

CPSC's Proposed Rule on Amendments to Fireworks Regulations

On February 2, 2017, the Consumer Product Safety Commission (CPSC) published a proposed rule titled: *Amendments to Fireworks Regulations*.¹ The proposed rule aims to reduce the risk of death or injury caused from the use of consumer fireworks by imposing various requirements including changes to manufacturing. The Commission performed an IRFA in which it stated that in many instances it did not have enough information about compliance costs to be able to determine whether the requirement would have a significant impact on a substantial number of small entities.

On July 17, 2017 the Office of Advocacy (Advocacy) filed a comment letter urging CPSC to conduct a proper regulatory flexibility act analysis and publish any subsequent analysis for public comment. The letter to CPSC may be accessed at: <http://sba.gov/advocacy>.

- The CPSC identified approximately 165 importers, of which 121 are considered small businesses.
- The proposed rule has several requirements, the most significant of which is that it limits devices that contain metallic fuel less than 100 mesh in particle size in the burst charge to two grains of pyrotechnic composition, and uses an XRF laser to determine whether a product contains metallic fuel. The requirement ultimately aims to remove metallic fuel from the burst charge and instead replace it with black powder.
- Advocacy spoke with small businesses who indicated that the proposed rule will have a significant impact on their business. Specifically, they stated that the requirement will significantly alter the visual effects of their products, making them less marketable.
- Advocacy urged the CPSC to perform a proper RFA analysis including analyzing compliance costs and significant alternatives and publish a supplemental IRFA for public comment.
- For more information visit Advocacy's web page at www.sba.gov/advocacy, or contact Prianka Sharma at (202) 205-6938.

¹ Amendments to Fireworks Regulations, 82 Fed. Reg. 9012 (February 2, 2017). (to be codified at 16 CFR 1500 and 1507).