



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Detroit Field Division

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OPEN LETTER to Michigan Explosives Licensees & Permittees

Fireworks and Black Powder

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Black powder, a low explosive, has historically been, and continues to be, an integral component of commercial and amateur fireworks. However, there has been recent confusion over the exemption status of black powder when used for this purpose.

The regulation at Title 27 Code of Federal Regulations, Section 555.141(b) states, "Except for the provisions applicable to persons required to be licensed under Subpart D, this part does not apply with respect to commercially manufactured black powder in quantities not to exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms, as defined in 18 U.S.C. 921(a)(16) or antique devices, as exempted from the term "destructive devices" in 18 U.S.C. 921(a)(4)." Further, the regulation at 27 CFR 555.41(b)(1)(iv) states, "It is not necessary to obtain a permit if the user intends only to lawfully purchase commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices." Therefore, the exemption allowing the non-licensed purchase of commercially manufactured black powder applies only to black powder intended to be used solely for sporting, recreational or cultural purposes in antique firearms or in antique devices.

Hence, any individual or company purchasing any amount of black powder for use in fireworks must possess a Federal explosives license or permit. All persons or companies that sell black powder, regardless of quantity, must be licensed as Federal explosives dealers.

Keep in mind that individuals do not need a manufacturer's license if they are manufacturing black powder for their own personal, non-business use. However, all persons possessing black powder for use in fireworks must store the black powder in an explosives magazine subject to the regulations in 27 CFR, Part 555, Subpart K – Storage, and must possess a Federal explosives license or permit to lawfully transport such black powder.

Please feel free to contact ATF's Detroit Field Division should you have any questions regarding Federal explosives laws and regulations or your responsibilities as a Federal explosives licensee or permittee. The Detroit field office may be reached at (313) 202-3550 and the Grand Rapids field office may be reached at (616) 301-6100. ATF information may also be obtained on our website at <http://www.atf.gov>.



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