



U.S. CONSUMER PRODUCT SAFETY COMMISSION

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Dear Importer of Consumer Fireworks:

The U.S. Consumer Product Safety Commission (CPSC or Commission) has authority to regulate consumer fireworks under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. §§ 1261-1278, and its implementing regulations at 16 C.F.R. §§ 1500.14, 1500.17 and 1507. Commission staff has recently learned of a new consumer firework device currently being sold nationwide and referred to by numerous fireworks retailers and importers as an “adult snapper.” The Commission staff has evaluated the classification of this fireworks device. The item is approximately one inch in size and is composed of solid rock-like pellets coated with pyrotechnic composition. The item functions by being thrown on the ground and then producing a significant audible effect “report” resembling the effect produced by a firecracker.

Since this product was marketed as an “adult snapper,” the Commission staff reviewed the regulatory history and prior regulatory guidance given to the industry on snappers and similar products. Snapper devices are defined as “small paper-wrapped devices containing not more than 1.0 mg of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report.”¹ The traditional “snapper” type fireworks devices are manufactured using a small paper wrapped device with minimal pyrotechnic composition that produces a small audible effect when thrown on the ground.

¹ See the Department of Transportation’s Hazardous Materials Regulation at 49 C.F.R. § 173.56(j) and the American Pyrotechnics Association (APA) Standard 87-1 under part 3.2.2.

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When evaluating the classification of the device, the staff considered the following factors:

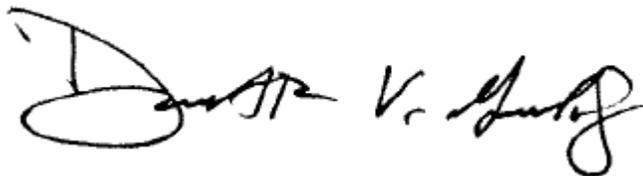
- The chemical composition of the device;
- Applicable voluntary standards regarding consumer fireworks devices;
- The intended use and overall function of the device;
- The presence of a “report” in the device; and
- The hazard associated with the device so that appropriate cautionary labeling can be determined.

The product currently marketed as an “adult snapper” is not manufactured in the same way as a traditional “snapper.” This product contains several milligrams of pyrotechnic composition, and staff considers this device equivalent to the regulatory definition of a consumer firecracker, although fuseless. The Commission staff’s primary concern is that fireworks devices similar to this product that have an explosive force that produces a “report” could seriously injure the user if they are not appropriately labeled.

Importers, distributors and retailers of consumer fireworks who import, distribute and offer for sale this new type of device, currently marketed as an “adult snapper” and as described above, must ensure that the devices meet all applicable requirements for firecrackers, including the limitation that the device contain 50 mg or less of pyrotechnic composition and that it bear appropriate cautionary labeling. (See 16 C.F.R. § 1500.17(a) (8) and 16 C.F.R. § 1500.14(a) (7) (xv)). Failure to comply with these requirements will be considered a violation of the FHSA, and may result in applicable civil and criminal penalties.

This document contains an interpretation by the Commission staff and is based solely on the information currently available to the staff. The interpretation could be changed if the facts change; and it could be changed or superseded by the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Demar V. Granados". The signature is fluid and cursive, with a large initial "D" and a stylized "G".

Demar V. Granados
Compliance Officer
Regulatory Enforcement Division