



February 3, 2026

Public Safety Fireworks Enforcement Task Force – Draft Report

Dear State Fire Marshal Berlant and Members of the Task Force:

Thank you for the opportunity to submit comments on the Draft Public Safety Fireworks Enforcement Task Force Report (“Draft Report”). At the outset, I wish to express my support for the comments and concerns submitted separately by General Fireworks Advisory Committee (GFAC) members Dennis Revell, Tad Trout, and Pyro Spectaculars.

I recognize and appreciate the significant effort and expertise invested by the Task Force, as well as the engagement of the GFAC in providing stakeholder input on the Draft Report. As a member of the GFAC representing the American Pyrotechnics Association (APA) and the national interests of the fireworks industry, I value the opportunity to contribute a broader regulatory and operational perspective.

While I acknowledge the substantial work undertaken by the Task Force to analyze the tragic Esparto incident, it is my understanding that the criminal investigation remains ongoing and that the initial findings have not been publicly released or shared with the GFAC. In the absence of finalized investigative findings, it is difficult to offer specific recommendations regarding accident causation or preventive measures. Accordingly, my comments focus on the existing federal regulatory framework governing fireworks manufacturing, the importation of fireworks and hazardous materials, and the notification and filing requirements applicable to U.S. ports of entry. These comments are offered based on my decades of experience working with the regulated fireworks and hazardous materials community.

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4891 Long Beach Rd., SE, Suite 3, Box #291 ● Southport, NC 28461 ● (301) 907-8181 ● info@americanpyro.com

Historical Perspective on Fireworks Manufacturing Accidents

Fireworks manufacturing is inherently hazardous and requires strict adherence to federal regulations promulgated by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the U.S. Occupational Safety and Health Administration (OSHA), and the industry consensus standard NFPA 1124, *Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles*.

The two deadliest fireworks manufacturing incidents in U.S. history occurred in the 1980s: the May 27, 1983, explosion at an illegal fireworks manufacturing operation in Benton, Tennessee, which resulted in 11 fatalities, and the June 25, 1985, explosion at Aerlex Fireworks Manufacturing Company in Hallett, Oklahoma, which claimed 26 lives. These tragedies prompted congressional hearings and revealed significant regulatory gaps within the industry at that time.

As a result, substantial safety reforms were implemented nationwide. OSHA issued Fireworks Manufacturing Compliance Policies, Instructions, and Directives between 1983 and 1986, with a focus on worker safety and health. These reforms addressed, among other issues, means of egress, static discharge controls, and personal protective equipment requirements, including conductive footwear, mats, and flooring in mixing and loading buildings involving salute powder.

ATF likewise strengthened its regulatory framework by increasing required separation distances between manufacturing process buildings, storage areas, inhabited buildings, and public roadways. These measures were designed to prevent cascading or “domino effect” explosions such as those experienced in Benton and Hallett. ATF further limited the quantity of pyrotechnic composition permitted in process buildings and restricted the number of employees allowed in areas where pyrotechnic chemicals or mixtures are present. Specifically, ATF regulations limit salute powder (commonly made by mixing aluminum powder and potassium perchlorate) to a maximum of 10 pounds in any process building or area and restrict other in-process pyrotechnic compositions to a maximum of 500 pounds.

The regulated fireworks industry embraced these reforms. Over the past four decades, fireworks manufacturing incidents have been rare, and when they have occurred, the resulting impacts—including loss of life and severe injury—have been dramatically reduced.

Importation of Fireworks and Hazardous Materials

The importation of hazardous materials into the United States is governed by regulations administered by the U.S. Department of Transportation (49 C.F.R.), the U.S. Environmental Protection Agency (EPA), and U.S. Customs and Border Protection (CBP). All fireworks transported within the United States must be classified and approved by DOT as safe for transportation. Each approved fireworks item is assigned a unique 10-digit EX or FC number, which reflects successful completion of required testing, including thermal stability testing to ensure the product will not spontaneously ignite under elevated temperature conditions.

Fireworks that lack DOT approval are prohibited from transportation. EX or FC numbers must appear on shipping cartons or shipping papers. Fireworks are classified based on size and composition into explosives 1.4G (consumer fireworks, UN0336), explosives 1.3G and 1.1G (display fireworks, UN0335 and UN0333), and Articles Pyrotechnic 1.4G (UN0431) used for technical or professional display purposes.

Each shipping carton containing fireworks or other hazardous materials must be properly marked and labeled to communicate the associated hazards. Fireworks cartons must display the appropriate orange diamond-shaped hazard label indicating classification as 1.1G, 1.3G, or 1.4G explosives.

EPA regulations require importers to submit a Toxic Substances Control Act (TSCA) certification to CBP, declaring whether a shipment is subject to TSCA. Fireworks are exempt from TSCA; however, chemicals commonly used in fireworks manufacturing, such as aluminum powder and potassium perchlorate, are subject to TSCA requirements and additional reporting obligations under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Import Documentation and Port Clearance

The Importer of Record (IOR) bears legal responsibility for ensuring compliance with all applicable federal and state regulations. Required documentation typically includes CBP Form 3461, TSCA certifications, bills of lading, commercial invoices, safety data sheets, and entry summaries filed through CBP's Automated Commercial Environment (ACE).

The Importer Security Filing (ISF), commonly known as "10+2," must be submitted no later than 24 hours prior to vessel loading and includes detailed information regarding the seller, buyer, manufacturer, country of origin, and shipment logistics. Failure to comply may result in liquidated damages of up to \$5,000 per violation.

Historically, west coast ports have handled the majority of fireworks imports due to sourcing patterns; however, supply chain disruptions during the pandemic led to increased use of east coast and inland ports. Regardless of port location, CBP relies on advance electronic filings to determine whether shipments may be released or held for inspection, enforcement action, or refusal of entry.

Import Surveillance of Consumer Fireworks

The U.S. Consumer Product Safety Commission (CPSC) operates a robust import surveillance program to prevent noncompliant fireworks from entering the U.S. marketplace. Working in coordination with CBP, CPSC targets shipments for inspection, focusing on common violations such as overloaded pyrotechnic compositions, illegal fuses, and banned devices.

Enforcement actions may include seizure, destruction, or re-export of noncompliant products. Consumer fireworks are tested for compliance with the Federal Hazardous Substances Act, and importers are required to maintain and electronically file certificates of compliance supported by third-party testing.

This enforcement model has successfully shifted regulatory oversight upstream to ports of entry, allowing for more effective interception of unsafe products.

Concluding Observations and Recommendations

The fireworks industry is subject to extensive federal, state, and local regulation. Multiple federal agencies, including ATF, CPSC, DOT, and EPA—exercise oversight, complemented by state and local authorities. Robust regulatory requirements govern manufacturing, storage, transportation, importation, and emergency planning. The framework exists to promote safety, accountability, and transparency.

Accordingly, it is essential to determine whether existing requirements were followed in the Esparto incident and, if not, why. Any future regulatory actions should be informed by factual findings and carefully calibrated to avoid imposing unnecessary burdens on compliant operators while effectively addressing unlawful or negligent conduct.

With respect to illegal fireworks entering California, I recommend enhanced coordination between the Office of the State Fire Marshal, CPSC, and CBP to increase scrutiny of containers destined for the state. Consumer fireworks legally sold in California are readily identifiable, and targeted enforcement efforts could more effectively address illicit imports.

When tragedies occur, the fireworks industry is committed to learning from them and strengthening safety where appropriate. Regulatory changes should be approached thoughtfully, with a focus on improving compliance and enforcement against bad actors rather than duplicating or expanding requirements that already exist and are being followed by responsible industry participants.

Thank you again for the opportunity to provide comments on the Draft Report. I appreciate the Task Force's consideration and remain available to assist further.

Respectfully submitted,



Julie L. Heckman
Executive Director
American Pyrotechnics Association