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LOG OF MEETING

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

DATE: August 29, 1995

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

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

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

CONSUMER PRODUCT SAFETY COMMISSION REPRESENTATIVES:

Pamela L. Weller, Counselor
Office of Commissioner Thomas H. Moore

Michael Gougisha, Counselor
Office of Commissioner Thomas H. Moore

David Schmeltzer, Assistant Executive Director
Office of Compliance

Samuel B. Hall, Compliance Officer
Division of Regulatory Management

AMERICAN FIREWORKS STANDARDS LABORATORY REPRESENTATIVES:

John D. Rogers, Executive Director

Andrew Rider, Assistant to Executive Director

John A. Conkling, Secretary
Executive Director, American Pyrotechnics Assoc.

Jerry Bostocky, Treasurer
Vice-President/Director of Sales, B.J. Alan Co.

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. Commissioner Thomas H. Moore was unable to attend the meeting. Pamela L. Weller and Michael Gougisha, Counselors to Commissioner Moore, attended on his behalf.

Mr. Gougisha welcomed the group to the meeting.

Mr. Rogers stated that working with CPSC to improve the safety of fireworks sold in the U.S. is the goal of AFSL. He summarized the history of AFSL, which was created in 1989 by the U.S. fireworks industry. AFSL has developed voluntary standards for 12 categories of fireworks and has focused on educating Chinese factories about the fireworks regulations and how to manufacture fireworks which comply with them and the AFSL voluntary standards. He noted that progress has been made, particularly regarding the overloading of firecrackers and the fusing of reloadable shells.

In January 1994, AFSL's third-party testing and certification program began operation in China. Mr. Rogers stated that AFSL contracted with an independent, internationally recognized testing laboratory (Inchcape Testing Services, Labtest) to test seven categories of consumer fireworks in China before they are exported to the U.S.

Mr. Rogers stated that more than 5,700 lots (1.5 million cases) have been tested in China since the testing program began in January 1994. AFSL monitors the actual testing and results very closely to identify and correct problems quickly. A statistical random sampling plan is used to select the number of units in each lot to test for compliance with the fireworks regulations and voluntary standards. AFSL has rejected about 38% of the lots tested. The rejected lots are returned to the manufacturers. AFSL tests approximately 50 to 65 percent of the fireworks imported from China.

Mr. Gougisha asked if AFSL monitors certified fireworks shipments imported to the U.S.

Mr. Rogers responded that AFSL does not currently monitor certified shipments imported by U.S. firms. Rather, AFSL member importers sign a participation agreement with AFSL which states the firms will order only AFSL certified products. These orders are made through Hong Kong broker/shipper firms. The Hong Kong shipper firms also sign a participation agreement with AFSL which

states they will ship only AFSL certified merchandise, if available, to participating AFSL member importers.

Once orders are received from AFSL member importer firms, the Hong Kong shippers request Inchcape Testing Services to test the product(s) ordered. Those which pass the compliance testing have AFSL Certification Seals placed on each carton in the tested lot. The Hong Kong shipper is notified of the test results and the certified lot is forwarded to the Hong Kong shipper for export to the U.S. importer.

Under the AFSL participation agreement, U.S. importers agree to test any fireworks shipments not certified by AFSL. Mr. Rogers indicated that the AFSL Board of Directors is considering a recommendation that AFSL be provided copies of shippers' invoices for all shipments to participating importers. This would enable AFSL to monitor more closely the certified products shipped to U.S. importers.

According to Mr. Rogers, AFSL is working diligently to improve and expand its testing program in China. 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.

Mr. Rogers stated that beginning October 1, 1995 the seven categories of products tested will increase to 10 categories. Also, 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.

Dr. Conkling stated that the factories are starting to accept that products are going to be tested one way or another. Also, he stated that Chinese government agencies have become much less hostile to the testing program. He also indicated that AFSL is encouraging the fireworks factories and exporters to establish a trade association to facilitate cooperative efforts to improve the quality and safety of fireworks exported to the U.S.

Mr. Bostocky stated that in the last six years the safety of consumer fireworks has become the number one issue for U.S. importers. They have come to realize that the safety and quality of fireworks must be improved and maintained in order for the fireworks industry to continue to grow in the U.S.

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.

The AFSL officials indicated that 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 officials stated that AFSL is in the best position to test the safety and compliance of consumer fireworks. The testing program in China can stop non-complying 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.

By relying more on the AFSL testing to screen out products which cause serious injuries, AFSL officials stated, CPSC can concentrate more on other areas of concern, such as non-AFSL tested merchandise and illegal explosive devices. Also, CPSC can then 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.

Counselors Weller and Gougisha indicated that CPSC would have to address the AFSL compliance testing results before making a decision to rely on AFSL testing to screen out non-complying consumer fireworks. CPSC would have to be confident that the AFSL testing and certification program is doing the job of keeping violative and unsafe fireworks from being exported to the U.S.

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.

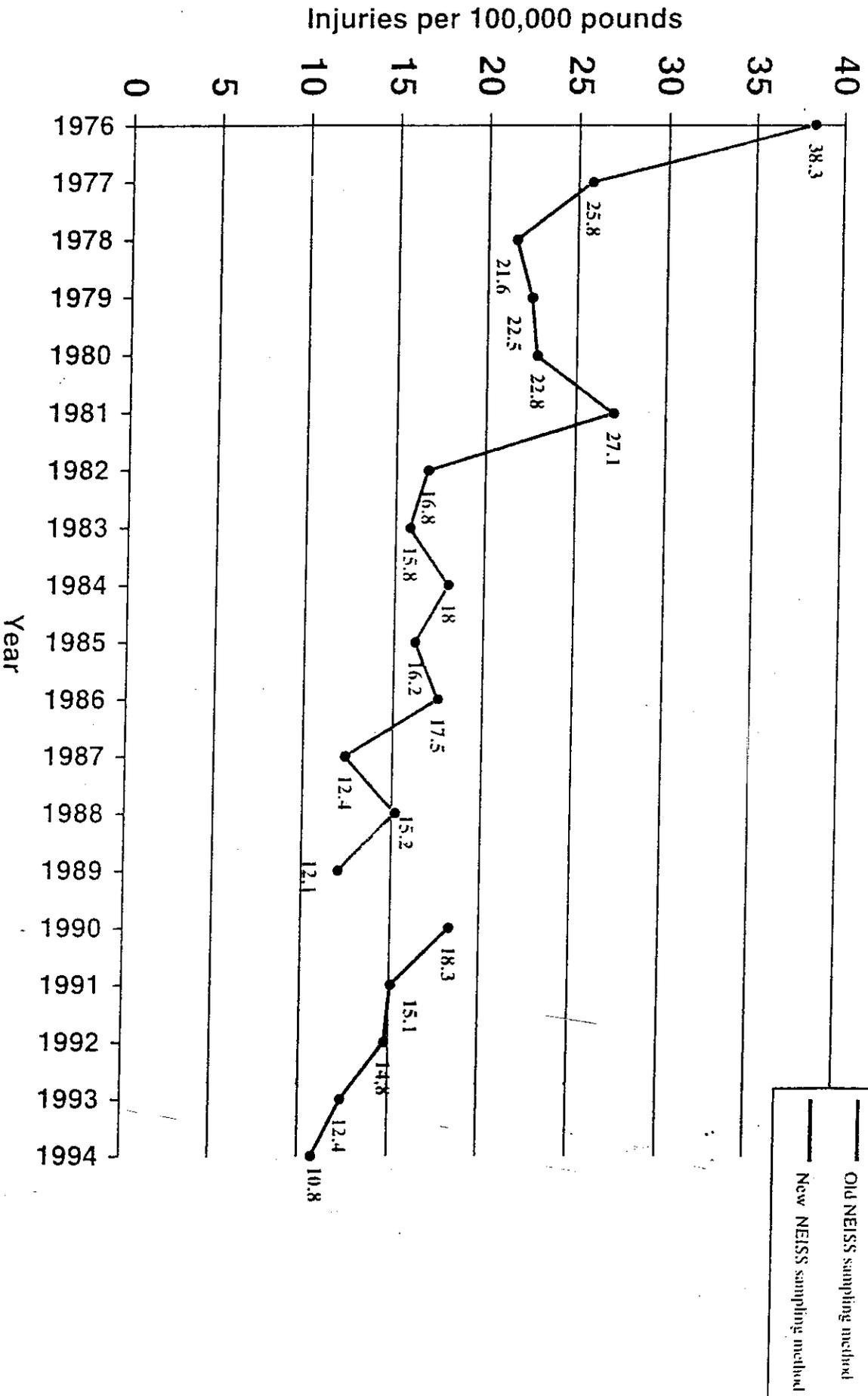
ATTACHMENT

DISTRIBUTION:

COTM (Pamela Weller)
COAB
COMG
OS (2)
EXHR
OEX
OGC
EXC

Fireworks Related Injury Rates 1976 - 1994

National Council on Fireworks Safety (NCFSS) Data



LOG OF MEETING**U.S. CONSUMER PRODUCT SAFETY COMMISSION
OFFICE OF COMMISSIONER MARY SHEILA GALL**

SUBJECT: The fireworks testing and certification program in China

DATE OF MEETING: August 29, 1995

PLACE: CPSC Headquarters/Room 714

LOG ENTRY SOURCE: Dennis B. Wilson

DATE OF ENTRY: August 29, 1995

COMMISSION ATTENDEES:

Commissioner Mary Sheila Gall
Carl Blechschmidt
Patsy Semple
Dennis Wilson
David Schmeltzer
Sam Hall

NON-COMMISSION ATTENDEES:

John A. Conkling
Jerry Bostocky
Andrew Rider
John D. Rogers
Elliot Belilos
Todd Lewenburg

SUMMARY OF MEETING:

The representatives from the fireworks industries described their program for testing of fireworks manufactured in China in Hong Kong laboratories. Fireworks which pass these tests are certified by American Fireworks Standards Laboratories. The fireworks industry representatives also described difficulties with the program and their hope to apply quality control techniques to Chinese firework manufacturers. They also stated their intention to petition the Commission to modify the fuse burn time portion of the Commission standards for fireworks.