



Advisory – Bottle Sparklers Marketed to the General Public

April 26, 2011

TO: APA Members

FROM: Julie L. Heckman, Executive Director

SUBJECT: Important Industry Advisory Regarding Bottle Sparklers / Ice Fountains Marketed to the General Public

The APA has received numerous calls from the fire and enforcement community regarding the sale of “Bottle Sparklers” to the general public for indoor use. There is a proliferation of these devices being sold over the internet and marketed as ‘de-regulated’ novelty devices.

It is the position of the APA that these devices are NOT de-regulated novelties in accordance with the criteria set forth in APA Standard 87-1 but rather these devices are 1.4G Articles, Pyrotechnic commonly known as “ice fountains” when marketed for indoor use and must be used by trained professionals, with appropriate permits, in accordance with NFPA 1126 and all other applicable fire codes.

We know that some Consumer Fireworks retailers have formal EX Approvals for these types of small fountain devices for outdoor use as 1.4G Consumer Fireworks and have ensured that all CPSC labeling (cautions, warning and use) information is provided. We believe these devices are legal when they meet all CPSC labeling criteria and are offered as Consumer Fireworks for outdoor use.

However, we are concerned about those devices being mass marketed as de-regulated novelties to the general public, party supply stores, wedding and event planners, nightclubs, restaurants and bars. These Bottle Sparklers and traditional Ice Fountains should be classified as 1.4G Articles Pyrotechnic, UN0431 and must be used by trained professionals at venues where proper permits have been obtained and compliance with the fire codes is strictly followed.

The APA is very concerned that with the popularity of the devices and the mass marketing over the internet to nightclubs, restaurants, bars and event planners and ordinary customers who are not familiar with indoor pyrotechnics and the applicable regulations, that a potential for a significant tragedy exists. It would be prudent for anyone selling these devices as de-regulated devices, to immediately stop selling them until you have applied for and received the appropriate 1.4G Articles

Pyrotechnic EX Approval to only sell those devices for use by trained professionals, and have made efforts to restrict your sales accordingly.

We intend to advise the U.S. Consumer Product Safety Commission and local fire authorities of APA's actions and concern regarding these products. With this advisory, we are providing you a "heads up" regarding our intent so that, if necessary, you may take appropriate action to ensure you do not have a problem in the event of possible increased field inspection and enforcement activity.

As professionals in the fireworks industry, APA members set the bar high for a good and responsible industry. Our members put safety first and that is essential for the reputation and health of our industry. We always prefer to set high standards not just on moral grounds but because it is good business to do so. Avoiding tragic incidents is our highest priority.

We ask that anyone who knows about retailers selling these devices to the general public do their part to educate the retailer and prevent this from occurring in the future. This serves both the general safety of the public but also helps to preserve the industry's strong safety record. Thank you for taking steps to keep that safety record intact.

If you have any questions regarding this advisory, please contact APA's Executive Director, Julie Heckman, at (301) 907-8181.

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