



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

June 19, 2018

Ms. Julie L. Heckman
Executive Director
American Pyrotechnics Association
P.O. Box 30438
Bethesda, MD 20824-0438

Dear Ms. Heckman:

In response to your December 4, 2017 letter requesting an exemption from the hours-of-service regulations pertaining to electronic logging devices (ELDs), on behalf of the American Pyrotechnics Association (APA), the Federal Motor Carrier Safety Administration (FMCSA) grants a limited waiver to APA member-companies while the Agency completes its exemption application process.

This waiver covers drivers employed by APA member-companies. This waiver is in effect from 12:01 a.m. on June 28, 2018, through 11:59 p.m. on July 8, 2018. The terms and conditions of the waiver are specified on the attached pages. Drivers operating in conjunction with staging fireworks shows celebrating Independence Day will be allowed to use paper logs to record their record of duty status instead of using an ELD.

The FMCSA has determined that granting this waiver is in the public interest, and that the waiver is likely to achieve a level of safety equivalent to the level of safety that would be obtained in the absence of the waiver.

Should you have any questions, please contact Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division, at 202-366-4225, or by email at pearlie.robinson@dot.gov.

Sincerely,

Raymond P. Martinez

Attachments

ATTACHMENT A

**Federal Motor Carrier Safety Administration
Hours-of-Service Waiver for American Pyrotechnics Association (APA) New Member
Companies for 2018 Independence Day Periods**

TERMS AND CONDITIONS OF THE WAIVER

I. PERIOD OF THE WAIVER

This waiver from the electronic logging device requirements in 49 CFR 395.8(a)(1)(i)" is approved for the period from **12:01 a.m. on June 28, 2018, to 11:59 p.m. on July 8, 2018.**

II. EXTENT OF THE WAIVER

This waiver is restricted to drivers employed by the motor carriers listed in Attachment B to this letter while staging fireworks displays in conjunction with Independence Day celebrations. **This waiver is limited strictly to the provisions of the requirements to use ELDs in 49 CFR 395.8 (a)(1)(i). Drivers covered by the waiver may continue to use paper logs to record their record of duty status instead of using an ELD.** *Carriers and drivers must comply with all other applicable requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 350-399) and Hazardous Materials Regulations (49 CFR parts 105-180).*

III. OTHER CONDITIONS

This waiver is contingent upon each carrier maintaining USDOT registration, a Hazardous Materials Safety Permit (if required), minimum levels of public liability insurance, and not being subject to any "imminent hazard" or other out-of-service (OOS) order issued by FMCSA. Each driver covered by the waiver must be in possession of the waiver document and maintain a valid commercial driver's license with required endorsements, not be subject to any OOS order or suspension of driving privileges, and meet all physical qualifications required by 49 CFR part 391.

IV. PREEMPTION

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this waiver is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this waiver with respect to a firm or person operating under the waiver. States may, but are not required to, adopt the same waiver with respect to operations in intrastate commerce.

V. FMCSA ACCIDENT NOTIFICATION REQUIREMENTS

Each motor carrier covered by this waiver must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this waiver. The notification must include the following information:

- a. Identifier of the Waiver: "APA"
- b. Name of operating carrier and USDOT number,
- c. Date of the accident,
- d. City or town, and State, in which the accident occurred, or closest to the accident scene,
- e. Driver's name and license number,
- f. If any, co-driver's name and license number,
- g. Vehicle number and state license number,
- h. Number of individuals suffering physical injury,
- i. Number of fatalities,

- j. The police-reported cause of the accident,
- k. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and
- l. The total driving time and total on-duty time prior to the accident.

VI. TERMINATION

The FMCSA does not believe the motor carriers and drivers covered by this waiver will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the waiver. The FMCSA will immediately revoke the waiver for failure to comply with its terms and conditions.

ATTACHMENT B

**APA MEMBERS COVERED BY EXEMPTION FROM ELD RULE
IN HOURS OF SERVICE FOR DRIVERS REGULATIONS FOR INDEPENDENCE DAY PERIODS**

JUNE 28 THROUGH JULY 8, 2020

	Motor carrier	Street address	City, state, zip code	DOT No.
1	American Fireworks Company	7041 Darrow Road	Hudson, OH 44236	103972
2	American Fireworks Display, LLC	P.O. Box 980	Oxford, NY 13830	2115608
3	AM Pyrotechnics, LLC	2429 East 535th Rd.	Buffalo, MO 65622	1034961
4	Arthur Rozzi Pyrotechnics	6607 Red Hawk Ct.	Maineville, OH 45039	2008107
5	*Artisan Pyrotechnics, Inc.	82 Grace Road	Wiggins, MS 39577	1898096
6	Atlas PyroVision Entertainment Group, Inc.	136 Old Sharon Rd.	Jaffrey, NH 03452	789777
7	Central States Fireworks, Inc.	18034 Kincaid Street	Athens, IL 62613	1022659
8	East Coast Pyrotechnics, Inc.	4652 Catawba River Rd.	Catawba, SC 29704	545033
9	Entertainment Fireworks, Inc.	13313 Reeder Road SW	Tenino, WA 98589	680942
10	Falcon Fireworks	3411 Courthouse Road	Guyton, GA 31312	1037954
11	Fireworks & Stage FX America	12650 Hwy 67S, Suite B	Lakeside, CA 92040	908304
12	Fireworks by Grucci, Inc.	20 Pinehurst Drive	Bellport, NY 11713	324490
13	Flashing Thunder Fireworks dba Legal Aluminum King Mfg.	700 E Van Buren Street	Mitchell, IA 50461	420413
14	J&J Computing dba Fireworks Extravaganza	174 Route 17 North	Rochelle Park, NJ 07662	2064141
15	Gateway Fireworks Displays	PO Box 39327	St Louis, MO 63139	1325301
16	Great Lakes Fireworks	24805 Marine	Eastpointe, MI 48021	1011216
17	Hamburg Fireworks Display, Inc.	2240 Horns Mill Road SE	Lancaster, OH	395079
18	Hawaii Explosives & Pyrotechnics, Inc.	17-7850 N. Kulani Road	Mountain View, HI, 96771	1375918
19	Hollywood Pyrotechnics, Inc.	1567 Antler Point	Eagan, MN 55122	1061068
20	Homeland Fireworks, Inc.	P.O. Box 7	Jamieson, OR 97909	1377525
21	J&M Displays, Inc.	18064 170th Ave	Yarmouth, IA 52660	377461
22	Lantis Fireworks, Inc.	130 Sodrac Dr., Box 229	N. Sioux City, SD 57049	534052
23	Legion Fireworks Co., Inc.	10 Legion Lane	Wappingers Falls, NY 12590	554391
24	Miand Inc. dba Planet Productions (Mad Bomber)	PO Box 294, 3999 Hupp Road R31	Kingsbury, IN 46345	777176
25	Martin & Ware Inc. dba Pyro City Maine & Central Maine Pyrotechnics	P.P. Box 322	Hallowell, ME 04347	734974
26	Melrose Pyrotechnics, Inc.	1 Kingsbury Industrial Park	Kingsbury, IN 46345	434586
27	*Montana Display Fireworks, Inc.	9480 Inspiration Road	Missoula, MT 59808	1030231
28	Precocious Pyrotechnics, Inc.	4420-278th Ave NW	Belgrade, MN 56312	435931
29	Pyro Shows, Inc.	115 N 1 st Street	LaFollette, TN 37766	456818
30	Pyro Shows of Alabama, Inc.	17677 Ironwood Drive	Pine City, MN 55063	2859710
31	Pyro Shows of Texas, Inc.	6601 9 Mile Azle Rd.	Fort Worth, TX 76135	2432196
32	Pyro Engineering Inc., dba/Bay Fireworks	400 Broadhollow Rd. Ste #3	Farmindale, NY 11735	530262
33	Pyro Spectaculars, Inc.	3196 N Locust Ave	Rialto, CA 92376	029329
34	Pyro Spectaculars North, Inc.	5301 Lang Avenue	McClellan, CA 95652	1671438
35	Pyrotechnic Display, Inc.	8450 W. St. Francis Rd.	Frankfort, IL 60423	1929883
36	Pyrotecnico (S. Vitale Pyrotechnic Industries, Inc.)	302 Wilson Rd.	New Castle, PA 16105	526749
37	Pyrotecnico FX	6965 Speedway Blvd. Suite 115	Las Vegas, NV 89115	1610728
38	Rainbow Fireworks, Inc.	76 Plum Ave.	Inman, KS 67546	1139643
39	RES Specialty Pyrotechnics	21595 286th St	Belle Plaine, MN 56011	523981
40	Rozzi's Famous Fireworks, Inc.	11605 North Lebanon Rd	Loveland, OH 45140	0483686
41	Sky Wonder Pyrotechnics, LLC	3626 CR 203	Liverpool, TX 77577	1324580
42	Skyworks, Ltd.	13513 W. Carrier Rd.	Carrier, OK 73727	1421047
43	Sorgi American Fireworks Michigan, LLC	935 Wales Ridge Rd.	Wales, MI 48027	2475727

44	Spielbauer Fireworks Co, Inc.	220 Roselawn Blvd	Green Bay, WI 54301	046479
45	Spirit of 76	6401 West Hwy 40	Columbia, MO 65202	2138948
46	Starfire Corporation	682 Cole Road	Carrolltown, PA 15722	554645
47	Vermont Fireworks Co., Inc./ Northstar Fireworks Co., Inc.	2235 Vermont Route 14 South	East Montpelier, VT 05651	310632
48	Western Display Fireworks, Ltd.	10946 S. New Era Rd.	Canby, OR 97013	498941
49	Western Enterprises, Inc.	PO Box 160	Carrier, OK 73727	203517
50	Wolverine Fireworks Display, Inc	205 W Seidlers	Kawkawlin, MI	376857
51	Young Explosives Corp.	P.O. Box 18653	Rochester, NY 14618	450304
52	Zambelli Fireworks MFG, Co., Inc.	PO Box 1463	New Castle, PA 16103	033167
53	*ZY Pyrotechnics, LLC dba Skysooter Displays,	1014 Slocum Road	Wapwallopen, PA 18660	1030231

* Not included in 2017-2020 list of approved carriers