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LOG OF MEETING

AUG 30 1995

SUBJECT: American Fireworks Standards Laboratory (AFSL)
Testing and Certification Program in China

DATE: August 28, 1995

PLACE: Consumer Product Safety Commission
Commission Conference Room, Room 714

LOG ENTRY SOURCE: Samuel B. Hall, Compliance Officer
Division of Regulatory Management

MEETING REQUESTED BY: John D. Rogers, Executive Director
American Fireworks Standards Laboratory

CONSUMER PRODUCT SAFETY COMMISSION REPRESENTATIVES:

- Ann Brown, Chairman
- Alan H. Schoem, Attorney Advisor to the Chairman
- Ronald Medford, Assistant Executive Director,
Office of Hazard Identification and Reduction
- David Schmeltzer, Assistant Executive Director,
Office of Compliance
- Eric L. Stone, Acting Director,
Division of Administration Litigation
- Robert G. Poth, Director,
Division of Regulatory Management
- Samuel B. Hall, Compliance Officer,
Division of Regulatory Management

AMERICAN FIREWORKS STANDARDS LABORATORY REPRESENTATIVES:

- John D. Rogers, Executive Director
- Joel R. Anderson, President
Chairman, American Promotional Events
- Felix J. Grucci, Jr., Vice President
President, Fireworks By Grucci
- John A. Conkling, Secretary
Executive Director, American Pyrotechnics Assoc.
- Jerry Bostocky, Treasurer
Vice-President/Director of Sales, B.J. Alan Co.
- Charles Shivery, Member-at-Large, Executive Committee
President, Elkton Sparkler Company
- Elliot Belilos, General Counsel
Attorney, Keller and Heckman

SUMMARY OF MEETING: See Attached.



SUMMARY OF MEETING

This meeting was requested by the American Fireworks Standards Laboratory (AFSL), an industry supported group, to discuss their fireworks testing and certification program in China and issues relating to the safety of fireworks imported from China.

The Chairman welcomed the group and talked about the importance of industry and CPSC working together to reduce injuries and produce safer products for the U.S. consumers. She commended AFSL for its efforts. She also raised her concern regarding the high number of injuries, particularly serious eye injuries, involving bottle rockets. CPSC is studying this issue and may take future regulatory action to address it.

Mr. Anderson stated that working with CPSC to improve the safety of fireworks sold in the U.S. is the goal of AFSL. AFSL wants to further the cooperative partnership with CPSC. He thinks that CPSC and AFSL are having an impact in reducing fireworks injuries. Although the injury rates have remained relatively constant, the consumption of fireworks has more than doubled in recent years, indicating an overall decrease in injuries given the amount of fireworks imported.

AFSL is working diligently to improve and expand its testing program in China. According to Mr. Anderson, approximately half of the fireworks imported from China are now tested by AFSL. He believes the program is successful in stopping the most seriously violative products from being shipped to the U.S. Also, AFSL is trying to eliminate products with designs which tend to be misused.

Beginning October 1, 1995 the seven categories of products tested will increase to 10 categories. A factory quality control and certification program is being developed to train factories to produce safer products which comply with the fireworks regulations. This quality control program should be implemented later this year.

Regarding bottle rockets, AFSL officials indicated that there is no AFSL Voluntary Standard for them. However, there is one for larger stick rockets. Because AFSL members have to carry bottle rockets to compete with non-member firms, and because they are legal under the fireworks regulations, AFSL tests bottle rockets for compliance with the regulations. They indicated that if CPSC takes action to ban the small bottle rockets because of the high number of injuries they cause, AFSL most likely would not oppose the action.

Mr. Rogers gave an overview of the testing program. More than 5,700 lots (1.5 million cases) have been tested in China

since the testing program began in January 1994. AFSL has rejected about 38% of the lots tested. AFSL tests approximately 50 to 65 percent of the fireworks imported from China.

Mr. Anderson stated there are three areas of common concern which CPSC and AFSL, working together, can address to reduce fireworks injuries. The areas include: continued efforts to improve the safety and compliance of legal fireworks; efforts to address consumer misuse of fireworks; and manufacture and sale of illegal explosive devices such as M-80's and cherry bombs.

AFSL, according to Mr. Anderson, is in the best position to test the safety and compliance of consumer fireworks. The testing program in place in China can stop non-complying, unsafe fireworks before they are exported from China. With CPSC's help AFSL can expand its testing to include more than 90% of the consumer fireworks imported from China. If CPSC relies more on the AFSL testing to screen out products which cause serious injuries, CPSC can concentrate more on other areas of concern, such as non-AFSL tested merchandise and illegal explosive devices.

Also, CPSC, with assistance from AFSL, can increase its fireworks safety program to educate the public on the inherent hazards of consumer fireworks and disseminate information about the danger and hazard of misusing fireworks, i.e., not following cautionary label instructions for use.

According to Mr. Anderson, by concentrating less on AFSL certified products, CPSC can use more of its resources to stop the sale of illegal explosives. In particular, CPSC can use its civil penalty authority against the manufacturers and distributors of illegal explosives. Dr. Conkling believes this would have an immediate and dramatic effect to decrease or stop the manufacture of these devices. He indicated that approximately one-third of the fireworks injuries each year are attributed to illegal explosives. Also, the most serious injuries, result from use of these devices. This, according to Dr. Conkling, gives a distorted picture about the danger and safety of legal consumer fireworks.

Mr. Anderson stated that the biggest problem for AFSL at this time is CPSC's continued testing of AFSL certified merchandise after it arrives in the U.S. AFSL members pay for each carton of fireworks tested. When CPSC tests AFSL certified merchandise, the members suffer additional costs in storage and delay while waiting for the results. Mr. Anderson stated that AFSL does not want CPSC to completely stop testing AFSL products or monitoring the program, but that it is appropriate for CPSC to reduce the amount of testing of AFSL certified products.

The Chairman indicated that CPSC cannot abdicate its role and stop testing AFSL merchandise. However, there should be as little duplication of effort as possible. We have to find the right balance to insure that safe fireworks are available to consumers, the Chairman indicated. She will rely upon the staff to work with AFSL to determine this balance point. Also, she pointed out the difficulty in identifying the producers and distributors of illegal explosive devices.

The meeting was concluded by AFSL's presenting a chart (attached) showing a decrease in the rate of fireworks related injuries compared to an increase in the consumption of fireworks from 1976 - 1994.

ATTACHMENT

DISTRIBUTION:
COAB (Alan Schoem)
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Fireworks Related Injury Rates 1976 - 1994

National Council on Fireworks Safety (NCFPS) Data

