Retail fireworks may only be displayed for retail sale, or sold by a retailer, during the period from **2nd November to 5th November** (inclusive) each year.
- (b) Retail fireworks may only be sold to persons over 18 years of age
- (c) Retail fireworks and retail fireworks packages may only be sold to the general public if they have been tested and approved by a Test Certifier.
- (d) Retail fireworks may only be displayed or stored in a place to which members of the public have access, if the fireworks are contained in packaging that meets the requirements specified in Section Four or are covered in a manner that protects them from any source of ignition.
- (e) Sparklers may only be sold if they are part of a retail fireworks package that contains no more than 50 sparklers, and contains at least 3 other fireworks each of which must have a minimum content of 15 g of pyrotechnic composition.

Please note that Novelty fireworks are exempt from the above limitations relating to sale and display. Please refer to Section Seven for further details.

15.1. Approval for sale of retail fireworks outside of the Guy Fawkes Period

Retail fireworks may be sold outside of the Guy Fawkes Period if the retailer obtains written approval from ERMA New Zealand. ERMA New Zealand may issue such an approval if the fireworks are to be sold for use at gatherings held for cultural or religious purposes and the use of the fireworks is a traditional feature at the gathering.

16. USE

Beyond the point of sale to the general public, very few requirements under the HSNO Act continue to apply to retail fireworks. However, the following precautions are advisable:

- advise your neighbours before using fireworks
- never throw fireworks
- never put fireworks in your pocket
- keep pets indoors while using fireworks
- fireworks should be used in a clear open space away from dry grass or material that burns easily
- keep fireworks in a closed box in a dry place away from ignition sources and out of the reach of children
- never use fireworks during days of 'total fire ban'
- care should be taken when using fireworks during the 'fire danger period'; contact the local fire authority for further information

- ensure safe viewing distances are established
- weather conditions such as wind should be taken into consideration before using fireworks
- a supply of water should be readily available
- take the fireworks out one at a time and close the box each time
- follow the instructions on each firework carefully; read them by torchlight, never with a naked flame
- fireworks should only be used under adult supervision
- light the end of the fuse at arm's length, preferably with a safety firework lighter or match rather than a gas cigarette lighter, then stand well back
- if a firework fails to light leave it for at least 10 minutes then place it in a bucket of water to make it safe
- ensure that a telephone is available in case of an emergency
- ensure appropriate safety equipment including safety glasses, closed shoes, body coverings, hat are provided
- leave the site clean after using the fireworks

This list is not exhaustive but may be used as general safety advice.

SECTION SEVEN

17. NOVELTY FIREWORKS

Explosive toys, such as toy pistol caps (amorces), bonbon crackers, snaps, party poppers, or similar noisemakers are addressed as a separate sub-group of retail fireworks. These items are referred to as Novelty Fireworks and are defined in Regulation 4(2) of the Hazardous Substances (Fireworks) Regulations 2001.

Novelty Fireworks include:

- Those bonbon crackers, snaps, or similar pyrotechnic novelties or noise makers containing less than 1.7 mg of pyrotechnic substance; and
- Those amorces, crack-shots, or similar pyrotechnic novelties or noise makers containing less than 5 mg of pyrotechnic substance; and
- Those party poppers, streamer bombs, hand-blasters, or similar pyrotechnic novelties or noise makers containing less than 20 mg of pyrotechnic substance.

17.1. Importation and Testing

Novelty Fireworks are still subject to the same importation and tracking requirements as other retail fireworks, and therefore an import certificate must still be obtained from ERMA New Zealand prior to the importation of any consignment of these items.

In addition, these items must be tested and approved for sale by a Test Certifier prior to distribution for retail sale.

17.2. Sale to the Public

The sale of novelty fireworks to the public does not carry the same restrictions as that of general retail fireworks. Novelty fireworks, as described above, are exempted from the sales period restrictions, the age restrictions and display for sale requirements i.e. they can be sold all year round, to persons of any age, and displayed for sale in public areas provided they have been approved for sale by a Test Certifier.

Novelty fireworks must not be sold in 'assorted packs' containing other retail fireworks.

Please note: Sparklers are not novelty fireworks under the HSNO definition given above, and are subject to the restrictions specified in clause 15. i.e. they can only be sold during the period 2 November to 5 November inclusive, and only in retail fireworks packages, together with other fireworks, and must not be sold on their own.

APPENDIX A: RETAIL FIREWORK TYPES AND DESCRIPTIONS

This list does not cover all the types of retail fireworks, but provides details of common types currently available.

Type	Description	Principal Effect(s)
Combination (also known as Cakes or multi- shots)	Assembly including several elements in combination such as fountain, roman candles etc, with a single point of ignition	As for each individual element
Fountain	Tube containing Pyrotechnic composition	Emission of sparks and flames with or without aural effect other than reports
Roman candle	Single tube containing alternate propellant and pyrotechnic units	Ejection of pyrotechnic unit or several units in succession, producing visual or aural effects, or both, remote from the firework case
Sparkler	A firework made up of a rigid wire or non-metallic stick that is partially coated at one end with a slow burning pyrotechnic substance, with or without an ignition tip, that is designed to be held in the hand and which emits sparks without a report.	Emission of sparks
Wheel	Device that is designed to rotate about a fixed point	Rotation, emission of sparks and flame with or without aural effects
Flash Powder	A pyrotechnic substance that is intended to produce a flash of light (whether or not with a report, smoke or sparks)	Products flash of light
Snake/glow-worm	A small pressed pellet of pyrotechnic substance and less than 25 mm in diameter	When placed on ground and ignited it produces an expanding snakelike ash

APPENDIX B: TEST CERTIFIER TESTING CHECK LIST

<p><u>Organise the required paperwork:</u></p> <ul style="list-style-type: none"> • Import Certificate for explosives • Packing list for the consignment • Chemical composition sheets for each type of firework (for first import) 	<input type="checkbox"/>
<p><u>Test Site Booking and Preparation:</u></p> <p>Ensure proposed test site is available and suitable for the task. (N.B. be mindful of caged animals, weather conditions etc.) An emergency management plan should be in place for the site.</p>	<input type="checkbox"/>
<p><u>Draw samples from the consignment:</u></p> <p>With reference to Regulation 10 of the Hazardous Substances (Fireworks) Regulations 2001</p>	<input type="checkbox"/>
<p><u>Check necessary equipment:</u></p> <ul style="list-style-type: none"> • PPE safety equipment • Ignition source • Measuring equipment • Battery power backup systems 	<input type="checkbox"/>
<p><u>Prepare test site:</u></p> <ul style="list-style-type: none"> • Secure the site • Erect signs if necessary • Post Wardens • 3 meter circle • Flat level service for multi shots. 	<input type="checkbox"/>
<p><u>Prior to testing, read each individual test item instructions:</u></p> <ul style="list-style-type: none"> • must be clear, comprehensible, and durable, and must be in English. • Must comprise of 2 distinct warnings, user warning and effect warning 	<input type="checkbox"/>
<p>Examine contents of packages to check that if sparklers are present there are no more than 50, and that at least 3 other fireworks (each with at least 15 g of pyrotechnic composition) are present.</p>	<input type="checkbox"/>

<p>Examine items and any containers/boxes for leaking powder:</p> <p>Ensure that the containers are secure and there is no loss of powder/composition</p>	
<p><u>Ignite item, using copy of test sheet on clip board and note listed areas of compliance</u></p> <p><u>Test packaging to determine conformance with the fire resistance integrity test prescribed in regulation 10(4) of the Hazardous Substances (Packaging) Regulations 2001.</u></p> <p>At conclusion of testing all field notes should be entered onto a computer data base and paperwork filed under client name.</p> <p>Copy of Test Certificate must be sent to ERMA NZ as soon as practical</p>	<input type="checkbox"/>
<p><u>Tidy up the site:</u></p> <p>At conclusion of testing clear up all residue/rubbish and dispose of by incineration, do not leave site until any fires are extinguished and all test items have been accounted for.</p> <p>Any items that have failed should be photographed and physical examples kept where possible.</p>	<input type="checkbox"/>

APPENDIX C: EXAMPLE RETAIL FIREWORKS FIELD TEST REPORTS

Firework Tested/ Boxed Item

(NB for boxed items all fireworks in box must have its own independent test sheet.)

Name of firework and name of pack (i.e. if an individual item note here also)

.....

Item number

Manufacturer / Brand

Item description

Importer / Local Manufacturer

Retailer Date of supply

Consignment identification lot / batch number

Name of Tester and Reg. number Date of test

Weather conditions

Results of tests:

YES NO ('Yes' means that the firework passes the test. 'No' means that it fails).

- label contains statement of hazard, accurate description and firing instructions

Detail what the label states

- pyrotechnic composition not escaping from article

- easily lit with match (not applicable for sparklers)

- fuse secure, fuse burning time between 3 and 11 seconds

- delay between firings (of multi-tube firework) less than 5 seconds

- article functions without exploding

- article or pyrotechnic unit functions without erratic or unsafe projection

- article not likely to cause injury or damage in normal use

- article remains stable at rest and while firing

- no burning matter falling or projected more than 3 m away and less than 3 m in height
- debris other than paper etc, projected laterally less than 3 m from ignition point
- no debris other than paper etc, falls more than 3 m from ignition point
- no paper etc, debris weighing more than 20 g and falls less than 3 m from ignition point
- pyrotechnic substance weight does not exceed 40 g
- chemical / substance acceptable
- item performs in accordance with its description
- no physical test blowout / misfire
- percussive effects are subsidiary and not greater than necessary to achieve the visual effect of the fireworks
- noise level is not greater than 90 dB
- for retail fireworks package, are there no more than 50 sparklers present
- for retail fireworks package, if sparklers present are there at least 3 other fireworks, with greater than 15 g composition
- for retail fireworks package, does the packaging meet the fire resistance test of regulation 10(4) of the Packaging Regulations.

Compliance, conclusions and recommendations:

.....

.....

.....

.....

.....

.....

Signature of Tester: Date

NB: Test Reports should then be collated and summarised into a Test Certificate for each consignment. See Appendix D for an example Test Certificate.

APPENDIX D: EXAMPLE TEST CERTIFICATE

TEST CERTIFICATE

RETAIL FIREWORKS

Name:	Certificate: #
Address:	Date Issued:
Date of arrival:	ERMA Certificate to Import: #
	Name of Vessel:
	Arrival Location:

Specific Requirements of the HSNO Act

**Hazardous Substances Fireworks Regulations 2001
and Amendments**

Conditions of Approval:

The attached list of fireworks is hereby approved for sale to the public during the period commencing 2nd November and ending at the close of 5th November in each year and subject to all other requirements of Regulation 6, i.e. these fireworks must not be sold to any person under 18 years of age.

Note: If any fireworks in this shipment are not approved, the items will be listed as declined. The declined items must not be sold or distributed and must be either re-exported to country of origin or destroyed in an approved manner reference Hazardous Substances Disposal Regulations 2001.

Name of Test Certifier	Address
Test Certifier	Phone
ERMA Registration #TST	Email

Company:

Address:

Consignment Details:

Assorted Pack or Single Item	Item #	Item Description	Approved/Declined	Reason/Comments
Assorted Pack A	X	Colourful Fountain	Approved	
	Y	Singing Bees	Approved	
	Z	Happy candles	Approved	
Single Item	X	Colourful Fountain	Declined	Different to item #X tested in packs - unstable

APPENDIX E: RECOMMENDED WARNING, INSTRUCTION AND DESCRIPTION PHRASES

WARNINGS

Following are some examples of warnings that should be used on labels for Retail (Shop) Fireworks:

- (a) Light fuse and retreat at least 5 m.
- (b) Do not hold in hand when ignited.
- (c) Use only under adult supervision.
- (d) Do not fire near eyes or ears.
- (e) Keep away from eyes.
- (f) Keep away from eyes and skin.
- (g) Do not put in mouth.
- (h) Do not inhale smoke.
- (i) Keep away from clothing, etc.
- (j) Do not dismantle.
- (k) Spent sparklers remain very hot.
- (l) Never position any part of the body over the firework.
- (m) Do not put ignited item into confined area.
- (n) Do not direct or point towards people, animals or buildings.

DESCRIPTION

Following are some descriptions that should be used on labels for Retail (Shop)

Fireworks:

- (a) Ejects/emits star(s).
- (b) Ejects/emits showers of sparks.
- (c) Shoots flaming balls.
- (d) Produces whistles and showers of sparks.
- (e) Ejects whistles.
- (f) Produces novelty effect.
- (g) Spins on string.

INSTRUCTIONS

Following are some examples of instructions that should be used on labels for Retail

(Shop) Fireworks:

- (a) Light at arm's length.
- (b) Light at arm's length and retire.
- (c) Light fuse and get away.
- (d) Straighten fuse, light tip of free end at arm's length and retreat immediately at least 5 m.
- (e) Do not hold in hand.
- (f) Place flat on ground.
- (g) Place upright on level ground.
- (h) Place on hard open surface.
- (i) Insert upright in soft ground.
- (j) Stick end in ground and point away from people or flammable material.
- (k) Attach securely to an upright post.
- (l) Attach securely to an upright post with nail provided.
- (m) Ensure firework will not fall over.
- (n) Ensure firework is free to rotate.
- (o) Fuse is located under tissue cover.
- (p) Remove cover to expose fuse.

APPENDIX F: IMPORTER / RETAILER COMPLIANCE CHECK LIST

IMPORTER

Do you have a current Approved Handler Test Certificate?	<input type="checkbox"/>
Do you have a suitable storage location? <ul style="list-style-type: none">If more than 10,000 kg of fireworks are going to be stored then the location must have a location Test Certificate.	<input type="checkbox"/>
Have you obtained an Import Certificate for Explosives from ERMA New Zealand?	<input type="checkbox"/>
Have you engaged suitably qualified approved Test Certifier for the testing of your fireworks? <ul style="list-style-type: none">The retail fireworks or retail fireworks packages must not be distributed until a test certificate has been issued.	<input type="checkbox"/>
Are those people that you are distributing to suitably qualified, with appropriate storage facilities for the quantity being sent?	<input type="checkbox"/>

RETAILER

Do you have a current Approved Handler Test Certificate? (For quantities greater than 500kg).	<input type="checkbox"/>
Do you have appropriate storage for the items? <ul style="list-style-type: none">If more than 1,000 kg of fireworks are going to be stored a hazardous substance location and controlled zone must be established.If more than 10,000 kg of fireworks are going to be stored then the location must have a location Test Certificate.	<input type="checkbox"/>
Do all of the fireworks and retail fireworks packages purchased for sale have a Test Certificate?	<input type="checkbox"/>
Ensure that all fireworks displayed for sale are either in fireproof packaging or stored in a display cabinet	<input type="checkbox"/>
Ensure that no fireworks are sold to the public before the 2nd November or after the 5th November	<input type="checkbox"/>
Ensure that no fireworks are sold to persons under the age of 18 years	<input type="checkbox"/>
Ensure all fireworks are appropriately secured when no Approved Handler is present on the premises	<input type="checkbox"/>