

## A F S L N E W S

**CPSC VICE-CHAIRMAN NANCY NORD MEETS WITH FIREWORKS INDUSTRY IN CHINA****NEWS IN BRIEF**

**CPSC VICE CHAIRMAN MEETS FIREWORKS INDUSTRY IN CHINA.** Vice Chairman Nancy Nord traveled to China with AFSL to meet with the fireworks industry. She emphasized the importance of independent third party testing to assure compliance with the CPSC regulations and AFSL Standards. **Page 1.**

**US IMPORTER SUSPENDED, 2 SHIPPERS ON PROBATION.** The Board of Directors voted to suspend a U.S. importer, Jake's Fireworks of Pittsburg, KS for importing shipments not tested by AFSL. The Board also placed on probation two shippers, Dragon Star Fireworks of Hong Kong and Wallshine Welldone Fireworks of Hunan, China, also for shipping fireworks to AFSL members without AFSL testing. **Page 1.**

**AFSL TO REQUIRE NEW AGREEMENT FROM SHIPPERS; IMPORTERS.** AFSL will request shippers and importers to sign a new participation agreement. The primary change in the agreements will be to clarify that all shipments to member companies and related companies must be tested. New agreements will be sent out immediately following the Fourth of July. **Page 6.**

**CONNECTOR DEVICES NOT PERMITTED.** Devices containing multiple components that are operated by linking together via a connector tube are not permitted to be certified under the AFSL Standards. **Page 3.**

**REQUIREMENTS FOR SATURN MISSILE BATTERY TIGHTENED.** AFSL has increased surveillance for Saturn Missile Battery due to erratic flight concerns. **Page 3.**

The Vice Chairman of the Consumer Product Safety Commission (CPSC), Nancy A. Nord, met with the fireworks industry in China during an April 2006 trip hosted by AFSL. Accompanying her was a delegation of representatives from the fireworks industry, Legal Counsel to the Vice Chairman, Mr. Quin Dodd, CPSC Fireworks Compliance Officer, Mr. Jim Joholske.

Commissioner Nord toured fireworks factories to witness the manufacturing process; observed the AFSL testing program in operation; and was the keynote speaker at an industry seminar that included nearly three hundred representatives from all manufacturing regions in China.

In her remarks, Commissioner Nord emphasized the importance of independent third party testing to assure compliance with the existing CPSC regulations and AFSL voluntary standards.

Noting the longstanding and close working relationship that exists between AFSL and CPSC, she lauded the fireworks industry for having taken the initiative to develop



CPSC Vice Chairman Nancy Nord speaking at Fireworks Industry in Chang Sha, Hunan during April 2006 Trip to China.

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**U.S IMPORTER SUSPENDED, CHINA SHIPPER DISCIPLINED FOR ALLEGED VIOLATIONS OF AFSL AGREEMENTS**

This is to notify all AFSL members that, effective immediately, Jake's Fireworks, Inc. of Pittsburg, Kansas has been suspended from participating in AFSL's pro-

grams, including AFSL's Quality Improvement Program in China.

At a meeting on May 23, 2006, AFSL's Board of Directors determined that Jake's Fireworks vio-

lated its agreements with AFSL by repeatedly allowing its branded products to be imported by another, affiliated company without testing by

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## CPSC VICE CHAIRMAN TRAVELS TO CHINA

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and participate in a program that has proven to be effective. She

couraged factories to continue to have all products certified through



AFSL and CPSC delegation with AQSIIQ Vice Minister Ge at AQSIIQ Headquarters in Beijing.

noted that the compliance gap between fireworks tested by AFSL and those that are not, is significant, and is increasing.

Other participants in the meeting included AFSL President, Tad Trout (see story on page 5); and APA Executive Director Julie Heckman. Ms. Heckman summarized ongoing activities by APA that benefit both U.S and China industry members. She also en-

independent third party testing such as that offered by AFSL.

In an afternoon session, John Rogers and Jim Joholske conducted an abbreviated training session for participants. Mr. Joholske discussed CPSC enforcement activities, noting that CPSC will continue to check incoming fireworks at U.S. Ports. He emphasized that items tested by AFSL in China are typically inspected by CPSC less frequently than those not tested by AFSL.

Following the meeting, Commissioner Nord and the delegation visited the AFSL Operations Office in

Liu Yang, Hunan. They received a detailed briefing on how the testing and certification program operates, and visited a test site where AFSL technicians were testing and certifying shipments.

The delegation also toured a

consumer fireworks factory that produces for the U.S. market and witnessed manufacturing of several different product types. Commissioner Nord was keenly interested in the details of the manufacturing process. "Seeing first hand how fireworks are made, tested and shipped brings home just how important a rigorous safety assurance program is for the protection of American consumers," she stated. "Because fireworks are still made largely by hand, thorough and consistent testing is critical."

One of the highlights of the trip included both a daytime and night time fireworks display provided by AFSL Director Thomas Chan of United Pyrotechnics. Mr. Chan, who hosted the factory tour in Liu Yang, greeted the arriving delegation with a spectacular display of aerial confetti bombs. That night, he also staged a show using a variety of consumer fireworks devices specially fused to provide an impressive and exciting aerial show, demonstrating the versatility of consumer fireworks.

While in Liu Yang, the delegation also was hosted by the newly installed Mayor of Liu Yang, The Honorable Liang Zhong. Commissioner Nord continued to emphasize her underlying message on the importance of third party testing in this meeting as well. She stated to the mayor "During my visit to Liu Yang, I have seen how important the fireworks industry is to the local economy and thus how important it is that fireworks produced in the region meet all applicable U.S. safety standards, including the AFSL consensus standard."



William Zhou (l.); Bill Weimer, John Rogers, Carole Weimer, James Halpern, and Nancy Nord watch AFSL Technicians Cass Ruan and Tom Shen measuring firecracker powder weights.

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## **MULTIPLE UNIT DEVICES WITH CONNECTOR FUSES NOT PERMITTED BY AFSL STANDARDS**

Fireworks devices containing multiple units that may be linked by connector fuses are not permitted under the AFSL Standards. A modification of the Standards approved last year by the Board of Directors does not allow AFSL to certify such items.

The devices, known generically as Connector Devices, appeared in the marketplace several years ago. They were evaluated by the AFSL Standards Committee in 2003. The Committee concluded that the devices pose a potential risk of injury to consumers due to the potential for misuse or confusion as to how properly connect and operate them. As a result, relevant AFSL Standards were modified to include language stating "Devices subject to this Standard must contain only one ignition fuse. Additional fuses, points of ignition, openings for fuse insertion, or points for ignition transfer are not permitted.

Several different varieties of the connector devices have been submitted to AFSL for evaluation. The common element is that they have a port or connector, or ignition transfer point through which individual devices may be attached to a connector fuse. The number of units that may be connected together is unlimited, since several connector fuses typically may be strung together in a series. The method of firing the devices may vary. In some instances, ignition of a lead fuse results in the operation of the entire display. In other instances, the device may be fired electronically.

The intent of the product design appears to be to give consumers the flexibility to create a backyard

display that operates for a substantial length of time.

In recommending the modification to the Standards that prohibits certification of the devices, the Standards Committee expressed concern that operation may be too complex for typical consumers to operate safely. The consumer is required to connect the devices together properly and the concern is that this may require a level of skill that the average fireworks user does not possess. A further concern is that, should the device malfunction and fail to ignite a unit within the series, consumers may be tempted to jerry-rig fuses to complete the operation of the display, creating a potential for injuries to the operator or bystanders due to improper or malfunctioning fusing.

AFSL has received inquiries from several members as to whether AFSL certifies such devices.

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### **TESTING TIGHTENED FOR SATURN MISSILE BATTERY DUE TO ERRATIC FLIGHT PROBLEMS**

AFSL has increased surveillance and tightened the pass criteria for Saturn Missile Battery aerial shell devices due to concerns that the missiles have an erratic flight pattern. AFSL received notice from the Consumer Product Safety Commission that two different models of the devices were the subject of a preliminary substantial product hazard determination. Such a determination allows CPSC to take enforcement actions against the devices for erratic flight even though CPSC's regulations do not address specifically erratic flight patterns for fireworks devices.

Factories and Shippers also have been advised that AFSL is increasing surveillance and adopting a zero tolerance policy with respect to the items. This means that any single failure of the device due to erratic flight will cause the shipping lot to fail. Under the normal sampling plan, the failure of a single unit within the sample tested would still allow the shipment to be passed by AFSL.

Preliminary investigation of the reason for the failures indicates that the plastic material used to make the missile tubes may be of substandard quality. This could permit the missile tube to burnout before the missile reaches a safe operating height. There also are indications that the tube length for the missiles may be too short. Some factories may be cutting the length of the tube in an effort to reduce the costs of producing the items.

AFSL also is investigating reports that some factories may be switching from the use of potassium perchlorate to using potassium chlorate, which is a banned chemical in the production of the Saturn Missile Battery type items. Again, the driving force behind such a move seems to be an effort to reduce production costs for these devices. If such reports are confirmed to be accurate, AFSL will consider implementing a screening program for the devices to confirm the presence of the prohibited chlorate.

AFSL is providing a notice to factories in China advising them that potassium chlorate is prohibited by both the AFSL Standards and the CPSC regulations in devices containing more than 4 grams of pyrotechnic composition.

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**CPSC CHINA TRIP**

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The AFSL delegation included: President Tad Trout, accompanied



Official Delegation: Thomas Chan, Chi-Kay Cheung, Julie Heckman, Tad Trout, Nancy Nord, Quin Dodd; Liu Yang Vice Mayor Li Jiayi; Jim Joholske, Bill Weimer, and John Rogers at Hunan industry meeting: "AFSL and CPSC: A PARTNERSHIP THAT WORKS".

by his wife Debbie; Bill Weimer, Vice President and Legal Counsel, B.J. Alan Company and his wife Carole; AFSL Directors Chi Kay Cheung and Thomas Chan, APA Executive Director Julie Heckman, and AFSL Executive Director John Rogers.

While the primary focus was on



CPSC Vice Chairman Nord meeting with Mayor of Liu Yang, Hunan Liang Zhong (and translator) in Liu Yang, Hunan.

fireworks, the trip also included a stop in Beijing where Commissioner Nord met with officials at

AQSIQ, which regulates the exportation of all consumer products, including fireworks, from China. Summarizing the meetings, she stated "My meeting with AQSIQ's Vice Minister Ge and other senior Chinese officials was another important step toward full cooperation between our two governments and our two agencies in the area of product safety."

During the meeting with Ms. Nord, Vice Minister Ge announced that he would like to build upon an existing Memorandum of Understand between AQSIQ and CPSC by including fireworks as a specific product category upon which their respective agencies would directly cooperate. The cooperative effort is expected to include the sharing of information and expertise on fireworks safety, to both identify and respond to any emerging safety issues.

The Vice Minister also outlined AQSIQ's plan to review all of its domestic product safety standards, presumably including those for fireworks. He and his staff indicated they would look with interest at the AFSL standards as a possible model for that review. The Vice Minister hosted the entire delegation for a dinner at AQSIQ offices that evening.

Commissioner Nord also met with representatives at the U.S. Embassy in Beijing. Commenting on the Embassy meeting, she stated "Senior officials at the U.S. Embassy also described to me

how product safety is growing in importance within this Chinese government, both with respect to exports and with respect to domestic consumption. As the Chinese economy increasingly becomes consumer-driven, the inter-



Quin Dodd at Statue of Buddha, Po Lin Monastery, Hong Kong.

ests of foreign product safety agencies are beginning to merge with those of the Chinese government. More importantly, it appears that local and regional Chinese government officials are increasingly aware that US and European 'voluntary' standards, including those for fireworks, are often as important as mandatory standards in ensuring that consumers receive safe products from China."

The delegation also met in Beijing with the American Chamber of Commerce and U.S. Embassy officials. In her remarks, Commissioner Nord described AFSL as an industry that had "gotten it right" and that could serve as a model for other industries struggling with the issue of

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**CPSC CHINA TRIP**

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how to assure compliance with U.S. government mandatory standards as well as voluntary standards.



John Rogers and Andrew Tang describe sample testing procedure to Tom Chan (l.), Jim Joholske, Commissioner Nord, and Julie Heckman.

The final stop of the trip was to meet with the Hong Kong Pyrotechnics Association and other



Tad and Debbie Trout, Carole and Bill Weimer during tour of Tiananmen Square in Beijing.

fireworks shippers in Hong Kong. Commissioner Nord reiterated her message that independent third party testing is essential to assuring

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**PRESIDENT TAD TROUT CAUTIONS MEMBERS TO TEST ALL PRODUCTS**

AFSL President, Tad Trout, cautioned members not to become lulled into a false sense of well being by recent successes in improving the quality and compliance of fireworks shipped to the United States. Speaking to nearly 300 industry representatives at a meeting in Chang Sha, Hunan, Mr. Trout stated “Today, we are testing more than 6 million cases per year and our compliance rate has increased to 91%. Our members tell us constantly that the quality and safety of fireworks being imported today are the best they have ever seen.”

“However,” he continued, “nearly ten percent of all fireworks we test still do not meet the requirements of the AFSL standards and CPSC regulations. A ten percent failure rate is unacceptable by anybody’s standards, and we have to do better. Also, while injury rates are lower, there still are far too many injuries to consumers in the United States. Our goal has to be to eliminate injuries altogether, not just to lower the injury rate.”

“We must make a stronger commitment that all our program participants, both U.S. importers and Hong Kong/China shippers, will participate fully in the AFSL program,” he stated.

Mr. Trout acknowledged that while AFSL has reduced waiting time for testing shipments to about

48 hours, there are still times when it is inconvenient to wait for AFSL testing. Urging companies not to ship untested goods, he said “I cannot tell you how damaging to our program it is when CPSC or Customs sees a shipment headed to an AFSL importer with untested merchandise on the container. It sends a message to government that we are not committed to our own program, so why should they trust us to regulate ourselves?”

As a participant in the AFSL program, you have a legal obligation to ship only AFSL certified shipments to U.S. importer participants. AFSL will do a better job of monitoring our members to assure that everyone plays by the same rules. Otherwise, our credibility as a reliable certification authority is damaged – and the entire membership suffers.

“But the overall picture remains very positive,” he noted. “Because we are doing a much better job of controlling the safety and compliance of fireworks, CPSC strongly supports the AFSL process of certifying fireworks shipments. And CPSC has made a conscious decision to focus its enforcement resources on companies that are not participating in the AFSL program. It is no exaggeration to say this partnership between AFSL and CPSC is a viable, effective one that can serve as a model for other industries worldwide that struggle to meet the U.S. government’s safety standards. In short, the partnership works.”

# BOARD VOTES TO REQUIRE NEW AGREEMENTS FOR IMPORTERS, SHIPPERS

The Board of Directors voted last month to require all AFSL importers and shippers to sign a new participation agreement with AFSL. The principal change in the new agreements clarifies that the testing requirements for AFSL’s program apply not only to program participants but also to any related companies or other affiliates. As restated in the new agreements, all parent, sister and subsidiary companies, as well as all companies under common control, are required to have all shipments of consumer fireworks tested by AFSL prior to shipment to the U.S.

The original agreements signed by Shippers and Importers were executed in the early 1990’s when AFSL initially began testing fireworks shipments and have not been modified since then. Members of the Board of Directors already have voted to sign new agreements on behalf of their individual companies.

The Board believes that having

new agreements signed will reinforce to members the requirement that all shipments must be tested. AFSL has received an escalating number of complaints that AFSL importers are not having all goods tested prior to importation. The greatest concern is that some participants deliberately bypass the program for items that clearly will not be certified by AFSL due to factors such as overloaded pyrotechnic composition or overloaded aerial reports.

Bypassing the AFSL testing program can have serious consequences for AFSL members. Because it is a clear violation of the agreements signed by importers and shippers, companies who bypass the program can be suspended or expelled from the program by the Board of Directors.

Given the significantly higher rate of compliance and overall quality of AFSL tested products, the

potential risk of injury associated with non-tested fireworks is also significantly higher. In addition, incoming shipments are monitored by both CPSC and U.S. Customs for evidence of certification by AFSL. Shipments that should have been but are not certified are subject to greater scrutiny by both federal agencies.

The Board has instructed the AFSL staff take a more aggressive approach to monitoring companies’ shipments to assure that all shipments are being tested. This includes more detailed analysis of import data from the Piers Report.

The revised agreements will be distributed to all members just after the Fourth of July with a request that the new agreements be signed prior to the September 12, 2006 election of directors and General Membership Meeting in Nashville, TN.

## AFSL WELCOMES THE FOLLOWING NEW MEMBERS AS PARTICIPANTS IN THE QUALITY IMPROVEMENT PROGRAM (September 2005 — June 2006):

### U.S. IMPORTERS

- |   |   |
|---|---|
| 1 . Angel, Inc., Stanton, MO            | 7 . Skylighter, Inc., Round Hill, VA                |
| 2 . Capital Pyro LLC, Taylorville, IL   | 8 . Sun Pacific Trading Co., Honolulu, HI           |
| 3 . CTH Enterprises Inc., Bay Shore, NY | 9 . Uncle Sam's Fireworks, Eudora, KS               |
| 4 . Fenix Imports LLC, Tulalip, WA      | 10 . Wayne's World Fireworks, LLC, Indianapolis, IN |
| 5 . J. W. Fireworks, Morrilton, AR      | 11 . Wholesale Family Fireworks Stores, Polson, MT  |
| 6 . Sharpcoc Inc., Lee's Summit, MO     |   |

### HONG KONG/CHINA SHIPPERS

- |  |   |
|--|---|
| 1 . Apache Thunder Pyrotechnics Ltd.           | 13 . Liuyang Heaven Fireworks Co., Ltd                  |
| 2 . China Full Sun Import and Export Co., Ltd. | 14 . Liuyang Jiacheng Fireworks Co., Ltd.               |
| 3 . Deqili Trade (Hepu County) Co., Ltd.       | 15 . Liuyang Jiasheng Fireworks Co., Ltd.               |
| 4 . Dracon Trading Ltd.                        | 16 . Liuyang Jinsheng Fireworks Co., Ltd., Hunan        |
| 5 . Fenghua Import & Export Co., Ltd.          | 17 . Liuyang Kongsun Fireworks Export Trading Co., Ltd. |
| 6 . GalaStar Import & Export Corp.             | 18 . Liuyang Starry Night Trade Co., Ltd.               |
| 7 . Hong Kong Color L.Y. Fireworks Co., Ltd.   | 19 . Liuyang Yongfa Industry Co., Ltd.                  |
| 8 . Hunan Liuyang Jiacheng Fireworks Co., Ltd. | 20 . M. K. International Ltd.                           |
| 9 . Liuyang Bingshan Trading Co., Ltd.         | 21 . Poly Wonder Fireworks Inc.                         |
| 10 . Liuyang DIY Marketing Co., Ltd.           | 22 . Richton Fireworks Co., Ltd                         |
| 11 . Liuyang Global Fireworks Co., Ltd.        | 23 . Wanzai Wanhua Fireworks Import & Export Corp.      |
| 12 . Liuyang Handsome Trade Corp. Ltd.         |   |

**Suspension**

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AFSL. This suspension will remain in effect until Jake’s Fireworks satisfactorily complies with certain conditions for readmission to the AFSL program. AFSL will notify all members if Jake’s Fireworks’ suspension status changes.

During the same May 23, 2006 meeting, the Board also voted to place on probation Dragon Star Fireworks of Hong Kong, and Hunan Wallshine Well-done Fireworks of Liu Yang, Hunan, for shipping products to U.S. importers that were not tested by AFSL. The effective date of the probation was immediately following the Board vote.

Although Dragon Star Fireworks and Hunan Wallshine Well-done Fireworks may continue to participate in AFSL’s Quality Improvement Program, they will be subject to additional compliance requirements during the probation period. This probation period will last for a minimum period of one year, after which the companies may be considered for readmission to normal operations under AFSL’s programs. AFSL will notify all members when the companies’ probation status changes.

AFSL reminds all program participants of their obligation under their agreements with AFSL to have all of the products they ship or import tested by AFSL.

**China Trip**

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compliance with mandatory and voluntary standards.

Commissioner Nord was nominated by President George W. Bush to the Commission for a term that expires in October of 2012. She was confirmed by the Senate and was sworn into office on May 5, 2005.

“This trip with the CPSC Vice



Commissioner Nord, Jim Joholske, Quin Dodd, Andrew Tang, Thomas Chan, and Jim Halpern watch production of multiple tube aerial device.

Chairman has been extremely valuable to the entire fireworks industry,” said AFSL President Tad Trout. “Giving her the opportunity to understand and appreciate how hard the industry has worked to address compliance issues hopefully instills in Commissioner Nord a sense of confidence that the industry will always strive to do the right thing.”

On her overall impression of the trip, Commissioner Nord noted “It was heartening to meet and talk to so many U.S. and Chinese fireworks industry representatives who seem genuinely committed to producing safe yet enjoyable fireworks.”

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