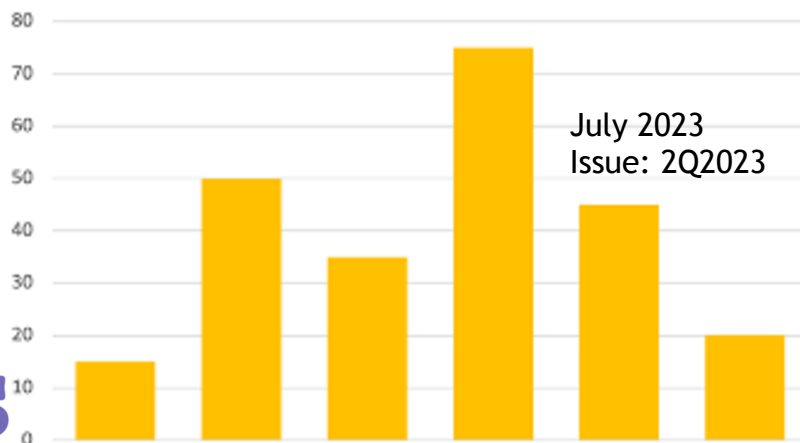




# AFSL News



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## AFSL Staff Returns to China

AFSL Receives a Warm Welcome Upon Their Return

*By Jerry Wingard*

AFSL’s US team made their long overdue trip to China this past June. Having endured all the Covid-related issues during the past several years, we were eager to see our friends and colleagues and Jay needed to meet the AFSL and BV China Teams in person, as video calls fall more than a bit short. William, Emily, and Tony welcomed us as we arrived in Changsha after the long flight.



Despite the length of our absence from Liuyang, much had not changed from our last trip, like smoking on elevators, the crazy air-conditioning schedule, and really firm mattresses. Being a country boy and not easily intimidated, the source of the food and drink were often challenging but as good as I remember. In addition, it was great to see many fireworks people that I had not seen since COVID and hear their stories and adventures over the past several years. I know we thought it was tough in the US, but our friends in China had it double tough.

*Continued on next page*

## AFSL Returns to China *continued*



The annual fireworks technician training went very well. Daniel Huang, with BV, did a great job changing the training style to encourage active participation and keep the technicians fully engaged for three days. AFSL Staff did a good job proctoring the exam and the scores reflected all the work that went into making this a very successful training event. One thing that was emphasized was not being afraid to ask questions if there is an issue or unusual circumstance. It was important that everyone

understand that maintaining the integrity of the AFSL program is the key to the fireworks industry's success and only certifying fireworks that meet DOT, CPSC, and AFSL Standards is not a goal but a requirement.

Many members don't realize the extensive level of experience possessed by many of our technicians. In fact, while in Liuyang I learned that Chris Cai has been testing consumer fireworks with the AFSL program since the inception of the QIP. Chris and William have been involved with the QIP under the three lab groups with whom we've partnered. It was great to have the opportunity to work on issues face-to-face once again with the BV and AFSL Team but it's a long plane ride and I am always glad to return home. But I know all are excited about getting back to China and the business of making consumer fireworks.



*William and Chris*



## State Fire Officials Have Authority to Enforce CPSC Regs

*By Jay Howell*



While the fed may be busy elsewhere, federal law provides for state-level enforcement of federal consumer product safety standards. Section 24 of the Consumer Product Safety Act (CPSA) authorizes the attorney general of any state, without CPSC agreement or permission, to bring suit in federal court to seek damages or injunctive relief against any company or person that transacts business in that state for a violation of any of several “prohibited acts” under Section 19 of the CPSA, including violating CPSC mandatory safety standards. If such action is

initiated, notice to the CPSC is required and no such state action can proceed if the CPSC has previously initiated its own action against the company.

This authority for states attorneys general to act to enforce (via lawsuit) CPSC mandatory standards extends to standards adopted under all of CPSC’s authorizing statutes, including the FHSA and if a state has mandatory product safety standards identical to, or more restrictive than, those of the CPSC, it can separately enforce those standards under its own authority. Section 24 also contains a “citizen suit” provision, enabling “any interested person” to likewise initiate federal suit against a company, alleging a violation of a mandatory CPSC safety standard or a CPSC ordered product safety recall, again with notice to the CPSC.

When taken together, Section 29 (Cooperation with States and Other Federal Agencies) and Section 24 of the CPSA make clear that state fire marshals, working both in cooperation with the CPSC (regarding investigations and information sharing) and with their state attorneys general (regarding direct enforcement lawsuits) are empowered to take an active role in enforcing CPSC’s mandatory fireworks standards to reduce unreasonable risk of injury from illegal consumer fireworks.



## If it is not “overloaded” what is it?

It's an Illegal Explosive!

*By Jay Howell*

Every year, millions of Americans safely celebrate the 4<sup>th</sup> of July, and other events, with fireworks. In addition to watching the professional fireworks displays, many Americans like to put on their own fireworks show with consumer-grade fireworks. Fireworks are great fun, but fireworks are a serious business, and as such are regulated at federal, state, and local levels.



*More than 14,000 mg of what appears to be flash powder.*

While it's not uncommon for people to refer to a consumer firework that exceeds federal limits on the amount of pyrotechnic composition it can contain as an “overloaded” firework, the correct description is “ILLEGAL EXPLOSIVE” according to the ATF. These illegal explosives, often disguised as consumer fireworks, sometimes homemade, threaten the safety of first responders, law enforcement, and the public. In recent years we've seen an uptick in the number of incidents where fireworks and/or potentially illegal explosives are being used as weapons against law enforcement, fire department, and EMS personnel.

These illegal explosives are no joke. They have not been tested for compliance with federal standards and generally contain a dangerous amount of pyrotechnic composition. Federal law prohibits the manufacture, storage, distribution, transport, or receipt of explosive materials without a federal explosives license or permit. The mere possession of illegal explosives can result in being federally prosecuted with substantial monetary penalties and jail time attached to a conviction. In addition to being illegal, these illegal explosives are very dangerous and subject all in the vicinity of these devices to a high risk of injury.

