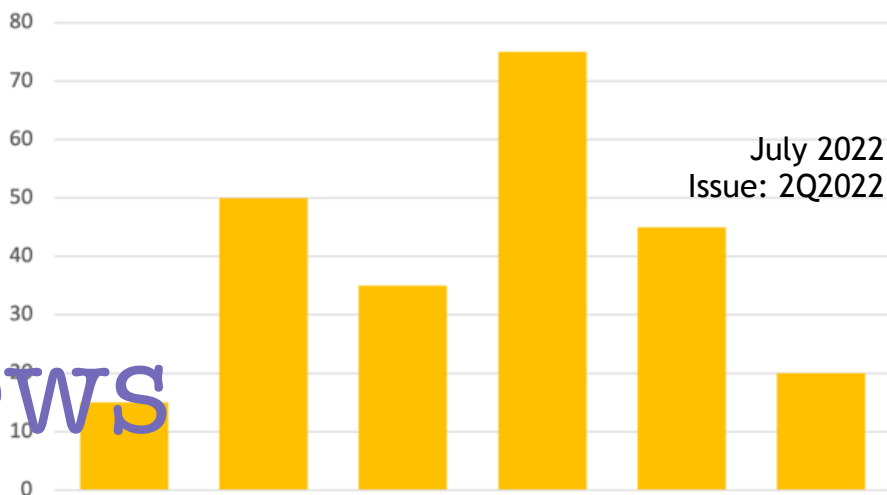




AFSL News



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AFSL News is published by
American Fireworks Standards Laboratory
5550 Friendship Blvd, Suite 420
Chevy Chase, MD 20815
Tel: 301-907-9115
E-mail: afslhq@afsl.org
Website: www.afsl.org

Robert (Jay) Howell
Executive Director

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The Fireworks Industry in Brazil

By Jay Howell

In June, AFSL traveled to Brazil to meet with members of the fireworks industry. Our visit centered around the city of Santo Antônio do Monte, in the state of Minas Gerais, which is the headquarters of the Brazilian fireworks manufacturing industry. The area has a long history of fireworks manufacturing, with the first records of fireworks production in the area dating back to 1859.

With the help of George Tasick and Nicolas Souza, who have been working with the Brazilian fireworks industry for some time, we had the opportunity to tour several of the larger fireworks factories in the region during the day and viewed demonstrations of their products each night. Unlike the typical fireworks factory in China, all but one of the factories visited in Brazil were vertically integrated, fabricating the tubes, inserts, powder, and fuse needed for their finished fireworks devices. The factories were clean and well-organized. We observed safety signage and production process instructions in most facilities.

We also met with the president of the Explosives Industry Union in the State of Minas Gerais (SINDIEMG), the regional fireworks industry association, and with representatives of the SENAI laboratory, the only laboratory certified by INMETRO and recognized by the Brazilian Army to test and certify fireworks and other explosives.

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The Fireworks Industry in Brazil - continued

The group of factories represented by SINDIEMG reportedly produces about 30,000 tons of fireworks each year and emphasized they are prepared to expand capacity should the need arise. At least one of the association's members has already begun constructing facilities to house the production of product for export.

If the factories we visited are representative of all fireworks factories in the region, we believe they are capable of making fireworks suitable for the US consumer fireworks market. However, they have some work to do before they are producing AFSL compliant product but are close to resolving all open issues. We believe the fact that the Brazilian fireworks producers are actively regulated and monitored by the Brazilian Army and the SENAI laboratory makes it less likely they intentionally manufacture noncompliant product. In addition, these factories test items throughout the production run to verify the quality of their product.

AFSL has been testing products outside of China for many years and should AFSL members begin sourcing fireworks devices from Brazilian producers, AFSL is prepared to respond to a request to test product in Brazil as we would a request to test in any other country.





Election of AFSL Board Members

By Jieli Tan

We hope that you had a great 4th of July season.

It is time to start our annual Board election process again. The election will take place during the AFSL General Membership meeting on Thursday, September 29, 2022, in Kansas City, MO. This year three Directors will be elected to the Board. The seats up for election are currently occupied by Thomas Chan, Michael Collar, and Phil Grucci.

All importers should have received, via email, a member response form from AFSL Headquarters requesting confirmation of your status as an AFSL member in good standing, along with this year's election information. Remember! Only importer members in good standing are eligible to vote.

To assure that you receive a copy of the mail ballot, please provide the appropriate document by August 26, 2022. Ballots will be emailed to members no later than 30 days prior to the September 29, 2022, meeting. Importer members may vote by mail ballot or email ballot. Election will be conducted by secret ballot at the General Membership meeting. Please watch your inbox for our email.

The Nominating Committee managing the election process includes Glenn Davis, Ches-Lee Enterprises; Alan Zoldan, Phantom Importing & Distributing, LLC; and Committee Chairman Michael Ingram, Fireworks Over America. If you wish to nominate a candidate for the Board, please contact Michael Ingram at 417-862-1931 or Jay Howell at 828-280-5532 no later than August 5, 2022.

Your participation in the election process is extremely important to AFSL. Thank you for your participation and support in advance.

China Fireworks Industry's "Summer Break"

By William Zhou

It's hot in Liuyang, with the daily high temperatures running above 95 degrees F and the lows around 80 degrees F, and once again the Liuyang Emergency Management Bureau has scheduled a summer break from July 1 to September 1. But why does the industry pause production during the Summer?

Safety was the stated reason for the summer break when it was first introduced in 2013. Liuyang government officials believed the pause in fireworks production, when the temperatures were high, was necessary to prevent factory accidents. However, some attribute the summer break to the sudden drop in domestic demand that occurred around 2012 as many major cities in China banned consumer fireworks. At that time in Liuyang, some of the largest fireworks factories produced solely for the domestic market, which was larger than the combined volume of the European and American markets. In order to prevent prices from falling due to the sudden imbalance between supply and demand, many believe these large factories convinced government officials to help manage the excess production capacity by forcing all fireworks factories to pause production during the summer.

Regardless of the reason, since its inception the summer production pause has been a hindrance for China's fireworks industry. Production demand for the European market is high in July and August and the summer break delays the shipment of European fireworks. This delay creates production backlogs as factories work to complete their European orders while beginning to produce product for the Chinese Spring Festival and America's Independence Day. For fireworks destined for the American market, the shipping window begins to close around mid-May so the pause in China fireworks production has the potential to impact shipments to the US.

The fireworks industry is dependent upon the support of their local regulatory authorities, and this year Liuyang government officials are allowing some factories with export order backlogs to continue operating until July 20th. Jiangxi's local government frequently allows some factories to continue operating through the summer. Many would like to see Liuyang follow Jiangxi's lead and eliminate the summer break whenever they can do so without compromising safety.

Need Another Reason to Submit Incident Reports to the CPSC? CPSC Commissioners Warn of Higher Penalties to Come

By Jay Howell



In statements issued in conjunction with CPSC's announcement of actions taken against Vornado, several CPSC Commissioners provided some insight into their views on civil penalties and the actions they may seek in future agency actions against the firms they regulate. To provide a bit of context, the Vornado recall involves 350,000 space heaters and the recall notice states the unit can overheat, posing fire and burn hazards. The recall notice also indicates the firm received 19 reports (0.005% of units recalled) of heater-related fires, with one resulting in a fatality.

In a statement regarding the Commission vote to approve the \$7.5M settlement agreement with Vornado, CPSC Chairman Alexander Hoehn-Saric warned that companies that fail to report in a timely manner "should be on notice that the agency will be even more aggressive in the future" when investigating and pursuing civil and criminal penalties. Echoing the Chairman's position, Commissioner Richard Trumka Jr. stated that future penalties "will be multiples higher than they have been in the past" and called on the Department of Justice to criminally investigate Vornado for willfully withholding safety information from CPSC.

Commissioner Feldman also weighed in on the matter, stating that the Commission "approved a woefully inadequate settlement." Commissioner Feldman went on to state that if the CPSC fails "to adequately punish egregious behavior" they may "embolden companies to continue to ignore their reporting obligations and jeopardize our ability as a Commission to fulfill our mission to keep consumers safe."

It is clear the Commission intends to punish those who fail to report but it's not always clear when you have a reportable incident, thus the often heard CPSC mantra "When in doubt, report". Manufacturers, importers, distributors, and retailers must report when they obtain information which reasonably supports the conclusion that 1) a product fails to comply with CPSC laws, regulations, and bans, 2) contains a defect which could create a substantial product hazard, or 3) creates an unreasonable risk of serious injury or death. The factors that trigger a reporting obligation are complex, so either consult with your attorney when you are unsure or file a Section 15 report with the CPSC.

PHMSA Publishes Fireworks Brochures for the APA Standards

By Jay Howell

On June 29, 2022, PHMSA published brochures covering the APA 87-1A, B, and C Standards. The APA 87-1A brochure details the process of required to obtain an EX or FC number and has a section *Compliance and Safe Transportation of Hazardous Materials* that reminds readers that those found to be in violation of a Hazardous Materials Regulation (HMR) are subject to civil and criminal penalties, with criminal violations of the HMRs possibly resulting in sentences of up to 10 years imprisonment and additional fines.

Are you sure that the products you are importing, or that are being produced under your EX or FC numbers, are consistent with the application, diagram, and chemical composition list provided when seeking approval? Compliance with the terms of an approval from PHMSA or an FCA ensures that fireworks devices can be legally and safely transported.



The brochures can be found at

<https://www.phmsa.dot.gov/training/hazmat/phmsa-firework-brochures-2018-apa-standards-87-1-a-b-and-c>.

At It Again! This Time AFSL Staff Meets with Feds and State Officials in South Dakota

By Jay Howell

At the invitation of Lucas Nogelmeier, Sales Manager at Lew's Fireworks, members of the AFSL Team (Jay and Jerry) traveled to

Watertown, South Dakota, in June to conduct a training session how to safely dissect, evaluate, and test the contents of fireworks devices to AFSL and Federal Standards.



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At It Again! – continued

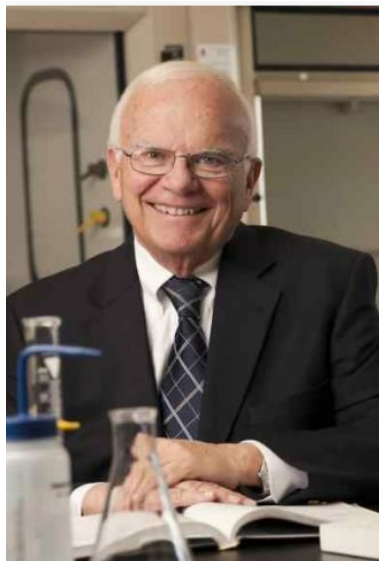
Those who attended our December session in Michigan have effectively used what they learned to improve their ability to enforce Michigan's laws and we were eager to share our knowledge and methods with the folks in South Dakota.

In Watertown we had the opportunity to share our expertise with several enforcement personnel from the South Dakota State Fire Marshal Office, agents from the Bureau of Alcohol Tobacco Firearms and Explosives and the Federal Bureau of Investigation, personnel from Waterford Fire and Rescue, and a couple of folks from South Dakota's Division of Criminal Investigation. This training was put together at the request of Lucas Nogelmeier, who read our *AFSL News* article on the Michigan training and asked if we would be interested in providing training in his community.

The items we tested in South Dakota were not consumer fireworks but illegal explosives that were masked as consumer fireworks. They were loaded with flash powder and the agencies taking part in this joint training were surprised to see the extent to which these items exceeded their legal limits. This training helped AFSL continue to build relationships among the various federal, state, and local agencies with whom we share a mission of public safety.

We welcome the opportunity to assist and advise state and local authorities and are working to expand this effort. If you are aware of an agency in your town that could use our help, be like Lucas and drop us an email.





A Celebration of Dr. John's Life

By Jerry Wingard

Family and friends of Dr. John Conkling recently gathered in Maryland to celebrate his life. Family, fishing buddies, past students, co-workers, neighbors, and friends shared memories and stories of Dr. John.

Ed Hart, Dr. John's son-in-law, along with help from John Jr. and John's nephew, led the celebration. Dr. John was an avid fisherman, and the Fish Hawk Angling Team was there to share their fishing stories involving John. John had always shared some of his fishing stories with me, and after hearing some of the stories told by his fishing buddies and family, I understand why he always smiled when he would talk about those trips. It turns out John always

caught the first fish, and sometimes the only fish, and I learned that Melinda, John's daughter, has inherited those fishing skills from her Dad.

As John's family and friends shared their memories of John, some common themes emerged. Like how Dr. John was a true friend who always had your back. And how he was always the smartest person in the room but didn't let others know it unless someone challenged him. He could not be cornered as he always had the answers and could back them up. He may have thrown a wadded-up piece of paper a time or two, but he made his point spot on.

John, Edward, and Julia, John's grandchildren, spoke of their love for their "Poppy" and the good times they shared with him. Dr. John talked about his grandchildren all the time and always had baseball stories, fishing stories, or just everyday stories about his grandchildren that made him proud. I promise you my eyes were watering at the end of their stories.

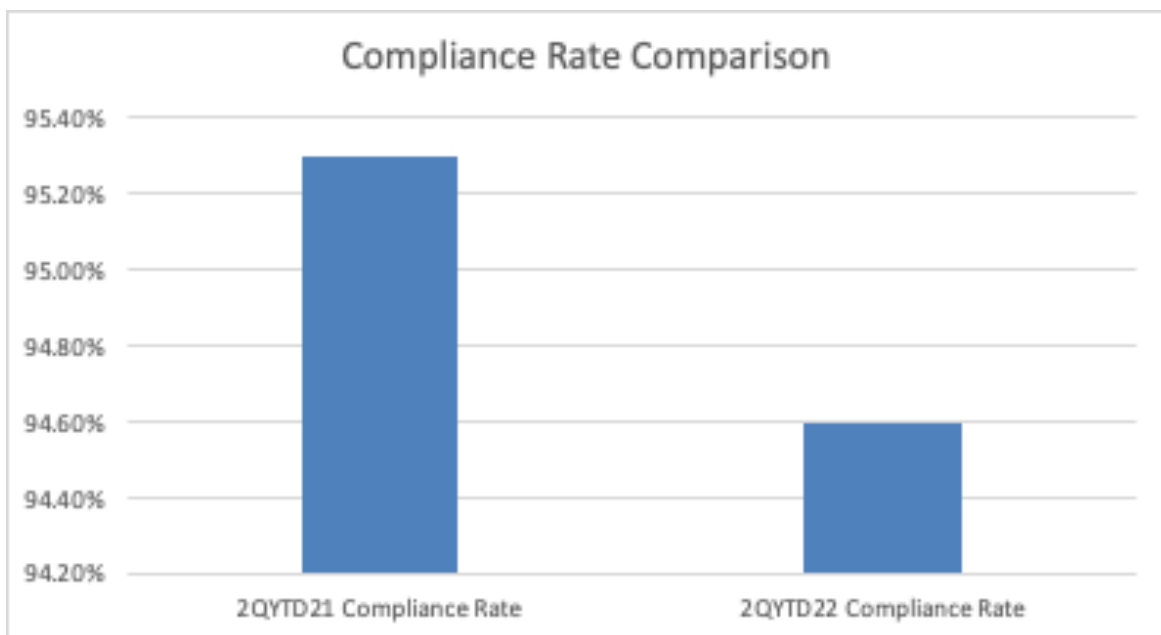
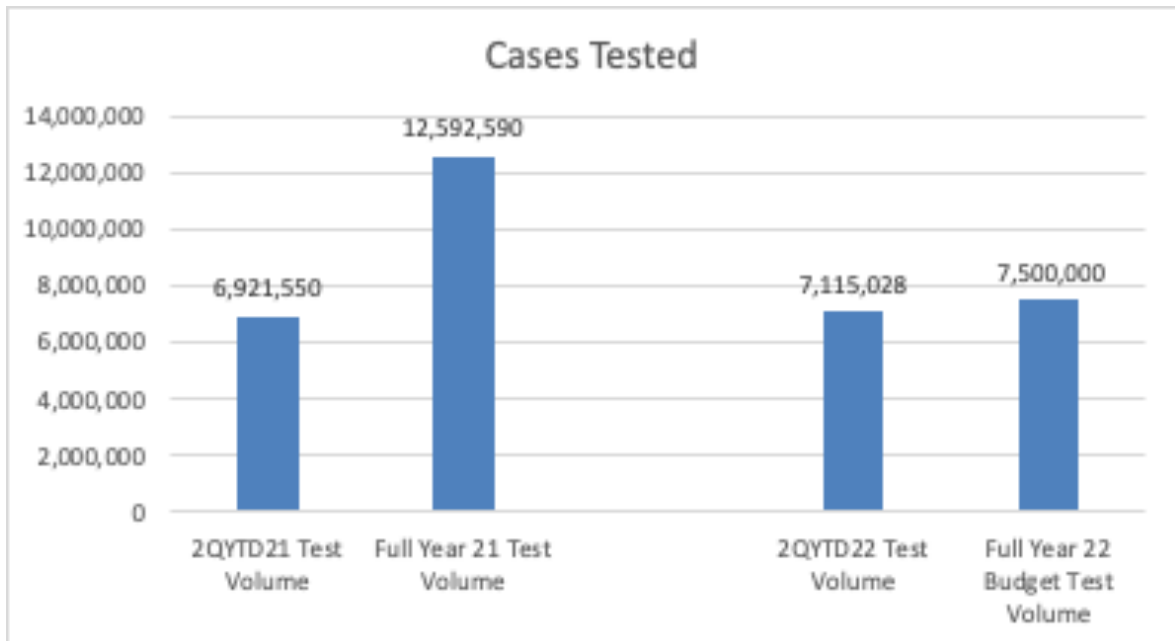


I first met Dr. John in the 80's and know the fireworks industry will miss Dr. John. It is not likely that anyone will be able to fill the void that has been left. There have been many people that have made the fireworks industry what it is today, but none contributed more than Dr. John Alexander Conkling.

Doc keep an eye on us from up there!

By the Numbers - YTD 2nd Quarter 2022

By Jay Howell



2QYTD22 Testing Turnaround Time

