



Chemical Safety and Hazard Investigation Board

OFFICE OF GENERAL COUNSEL

Memorandum

To: Board Members

From: Richard C. Loeb *RCZ*

Cc: Leadership Team
Christina Morgan
Mark Kaszniak

Subject: Board Action Report – Notation Item 2013-57

Date: October 21, 2013

On September 30, 2013, the Board approved Notation Item 2013-57, thereby designating Recommendation 2011-06-I-HI-R12, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (from the Donaldson Enterprises Investigation), with the status of Open – Acceptable Response.

Voting Summary – Notation Item 2013-57

Disposition: APPROVED

Disposition date: September 30, 2013

	Approve	Disapprove	Calendar	Not Participating	Date
R. Moure-Eraso	X				9/23/2013
M. Griffon	X				10/8/2013
B. Rosenberg	X				9/30/2013



U. S. Chemical Safety and Hazard Investigation Board

RECOMMENDATIONS STATUS CHANGE

SUMMARY

Report:	Donaldson Enterprises, Inc. Fatal Fireworks Disassembly Explosion and Fire
Recommendation Number(s):	2011-06-I-HI-R12
Date Issued:	January 17, 2013
Recipient:	Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF)
New Status:	R12: Open – Acceptable Response
Date of Status Change:	September 30, 2013

Recommendation Text(s):

Effectively participate in the National Fire Protection Association's standard development process to develop guidance on the safe disposal of fireworks, as recommended under recommendation 2011-06-I-HI-R7¹.

Board Status Change Decision:

A. Rationale for Recommendation

On April 8, 2011, an explosion and fire occurred in a leased magazine at Waikele Self Storage in Waipahu, Hawaii that was being used by Donaldson Enterprises, Inc. (DEI) for seized fireworks storage and disposal-related activities. As a result of the explosion and fire, five DEI personnel were fatally injured and a sixth sustained minor injuries.

As part of its investigation, the CSB reviewed BATF regulations pertaining to importation, manufacturing, distribution and storage of commercial display fireworks at 27 CFR Part 555 and their relationship to disposal-related activities. The CSB concluded that these regulations provide no guidance on fireworks disposal or disassembly activities. However, in light of the BATF's role in confiscation and proper disposal of illegal fireworks, the Board voted to recommend that the BATF participate in the National Fire Protection Association's standard development process pertaining to the safe disposal of fireworks.

B. Response to the Recommendation

¹ CSB Recommendation 2011-06-I-HI-R07, to the NFPA, reads as follows:

Develop a new standard, or incorporate within an existing standard, best practice for the safe disposal of waste fireworks that are consistent with environmental requirements. At a minimum this guidance or standard should:

- *Discourage the disassembly of waste fireworks as a step in the disposal process;*
- *Minimize the accumulation of waste explosive materials, and encourage practices that reduce, recycle, reuse, or repurpose fireworks; and*
- *Incorporate input from ATF, EPA, and other agencies, experts, and available resources on fireworks disposal methodologies.*

In its response, the BATF “fully agreed” with the CSB’s recommendation and indicated that BATF has contacted the National Fire Protection Association and will participate in the standard development process pertaining to the safe disposal of fireworks.

C. Board Analysis and Decision

As the response by BATF indicates preliminary actions that are consistent with the intent of CSB Recommendation No. 2011-06-I-HI-R12, the Board voted to change the status of this recommendation to: “Open-Acceptable Response.”