

Telephone Call Regarding Data Relevant to Fireworks Rulemaking  
Docket CPSC-2006-0034

**Date:** May 21, 2018

**Participants:**

Aaron Orland (CPSC)

Rodney Valliere (CPSC)

Meridith Kelsch (CPSC)

Spencer Elg (Attorney for National Fireworks Association)

Roger Schneider (Consultant to National Fireworks Association)

**Summary:**

-During the oral hearing on the fireworks rulemaking, CPSC staff understood Dr. Schneider to have agreed to submit the details (in writing) of the test methods he used to assess (1) sound level meter (SLM) testing, and (2) XRF screenings, and the data he has collected. NFA submitted written and oral comments on these issues with a summary of results from Dr. Schneider's testing. CPSC would like to understand how exactly he conducted these tests to determine why there are discrepancies between his and CPSC's results. CPSC staff is still awaiting a written description of Dr. Schneider's methods, and the data that he collected.

-With respect to SLM, CPSC has the information submitted as part of NFA's and Dr. Schneider's written comments and oral testimony, but wants to understand the nuts and bolts of how he conducted the testing and pass/fail criteria. If Dr. Schneider's test method was able to control for variables that impacted staff's testing, staff wants to consider that option.

-Dr. Schneider indicated that ambient factors, such as humidity, can impact SLM readings, and that the most important factor to avoid is reflectivity. He recommends that the SLM be at least 2 meters off the ground at 90 degrees. Dr. Schneider recommends performing testing to compare SLM readings with blast gauge measurements.

-CPSC staff reiterated that they are seeking a written account of how he performed SLM testing.

-With respect to XRF measurements, staff wants to understand how exactly Dr. Schneider took measurements. Dr. Schneider has indicated that some XRF screenings yielded higher-than-expected readings. CPSC staff would like to determine whether the test methods used impacted the readings, or whether some other issue exists.

-Dr. Schneider indicated that he found electrostatic issues with the film used for XRF screenings and that his procedure is outlined in a 5-page report entitled "*An initial investigation of the use of XRF spectrometry to determine powdered aluminum, titanium and magnesium in consumer fireworks burst charges,*" which was provided as part of NFA's written comment on the rule.

-CPSC staff explained that they were able to resolve electrostatic issues, so they want to see what test method Dr. Schneider used to determine whether a difference in test methods lead to his problems or whether some other issue exists.

-Dr. Schneider and Mr. Elg indicated that they would look into getting permission to share more details about the test methods used (due to confidentiality issues) and get back to staff.

-CPSC staff reiterated that they are requesting the test methods used for the two sets of data that NFA has already provided. They want more information about the test methods and do not need confidential information regarding companies or products. Staff asked that the information be provided as soon as possible.