



## U. S. Chemical Safety and Hazard Investigation Board RECOMMENDATION STATUS CHANGE SUMMARY

<b>Report:</b>	Donaldson Enterprises, Inc. Fatal Fireworks Disassembly Explosion and Fire
<b>Recommendation Number:</b>	2011-06-I-HI-R12
<b>Date Issued:</b>	January 17, 2013
<b>Recipient:</b>	Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
<b>New Status:</b>	Closed – Unacceptable Action/No Response Received
<b>Date of Status Change:</b>	October 25, 2022

### **Recommendation Text:**

*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-R7<sup>1</sup>.*

### **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 a part of its investigation, the U.S. Chemical Safety and Hazard Investigation Board (CSB) reviewed Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) 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 determined that these regulations provide no guidance on fireworks disposal or disassembly activities. The CSB also noted that national consensus standards pertaining to explosives developed by the National Fire Protection Association (NFPA) provided no guidance on fireworks disposal or disassembly activities other than recommending that the manufacturer be contacted. Since this option may not be feasible with illegal imported fireworks, the CSB identified a gap in the consensus standards and recommended that the NFPA spearhead efforts to develop guidance on fireworks disposal. However, in light of the ATF's role in confiscation and proper disposal of illegal imported

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<sup>1</sup> CSB Recommendation 2011-06-I-HI-R7, to 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.*

fireworks, the Board also recommended that the ATF participate in the NFPA's standard development process to develop guidance on the safe disposal of fireworks.

#### B. Response to the Recommendation

Despite advising the CSB of its initial support for this Recommendation, other than being directed back to the Alabama-based ATF National Center for Explosives Training and Research (NCETR) by the Hawaii field office (March 25, 2022), the CSB has not heard from the ATF regarding this recommendation since October 30, 2013, although several follow-up attempts have been made by the CSB, specifically:

- April 25, 2017 - Follow-up e-mail to ATF POC at ATF NCETR
- January 11, 2018 - Follow-up letter: Director of Recommendations to ATF POC at ATF NCETR
- February 13, 2019 - Second follow-up letter: Director of Recommendations to ATF Deputy Director
- January 21, 2020 - Status change letter: CSB Interim Executive to ATF Director
- October 26, 2020 - Third follow-up letter: Director of Recommendations to ATF Acting Director
- March 22, 2022 - Called Seattle field office and left message
- March 23, 2022 - Called Honolulu Field Office, mailbox was not accepting messages
- March 24, 2022 - Called Hawaii Count field office and left message
- March 25, 2022 - Received call back from an explosives specialist in Hawaii Count field office. He explained that they had nothing to do with regulations, but that he would forward my name and number to the Alabama tech center for response. No response received.

Moreover, the CSB has been following the progress of the NFPA's efforts on developing hazardous waste/pyrotechnics disposal provisions to be inserted into existing NFPA 400, *Hazardous Materials Code*, and notes that a Technical Committee for hazardous waste was formed on December 1, 2016, that included DOT and EPA representatives, but no representative from ATF. Also, no ATF member is currently serving on the NFPA 400 Technical Committee which is responsible for proposing and evaluating changes to that standard. The first draft of NFPA Standard 401 was released for public comments in June of 2021, ATF did not submit any comments or participate in any other way.

#### C. Board Analysis and Decision

As ATF has not participated or supported NFPA's efforts to develop guidance pertaining to safe disposal of fireworks and has not responded to the CSB's many inquiries on the matter, the Board voted to change the status of CSB Recommendation No. 2011-06-I-HI-R12 to: "Closed—Unacceptable Action/No Response Received."