

## ***Questions and Answers concerning Pyrotechnicians Certificate of Competence.***

**1. Question. When does the law requiring Pyrotechnician's to be certified by the Department of Labor take effect?**

*Answer.* The change in the law requiring that individuals in charge of pyrotechnic displays be certified by the Department becomes effective October 4, 2009.

**2. Question. What is the minimum age someone can be certified as a pyrotechnician?**

*Answer.* The minimum age for certification as a pyrotechnician is 21.

**3. Question. What is the minimum age of for a person who is working as an "authorized assistant"?**

*Answer.* The minimum age for individuals working as an authorized assistant is 18.

**4. Question. Are there certification requirements for persons working as "authorized assistants"?**

*Answer.* No, under the current regulations there are no Department of Labor certification requirements for "authorized assistants". However, any individual working in this capacity is required to have been trained in the tasks they are assigned, and must also have been trained with regard to the safety hazards associated with working on a pyrotechnic display.

**5. Question. Part 61-6.1(b) requires displays to be designed, set up and carried out in compliance with NFPA 1123 (2010) and 1126 (2006). Why not just reference the most recent edition of the standard instead of a specific edition, thereby allowing the most recent edition to be the one enforced by the Department?**

*Answer.* The New York State Administrative Procedures Act, (SAPA) requires that when an agency adopts a standard by reference that the specific edition of the standard being adopted be indicated.

**6. Question. Will I still need a license from New York City to put on displays in the city?**

*Answer.* The New York State Certificate of Competence, issued by the Department of Labor does not replace or superseded any local licensing or permit requirements. Anyone wishing to put on a display must obtain a permit from the local governing authority and must comply with all of their requirements.

**7. Question. I have been putting on pyrotechnic displays for a number of years; will I be required to take an exam before I can obtain my Certificate?**

*Answer.* No. For a limited time, if you can document your prior experience and meet the other requirements for issuance, you may be issued a certificate without having to take a written examination. The specifics of what are required to meet the conditions for this exemption are contained in the certificate application instructions.

**8. Question. Are consumer pyrotechnics considered an explosive?**

*Answer.* Yes. Recent changes to the Labor Law added fireworks and dangerous fireworks as defined in Section 270.00 of the New York State Penal Law to the definition of explosives. The items referenced in the Penal Law definition include devices commonly referred to as consumer fireworks.

**9. Question. Can I put on a fireworks display for a private party that I am planning? I have been told that all displays must be open to the public.**

*Answer.* The Penal Law Section 405.00 has been changed to allow for non public displays. You are still required to obtain a permit from the local executive authority where you plan to have the display. You will also need to contract with a company or individual who is licensed by the Department to have the explosives and a Certified Pyrotechnician will have to be in charge of the display.

**10. Question. I currently have a valid explosive license issued by the Department of Labor, if I apply for a Pyrotechnician's Certificate of Competence will I be required to submit a new set of fingerprints and the required fees for a second criminal background check.**

*Answer.* No. As long as you maintain your explosive license you will not be required to submit to a second background check.