

LOG OF MEETING

13 FEB 1996

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

DATE: January 18, 1996

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
Lawrence Hershman, Advisor to the Chairman
Michael Babich, Fireworks Project Manager,
Office of Hazard Identification and Reduction
David Schmeltzer, Assistant Executive Director,
Office of Compliance
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
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
Richard B. Shields, Member
President, American Pyrotechnics Assoc.
President, North Central Industries, Inc.
Bruce Zoldan, Member
President, B.J. Alan Co.
Elliot Belilos, General Counsel
Attorney, Keller and Heckman

OTHER ATTENDEE:

Maureen Cislo, Editor
Product Safety Letter

SUMMARY OF MEETING: See Attached.

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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, the pending fireworks fuse burn time petition and the possible implementation of a revised enforcement policy guideline for fuse burn time.

Chairman Brown welcomed the group to the meeting.

Mr. Rogers stated that the number of AFSL member firms participating in the testing and certification program in China increased from 69 to 82 in 1995. He believed the growth was due in large part to the Chairman and Commission's support for an industry self-certification program such as AFSL's.

The volume of testing consumer fireworks in China is increasing dramatically and AFSL is moving closer to its goal of testing all fireworks manufactured in China for the U.S. consumer market, according to Mr. Rogers. In 1994, the first year of the testing program in China, AFSL tested 895,780 cases of fireworks. In 1995, 1,677,559 cases were tested. Projections for 1996 are to test 2,180,826 cases of fireworks before shipment to the U.S.

The compliance rates for tested merchandise are also improving. This indicates, according to Mr. Rogers, that manufacturers are making efforts to improve the quality and design of fireworks to meet the fireworks regulations enforced by CPSC. In 1994, 62% of the cases of fireworks tested by AFSL complied with the AFSL and CPSC requirements. In 1995, 67% complied. Projections for 1996 are that 75% of the cases of fireworks tested by AFSL will comply with the regulations.

Mr. Rogers pointed out that one thing which will further improve the compliance of Chinese fireworks is the Commission's approval of AFSL's petition to amend the fuse burn time regulation from three to six seconds to three to nine seconds. In 1994 fuse burn time violations totaled 34.4% (16.6% short fuse burn time and 17.8% long fuse burn time) of all violations under the AFSL program. During 1995 fuse burn time violations totaled 41% (23% short fuse burn time and 18% long fuse burn time) of all violations.

Currently, manufacturers typically target fuses to burn 4.5 seconds in order to comply with the existing three to six second requirement, according to Mr. Rogers. However, variations in the manufacturing process, humidity, temperature and other environmental effects too frequently result in fuses burning less than three seconds or more than six seconds. By amending the regulation to permit fuses to burn three to nine seconds, Mr. Rogers stated, manufacturers will be able to target a higher fuse burn time of approximately six seconds and more consistently meet the requirement.

According to Mr. Rogers, this increase in the fuse burn time regulation would better allow for manufacturing variations and the environmental effects on the fuse burn time and dramatically reduce the number of fuses which burn less than three seconds. Consumers would benefit from this improvement in compliance and the added level of protection at the short end of the fuse burn time range, Rogers stated. Further, he indicated that such an increase in the fuse burn time to three to nine seconds would not reduce the safety of fireworks for consumers, as demonstrated by the fuse burn time study provided by AFSL as part of its petition package. The study, according to Rogers, shows that consumers are not likely to return to a fireworks device within nine seconds after igniting it.

In conclusion, Mr. Rogers stated that pending an affirmative ruling on the petition by the Commission, AFSL wants to impact the manufacturing schedule in China as soon as possible. AFSL has requested, by letter to Mr. Schmeltzer, Office of Compliance, a change in the enforcement policy guideline which would permit the distribution of fireworks with fuse burn times of three to nine seconds. Mr. Rogers reaffirmed this request in the hope that an enforcement policy guideline allowing the three to nine second fuse burn time would be implemented as soon as possible after an affirmative vote by the Commission on AFSL's fuse burn time petition. This would allow the factories in China to immediately begin manufacturing fireworks to meet the three to nine second fuse burn time.

Mr. Rogers indicated that AFSL would provide additional data to Chairman Brown regarding the testing and certification program in China.

The Chairman raised the separate issue of injuries caused by bottle rockets and possible regulatory action to address them. Mr. Rogers pointed out that AFSL's standard for stick rockets does not include bottle rockets. However, AFSL does test bottle rockets for compliance with the CPSC requirements because AFSL member firms import bottle rockets. Since bottle rockets are not banned at the federal level and are legal in some states, AFSL member firms would be placed at a competitive disadvantage with non-member firms if they stopped importing bottle rockets. Because state laws vary regarding bottle rockets, AFSL representatives indicated that any action to further regulate them would be best if taken at the federal level. This would allow for uniform regulation, rather than different regulations at the state level.

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