



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

Report:	Donaldson Enterprises, Inc. Fatal Fireworks Disassembly Explosion and Fire
Recommendation Number:	2011-06-I-HI-R12
Date Issued:	January 17, 2013
Recipient:	Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
New Status:	Open – Unacceptable Response/No Response Received
Date of Status Change:	December 13, 2019

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-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 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 in 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

¹ 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 voted to recommend 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 in early 2013, the CSB has not heard from the ATF since October 30, 2013, despite several follow-up attempts.

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 the 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.

C. Board Analysis and Decision

As the ATF is not effectively participating or supporting NFPA's ongoing efforts to develop guidance pertaining to safe disposal of fireworks, the Board voted to change the status of CSB Recommendation No. 2011-06-I-HI-R12 to: "Open—Unacceptable Response/No Response Received."