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Petition to the Consumer Product Safety Commission Regarding 16 CFR §1500.121 for Sparklers

Dear Sir/Madam,

Please find enclosed our petition to the Consumer Product Safety Commission regarding the labeling requirements for sparklers. Currently Octavius Hunt Ltd distributes a number of sparkler designs in the United Kingdom and Europe, a number of our customers have expressed an interest in us importing these designs into the United States.

The purpose of this petition is to challenge the labeling requirement of 'For Outdoor Use Only', for our mini sparklers. They are designed and safety tested for indoor use according to the British Standard 7114 part 2 1988 (included in full - appendix 1). These sparklers are designed specifically to be used indoors and are recognised as such in British Standard testing requirements.

There are two initial types of sparklers recognised in the classification of category 1 fireworks; 1G are non-hand-held sparklers and 1H are hand-held sparklers (BS 7114 Part 1 1988 pg. 4). Both of these are designed with the principal effect of 'emission of sparks' (Ibid). The explanatory notes on category 1 state:

> 'When used according to the instructions, these fireworks should not cause injury to people standing 1m or more away and should not cause damage to property. In the case of hand-held sparklers, the person holding them should not be injured.'
>
> (BS 7114 Part 1 1988 pg.7)

The requirements for category sparklers are shown in BS 7114 Part 2 1988 pg. 9. Our 4" sparklers are classed under 1H (hand-held sparklers), whereby the total net explosive content is ≤1.5g per sparkler, which must burn completely.

The testing for indoor hand-held sparklers consists of burning the sparklers 200mm over a sheet of 1m x 1m paper, any holes or scorch marks and the entire batch of sparklers fails to pass (BS 7114 Part 3 1988 pg.9 section 10.5.3 and Part 2 pg.9).

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If you compare this to the testing requirements for outdoor hand-held sparklers whereby the net explosive content is ≤10g and the paper is placed 1200mm below the sparkler and scorch marks are allowed (although the paper is not allowed to catch fire), you will see how more stringent the requirements for indoor sparklers are (BS 7114 part 2 1988 pg.12 and Part 3 pg.19 section 24.4.3).

Octavius Hunt believes that these stringent tests mean that these sparklers are suitable for hand held indoor use, as does the Health and Safety Executive in the United Kingdom. We recognise that for other sparklers (say 10" ones) there is concern over composition dropping off and catching fire to carpets or sparks emitting from the burning sparkler may catch furniture on fire. However, the mini sparklers are designed in order for neither of these occasions to occur and are tested every batch to make sure this is the case.

The required batch size for sparklers is also included (appendix 2) so that the commission can recognise that the testing that takes place is of a representative size of the number of sparklers that are being produced in that batch.

The current requirements for labeling indoor hand held sparklers are as follows:

Warnings:
USE ONLY UNDER ADULT SUPERVISION
KEEP AWAY FROM EYES AND SKIN
KEEP AWAY FROM CLOTHING ETC
SPENT SPARKLER REMAIN VERY HOT

Instructions:
To be lit singly
Hold handle at arms length

(BS 7114 Part 2 pp3-4)

Therefore, Octavius Hunt Limited makes a specific request to initiate Commission rulemaking with regards to revoking the labeling requirement for sparklers that states that they must say 'For Outdoor Use Only'. We suggest that the Commission does this with reference to mini sparklers only, by separating out the two requirements – one for outdoor use and one for indoor use. With regards to this enclosed is a sample of the wording currently in place on the mini sparkler tubes (Tube sample = appendix 3). Currently our

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own branded sparklers use the wording 'hold over a heat proof surface', although this is not a requirement in the UK, we can add this text onto any sparklers for export to the USA if you feel that it is necessary.

Currently our mini indoor sparklers are 4" total length. However, in order for them to comply with the regulation section 1507.7 that states:

> Handles and spikes.
>
> (a) Fireworks devices which are intended to be hand-held and are so labelled shall incorporate a handle at least 4 inches in length.

We would be increasing the handle length to 4", but not increasing the size of the sparkler composition and therefore not increasing the total net explosive content. The total length of the sparkler would then be ≈6.5".

If you have any queries or require any further information please do not hesitate to contact me.

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