



# A F S L N E W S

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## NEWS IN BRIEF

### DISPLAY FIREWORKS CERTIFICATION PROGRAM LAUNCHES.

At the request of the U.S. Display Fireworks Industry, AFSL is implementing a testing and certification program for Display Fireworks, beginning on January 1, 2012. The program, which includes audits of factories, on-site product inspections (no shooting of product is involved), and container loading supervision inspections is intended to enhance safety in the transportation, storage, and use of Display Fireworks. **Page 1.**

### CPSC COMPLIANCE DIRECTOR ADDRESSES INDUSTRY.

Andrew Kameros, Director of Compliance addressed the AFSL General Membership meeting in Seattle, WA on September 14, 2011. **Page 1.**

### AFSL TO CONDUCT AUDITS OF U.S. IMPORTER MEMBERS.

AFSL will begin conducting on-site audits at randomly-selected U.S. importer participants in the Consumer Fireworks Program. The audits will address compliance with the agreements and the effectiveness of the testing and certification program by ensuring that product certifications are being performed effectively. **Page 3.**

### RECENT MODIFICATIONS TO AFSL STANDARDS.

The AFSL Board approved several changes to the existing AFSL Standards for Consumer Fireworks. **Page 2.**

## DISPLAY FIREWORKS CERTIFICATION PROGRAM LAUNCHES

At the request of U.S. importers, AFSL had developed a program for testing and certifying shipments of Display Fireworks shipped from China to the U.S. The program, which will be implemented beginning on January 1, 2012, is intended to enhance the safety and stability of fireworks during transportation, storage, and ultimate use of the items.

While no actual shooting of fireworks will take place in the initial phase

of the program, packaging and packing will be examined and the attachment of fuses and lift charges will be evaluated for compliance with established requirements.

The testing and certification program consists of three components: First, participating manufacturers in China are required to pass a factory audit that evaluates their manufacturing processes, control of chemicals, appropriate records to document that appropriate

drop tests and thermal stability tests have been performed on items they produce.

Once a factory passes the audit, they will be assigned an AFSL Registered Factory ID Number, qualifying their products to be tested by AFSL. Factories that fail the initial audit may request a re-audit once all identified deficiencies are corrected. As of December 15, 2011, eleven factories

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## NEW CPSC COMPLIANCE DIRECTOR ADDRESSES GENERAL MEMBERSHIP MEETING

Andrew Kameros, the newly appointed Director of Compliance for the Consumer Product Safety Commission, addressed the AFSL General Membership Meeting on September 14, 2011 in Seattle, Washington. In what he described as his first opportunity to speak to a segment of CPSC's regulated industries, Mr. Kameros emphasized the cooperative working relationship that CPSC and AFSL have shared over

the years. "This partnership has been one that the agency respects and appreciates since we are working toward a mutual goal of reducing injuries and deaths from unsafe fireworks devices."

Responding to industry concerns that CPSC does not follow-up on complaints provided by the industry of overloaded fireworks being sold, Mr. Kameros stated: "We take seriously and follow up on trade com-

plaints we receive regarding suspected violative fireworks..." He added that CPSC cannot always share the results of their follow-up with industry members due to the agency's privacy laws.

Mr. Kameros also discussed the requirement that importers must certify that their fireworks meet CPSC regulations, based on a reasonable

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## AMENDMENTS, MODIFICATIONS TO STANDARDS, TEST PROCEDURE S APPROVED

The Board of Directors approved the following modifications and amendments to the AFSL Standards. Implementation dates are provided with each modification.

### PYROTECHNIC COMPOSITION LIMIT FOR CRACKLING STRIPS.

The Board approved a reduction in the total pyrotechnic composition limit for Crackling Strip devices from 200 grams per device and per retail package to 60 grams per device and per retail package. The Standards Committee recommended the reduction due to concerns that Crackling Strips containing more than 60 grams of composition produced a fireball when the devices were ignited in the rolled-up position. The Committee considered the hazard to be greater than what would normally be expected for devices intended for consumer use. The effective date for the new 60 grams limit is January 1, 2012.

### CLASSIFICATION OF PERCHLOROBENZENE AS A BANNED CHEMICAL.

The Board approved a recommendation from the Standards Committee to add the chemical Hexachlorobenzene (also known as Perchlorobenzene) to the AFSL Prohibited Chemicals List. Perchlorobenzene is a toxic chemical, which has been classified as a carcinogen. As a result, the chemical has been banned globally in manufacturing for many years. However, based on reports provided to AFSL in China some factories have begun using the chemical in

the production of fireworks in order to enhance the firework's color effects. More than 40 Lots of fireworks reportedly have been seized and destroyed by the European Customs.

AFSL conducted a limited screening program to evaluate the presence of Perchlorobenzene in fireworks devices manufactured for the U.S. market. The results indicated the presence of Perchlorobenzene in 8 of 15 randomly selected items.

As a result, the Committee concluded that Perchlorobenzene may pose a hazard in fireworks shipped to the U.S. market, and therefore should be added to the Prohibited Chemicals List in the AFSL Standards. AFSL will conduct a more extensive screening program to determine the extent to which the chemical may be used in fireworks manufactured for the U.S. market. The effective date of the provision is January 1, 2012.

### IMPLEMENTATION DATE DELAYED FOR STANDARD FOR FOUNTAINS — Residual Burning in Casings.

The Board delayed the implementation date for an amendment to the Standard for Fountains that addresses the hazard or residual burning of the casings after the pyrotechnic composition is extinguished. The new requirement in Section 2-1.8 of the Standard for Fountains states "*The finished item, including tubes and internal construction material, must not continue to burn or re-ignite after functioning.*"

The initial implementation date for the requirement was October 1, 2011; however, the Board delayed

this date until AFSL develops specific test procedures to determine compliance with the requirement. AFSL is working with manufacturers in China to develop an appropriate test procedure.

### NEW REQUIREMENTS FOR NITROCELLULOSE FOUNTAINS.

The Board approved a modification to the Standard for Fountains to include specific requirements for Nitrocellulose Fountains, also known as Fountain Candles, or Ice Fountains.

### AFSL SAMPLE SIZES INCREASED FOR SOME TESTS.

In an effort to assure continued consistency with the CPSC testing procedures, AFSL has modified its sampling plan to test additional samples in several areas:

- (1) For Fuse Side Ignition and Fuse Attachment tests, AFSL has been testing 5 samples per Lot, regardless of Lot size. The sample size is being increased to test 5 to 50 samples depending on the number of items in the Lot. The average sample size to be tested is 20 pieces per Lot.
- (2) For Report Weights in Firecrackers and Aerial Devices, AFSL has been testing five devices. The sample size is being increased to test from 5 to 50 pieces, depending on the Lot size. The average sample size tested is 20 pieces per Lot.
- (3) For large multiple tube aerial devices, AFSL has been testing 5 devices per Lot, regardless of Lot size. The sample size is being increased to 8 devices per Lot and the AQL (acceptance quality level) is reduced to 1.5, which means that any one failure of a unit within the sample will result in the entire Lot being failed.

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## Modifications to Standards

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AFSL's original sampling plan required testing at these higher levels to assure that AFSL always tested more samples than CPSC tests; however, over time AFSL's sample sizes were reduced because of consistently high compliance rates in these areas and in an effort to reduce costs associated with testing. The decision to revert back to the original sampling plan was made after CPSC notified AFSL that percentage of AFSL samples that failed CPSC testing had increased in recent years.

As a result of the changes noted above, in the vast majority of instances the number of samples tested by AFSL will now exceed the 8 units that CPSC always tests. Only in extremely small Lot sizes, consisting of 150 or fewer units, will the AFSL sample size be less than that used by CPSC.

AFSL announced the modifications to the sampling plan to the China industry during a meeting in Liu Yang on November 11, 2011. The effective date for these changes was November 15, 2011.

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## DOMESTIC AUDITING PROGRAM PLANNED FOR 2012

AFSL is planning to implement a Domestic Auditing Program in early 2012 to begin monitoring in the United States shipments that have been tested and certified by AFSL through its contract testing laboratory SGS in China. While AFSL routinely audits the work of the testers in China, this will be the first structured effort to do so after shipments have arrived in the U.S.

The purposes of the program are:

1. To monitor the requirements in the Importers' agreement and the Shippers' agreement that all shipments of Consumer Fireworks shipped to and imported by AFSL participating members must be tested by AFSL and certified to comply with the AFSL Standards.

2. To monitor the integrity of the AFSL certification process by assuring that all shipping cartons in imported Lots contain authentic AFSL Stickers, bear the required Lot Identification stamps and contain the originally certified merchandise. This includes the proper application of AFSL stickers to each shipping carton in a tested Lot, as well as the proper stamping of Lot ID numbers on each shipping cartons. Both of these steps are critical in identifying merchandise that has been tested by AFSL.

During the past several years, AFSL has received complaints from members that some shipments of fireworks are being shipped to importer members without AFSL testing, which constitutes a violation of the AFSL agreements. This practice has come to AFSL's attention as a result of importers trying to file Certificates of Compliance on the AFSL website to comply with the certification requirement implemented by CPSC in February 2010.

Periodically, AFSL also receives complaints from members or inquiries from regulatory authorities

of these practices, but until now, has not had an effective means of responding to such complaints. Several companies have either been suspended or received warning from AFSL as a result of this violation of the agreement.

AFSL will maintain a staff person based in the United States who will routinely visit importer participants to audit incoming shipments of AFSL-certified fireworks. Routine audits will be assigned on a random basis, with approximately 50 audits scheduled to be conducted during the first year of the program. Audits in response to inquiries from regulatory agencies or member complaints will be conducted on an as-needed basis.

Audits will be scheduled only after notice is provided to the membership in general and to individual companies that are scheduled to be audited. Notice to individual companies would be provided at least one week in advance of the scheduled audit. AFSL will make every effort to assure the audits do not conflict with the pressing needs of business (e.g., during the primary distribution season, during other inspections by regulatory authorities, etc.).

Once the audit is completed, the company that is the subject of the audit will receive a copy of the report and have the opportunity to question any of the information reported. Audit reports will be kept confidential, and will be reviewed only by the AFSL Executive Director. Reports, or information contained within the reports, will not be provided to the Board, regulatory authorities, or any other program participants. Details from the report may be reported to the Board as a basis for any disciplinary actions requested by the Executive Director.

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## CPSC Director of Compliance

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testing program. While emphasizing that CPSC does not endorse any particular testing program, he said that: "It has been our experience that fireworks subject to the AFSL testing program have demonstrated fewer violations than non-AFSL tested devices." He went on to say that: "AFSL testing is no guarantee that CPSC won't collect and sample your products, but it certainly has proven to us in the past that these products generally meet our requirements and that's what we are looking for to ensure timely importation and distribution of your products."

Describing the consequences of importing violative fireworks, Mr. Kameros stated: "Shipments may be seized, and in many instances destroyed" and "Importers and distributors can be assessed civil penalties of up to a maximum of \$15 million for a related series of violations."

Mr. Kameros also met with the AFSL Board separately to discuss specific concerns relating to the CPSC fireworks enforcement activities, including the need to address severely overloaded fireworks in the marketplace and AFSL's efforts to develop an objective test procedure for distinguishing "aerial reports" from legal break charges. Following his appearance at the General Membership Meeting, Mr. Kameros also attended part of an AFSL Standards Committee meeting to better understand how AFSL develops voluntary standards for fireworks.

Mr. Kameros's interest in the industry and his openness in discussing ongoing challenges were well received by the industry. His appointment to the compliance position in August 2011 followed an 18 month vacancy created by the departure of former Director Gib Mullan. Mr. Kameros came to CPSC following 18 years as a Tax Fraud litigator with U.S. Department of Justice.

## DISPLAY FIREWORKS PROGRAM

*Continued from page 1, column 3)*

had successfully completed audits. Two additional factories received initial failing results but are already scheduled for re-audits. Audit arrangements are underway with an additional 11 factories. Factories that wish to schedule an audit should contact the AFSL office either in the U.S. or the Liuyang, China office.

The second component of the program is the testing and certification of individual Lots (batches) of fireworks. This phase of the program will begin on January 1, 2012. During the testing phase of the program, Lots of fireworks will be evaluated for strength integrity of cartons, correct fuse attachment, attachment of lift charge cups, pyrotechnic leakage restrictions, required warning labels and markings, etc. Testing will be conducted by specially trained technicians who have years of experience in testing Consumer Fireworks. The Group of ten Certified Technicians participated in a special training course conducted by AFSL's Executive Director, John Rogers, in November 2011.

Gregg Smith, Safety Program Officer, from the American Pyrotechnics Association, traveled to China with AFSL to conduct the training course. Gregg focused on the safety and proper handling of Display Fireworks to assure the technicians understand the different risks presented by Display Fireworks in comparison to Consumer Fireworks.

Lots of fireworks that comply with all requirements of the AFSL standards will be certified for shipment by the issuance of a complying test report and the application of the AFSL certification Sticker to each shipping carton within a Lot. The program requires testing of each shipped Lot, regardless of how many times a specific item is and shipped to the U.S. importer.

The final element of the Display Fireworks Program is the supervision of the loading of the certified fireworks Lot onto the shipping container. The purposes of the Container Loading Supervision Program are (a) to assure that only Display Fireworks certified by AFSL are loaded and shipped to the participating U.S. Importer; (b) to assure that all shipping papers contain the required information; (c) to assure that the merchandise contained inside the cartons matches the product description on the outer carton.

When an AFSL-certified Lot of fireworks is ready to be loaded onto a shipping container, AFSL will be notified of the date and location of the loading. A team of AFSL technicians will travel on-site to inspect both the shipping container and cartons of fireworks prior the loading. Shipping documents will be inspected as well to insure they match the goods that are being loaded.

Once the loading process is completed, technicians will seal the container using an AFSL/SGS seal. An inspection report and photographic documentation will be filed in the AFSL database for proper tracking of all container loading inspections.

## DOMESTIC AUDITS

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Specific follow-up actions to any discrepancies noted during an audit will be determined on a case-by-case basis. Depending on the nature of any discrepancies noted during audit, the Board will determine whether specific disciplinary action is warranted, based on a recommendation from the Executive Director. Any company that is the subject of a proposed follow-up action will be notified of the proposed action and provide an opportunity to respond to the allegations prior to a final decision by the Board.

## MEMBERS ELECT NEW DIRECTORS, OFFICERS NAMED, AT GENERAL MEMBERSHIP MEETING

One new Director was elected to the Board and three Directors were re-elected, at the AFSL General Membership Meeting in September 2011 in Seattle, Washington. Joe Wan, President of Shogun Pyrotechnics Ltd., Hong Kong was elected to a first term. Tad Trout, Alan Zoldan, and Chester Davis were re-elected to the Board.

Following the general election, the Directors met to name a new slate of officers. Mike Collar, President/COO of Winco Fireworks was elected President; Alan Zoldan, last year's President was elected Vice President; Tad Trout was elected Treasurer; Charles Shivery was elected Secretary, and Mike Ingram was elected Member at Large to serve on the Executive Committee with the other four officers. Officers serve a two year term.

In addition to the four Directors elected at the meeting, the Board also appointed two Directors to the Board to represent the Display Industry. These appointments were approved by the Board in consideration of the fact that AFSL is implementing a Testing and Certification Program for Display Fireworks in January 2012. *See story on page 1.* Phil Grucci, President of Fireworks by Grucci, and Mike Cartolano, President of Melrose Pyrotechnics, were appointed to the Board. Each will serve an initial three year term, after which their seats will be open to election by the general membership.

This year's election was the first under the newly revised AFSL bylaws which created three categories of Directors. Nine seats on the Board are occupied by U.S. Importer/Distributor/Retailer repre-

sentatives; two seats are reserved for Display Fireworks Members; and not more than three seats are designated for China Manufacturer/Shipper representatives. The three Shipper seats were established to off-set the fact that under the new bylaws, Hong Kong/China shippers and General Members of AFSL no longer vote in the election of Directors.

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## Upcoming Events

January 9, 2012 — Consumer Fireworks Seminar, Liuyang, China.

January 13, 2012 — AFSL Hong Kong Shippers Meeting, Hong Kong.

February 21, 2012 — AFSL Board Meeting, Treasure Island Hotel, Las Vegas, NV.

February 23, 2012 — Consumer Fireworks Forum, Treasure Island Hotel, Las Vegas, NV.

February 23, 2012 — Display Fireworks Forum, Treasure Island Hotel, Las Vegas, NV.

## COMMITTEE APPOINTED TO DRAFT DISPLAY FIREWORKS STANDARDS

In preparation for the implementation of the Testing and Certification Program for Display Fireworks, the Board appointed a Display Fireworks Committee to develop design and performance standards that AFSL will use to test and certify fireworks covered by the program.

The Committee is comprised of a representatives from various segments of fireworks industry, federal and State regulatory authorities, the transportation and warehousing industries. Appointed by the Board in September 2011, the Committee already has met twice and has finalized a version of Standards that has been in drafting by key individuals from AFSL and the Display industry for more than a year. The final version of the Standards has been distributed to factories and shippers in China and is available to be downloaded by U.S. industry members from the AFSL Website.

Representatives on the Committee include: Stephen Vitale, Pyrotecnico; Steven Pelkey, Atlas Advanced Pyrotechnics; Robert Kellner, Kellner's Fireworks and NFA Representative; James Burnett, Western Enterprises; Bob Deng, Lidu Fireworks Corp.; Yulu Hu, Hua Yang Transportation Warehouse; Michael O'Lena, BATF; Tom Dunaway, DOT (retired); Eric Treend, Britton Gallagher Insurance; and John Rogers, AFSL Executive Director and Committee Chairman. Technical Advisors to the Committee include Mike Cartolano, Melrose Pyrotechnics and AFSL Director; Phil Grucci, Fireworks By Grucci and AFSL Director; and Julie Heckman, Executive Director of APA. Two vacancies remain to be filled by the Board, including a representative from the Shipping Lines; a representative for DOT and a representative from the Package Manufacturing Industry.

**AFSL WELCOMES THE FOLLOWING NEW MEMBERS:**

**(May 2011 – December 2011)**

**CONSUMER FIREWORKS IMPORTER PARTICIPANTS**

- 1 All Events Inc. DBA Robbies Fireworks, Jackson, MS
- 2 Bowman Global Enterprise Group, LLC DBA D&D Fire Safety Group
- 3 . Dynamite Fireworks, Seymour, MO
- 4 . Family Fireworks USA, Ltd., Zelienople, PA
- 5 . Kellner's Fireworks Inc., Harrisville, PA
- 6 . Spring Field Fireworks, Inc., Bluffton, OH
- 7 . T & M International, Sparta, MI
- 8 . Uncle AL's Seasonal Retail Inc., Ft. Myers, FL
- 9 . Wild Willy's Fireworks, Papillion, NE

**CONSUMER FIREWORKS SHIPPER PARTICIPANTS**

- 1 . Jiangxi Golden Steed Fireworks & Firecrackers Co., Ltd.
- 2 . Jiangxi Province Wanzai Mintai Import & Export Trade Co., Ltd.
- 3 . Wanzai Hongjie Trading Co., Ltd.
- 4 . Wukong Fireworks Ltd.

**DISPLAY FIREWORKS IMPORTER PARTICIPANTS**

- 1 Arthur Rozzi Pyrotechnics, Inc., Maineville, OH
- 2 Atlas Advanced Pyrotechnics, Inc., Jaffrey, NH
- 3 . Central States Fireworks, Inc., Athens, IL
- 4 . Fireworks by Grucci, Brookhaven, NY
- 5 . J&M Displays, Inc., Yarmouth, IA
- 6 . Kellner's Fireworks Inc., Harrisville, PA
- 7 . Melrose Pyrotechnics, Inc., Kingsbury, IN
- 8 . Pyro Shows, Inc., La Follette, TN
- 9 . Pyro Spectaculars, Inc., Rialto, CA
- 10 . Pyrotecnico, New Castle, PA
- 11. RES Specialty Pyrotechnics, Belie Plaine, MN
- 12 . Western Enterprises, Inc., Carrier, OK
- 13 . Wolverine Fireworks Display, Inc., Kawkawlin, MI
- 14 . Zambelli Fireworks, New Castle, PA

**DISPLAY FIREWORKS SHIPPER PARTICIPANTS**

- 1 . Babytiger Fireworks Import & Export Ltd., Co.
- 2 . Cenxi Wahyee Advanced Fireworks Factory
- 3 . Huahui Fireworks Manufacturing Co., Ltd.
- 4 . ICON Pyrotechnics International Co., Ltd.
- 5 . Jiangxi Changshan Exporting Fireworks Manufacture Co., Ltd.
- 6 . Jiangxi Province Light Industrial Products I/E Co., Ltd.
- 7 . Liuyang Jingli Fireworks Trade Co., Ltd.

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