



National Fireworks Association

Executive Director

Nancy Blogin

8224 NW Bradford Court | Kansas City, MO 64151

Phone: 816-505-3589 | nlblogin@gmail.com

April 17, 2019

Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Re: Agenda and Priorities FY 2020 and/or 2021, 84 FR 10050

To the Commission:

The National Fireworks Association (“NFA”) respectfully submits these comments in response to the request for views about the Commission's agenda and priorities for fiscal years 2020-2021.

NFA appreciates the vital role that the Commission and CPSC staff perform in protecting American consumers from unreasonable risks of injury or death, and NFA shares in its goal of consumer safety. NFA also recognizes that with limited resources and thousands of products under its jurisdiction, CPSC must choose wisely where it will devote its efforts.

It is with this in mind that NFA strongly urges the Commission to halt all activity on the proposed “Metals Ban” in the proposed Amendments Fireworks Regulations, Docket No. CPSC-2006-0035. More than three years after being proposed as an “interpretative” rule, the Metals Ban still lacks any safety or scientific justification. And it threatens to limit consumers’ enjoyment of a cherished tradition while hurting small businesses across the country, as demonstrated by the thousands of commentators who have spoken up against it.

To the extent the Commission chooses to move forward on the proposed amendments, NFA urges the Commission to adopt a permissible metals allowance between 10% and 15% – far less than the 30% metals content of some devices that Staff has recognized are currently in the marketplace. Given the widespread changes to device composition, base attachment, and other components in the proposed amendments, a metals allowance of 10-15% would be a reasonable and prudent step forward.¹

¹ In its prior written comments, NFA has advocated for a permissible metals allowance of 15%. See pp. 10-12 of March 14, 2018 Comments and p. 14 of July 17, 2017 Comments. Testing results submitted by NFA demonstrate that non-metallic powders can have the same energetics as powders with 12.5% powdered aluminum. See September 24, 2018 Letter attaching *Burst Charge Powders Equivalency Testing*. Although this data supports a metals allowance of greater than 10%, NFA would be willing, as a compromise, to accept a final rule with an allowance of between 10% and 15% given that most aerial devices could function in a safe and proper manner with those amounts of powdered metals in their burst charges.

Consumer Product Safety Commission

April 17, 2019

Page 2

NFA does not oppose most other aspects of the proposed amendments, as set forth in its prior comments. NFA thus supports the Commission moving forward on the proposed amendments, with a reasonable metals allowance between 10% and 15%.

NFA supports reasonable guidelines on formulations of burst charges in aerial devices, and those guidelines should preserve market norms while targeting outliers. As NFA has stated time and time again, it is ready to roll up its sleeves and join with the CPSC, the APA and the AFSL, to reach a solution that makes sure aerial fireworks continue to be safe for consumers.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Blogin". The signature is written in a cursive, flowing style.

Nancy Blogin
Executive Director