This is an open letter to members of the PGI and pyrotechnic hobbyists everywhere for the purposes of updating you on the Consumer Product Safety Commission (CPSC) situation, asking your cooperation in (not) dealing with that agency, and soliciting your continued support.

Most or all of you should be aware of the ongoing efforts by the CPSC - your government at work, spending your tax dollars - to eliminate your access to certain critical chemicals - predominantly oxidizers and metal fuels - and other materials necessary to pursue your hobby. They seek to achieve this by persecuting - and prosecuting - our suppliers. You should also know that the Fireworks Foundation, in conjunction with these suppliers and with the assistance of the PGI, has made a stand and is engaged in a vigorous and expensive defense of Firefox Enterprises from the CPSC assault on their business and our hobby.

Recently, we have become aware that a few well-intentioned hobbyists have, for various reasons, contacted the CPSC related to this matter. Most often these contacts have been made in an earnest and otherwise-admirable effort to ensure that their hobbyist activities are fully legal. We ask that you please do NOT have further contact with the CPSC. Here’s why, in the simplest possible terms.

The only interest the CPSC has in us is the extermination of our hobby. They will exploit any contacts you have with them for whatever information they can extract from you to support that purpose alone, regardless of how innocent or well-intentioned the contact is. Because you are reasonable, law abiding, and helpful and assume the same of others, you believe a dialogue can be mutually helpful. Wrong. The CPSC, smiling like the Cheshire cat, will engage you in dialogue, pump you for information, and use that information to more effectively destroy us. When they have gotten all they want from you, you will never hear from him again. Don’t do it. Just say no.

The CPSC’s stated purpose is to eliminate injuries to consumers from illegal flash-based explosives (e.g., “M-80’s”). We have no doubt that this is true. However, they apparently believe that pyrotechnic hobbyists are the source of this problem. They ignore evidence to the contrary - it doesn’t suit their preconceived notions (or, perhaps, their real purposes). They will be cheerful and seem friendly, and pay lip service to "finding a cooperative solution to our chemical supply needs," but from bitter experience we’ve come to understand that "cooperation" with them means we talk, they listen and question, and then they do nothing to help us, but instead use whatever they’ve learned against us in any way they can.

We can only conclude that they simply want to get rid of us.

Almost a year ago, when the Firefox case was just beginning, we, too, naively thought they would help us find a solution. To that end we and a group of pyro community members including Bill Bahr, Frank Kuberry, Harry Gilliam, Joe Domanico, and others met at CPSC headquarters with Gib Mullan, who is in charge of the office responsible for this issue. Also present were members of his staff including Jim Joholske and a phalanx of lawyers. We of the pyro hobbyist community came to the meeting ready to help find a way for the CPSC to perform their mission to interdict and prosecute unlawful manufacturers and distributors of "M-80’s" while hoping to reach an accommodation that
would spare our hobby.

To our surprise and dismay, it was made abundantly clear to us by Gib Mullan, both explicitly and implicitly, that the purpose of the meeting did NOT involve any attempt by the CPSC to help us survive but was ENTIRELY for their benefit in gaining information about us. Beneath a polite veneer, the meeting and some later follow up conversations had the unmistakable tone of an adversarial cross examination. Subsequent events have only served to confirm that their real interest was limited to better preparing themselves to exterminate us. There have been no further contacts by the participants in that meeting with the CPSC.

This is why attorneys tell clients NOT to talk to the police. They are NOT there to help you. They are there to build a case against you. The more you talk to them, the more you jeopardize yourself. We now believe that the more we talk to the CPSC, the worse off we are. Their interests are inimical to ours. We will now talk to the CPSC ONLY through our attorneys. Please let our lawyers be the only contact between our community and the CPSC.

Despite all this, we do not feel that the CPSC is inherently evil. Rather, we feel that they are fundamentally and irredeemably possessed of a misperception of which all our reasonable efforts have failed to dissuade them. They really believe that if they get rid of hobbyist fireworks, they will make a significant impact on illicit salute manufacturer and distribution. They ignore evidence to the contrary- for example the fact that our LEGAL hobby consumes - in one year - an amount of dark aluminum (about 1,000 pounds in 2004) approximately equal to that involved in ONE SINGLE BATFE seizure of an ILLEGAL salute manufacturing and distribution operation in the Wisconsin/Illinois area which involved over 100,000 devices and over 2900 pounds of flash powder. Thus, our hobby uses in one year, less aluminum than a significant illicit manufacturer has on hand at any given time.

The CPSC cites accidents where hobbyists are injured in pursuit of their hobby. None of the cases we are aware of have involved injuries to anyone other than the hobbyist and none have involved sale or distribution of fireworks to the public. The injuries in question are sustained by adult hobbyists engaging voluntarily in an activity known to entail some risk. Like skydivers or SCUBA divers (hobbies in which the CPSC displays no detectable interest), they accept these risks and, occasionally, suffer the consequences. These cited examples are NOT cases of unsuspecting 10 year old kids getting hurt by some illegal fireworks sold to them by an unscrupulous and profiteering bootlegger, but the CPSC seems not to perceive the distinction.

We know that the CPSC will read this, but, we have nothing to hide. Their preconceived notions notwithstanding, we are NOT the problem and getting rid of us will do nothing to address their ostensible concerns (though you can bet the breast-beating press release will say otherwise).

If you think all this a bit paranoid, let us offer two further things in evidence:

1) Please feel free to contact any of the other participants from the pyro community at the aforementioned meeting with the CPSC for a second opinion.
2) In the very recent past, both the PGI and the Fireworks Foundation were formally notified by the Internal Revenue Service (IRS), within a week of each other and by the same IRS agent, that they are to be the subject of tax audits. According to the agent, these audits were "referred," not random, audits, meaning that the IRS was requested by a third party to audit the Foundation and the PGI. By IRS regulation, the agent cannot tell us who or what agency referred us for audit, but, in our opinion, it takes very little imagination to figure it out.

Yes. That’s right. Some "unknown entity" has, by written request, set the IRS on us. You see, until we decided to help Firefox, all other CPSC targets, lacking the resources to defend themselves, obligingly rolled over and died. As the only entities with a prayer of mustering adequate resources to defend our community, the Guild and the Foundation have now become the targets. If we can be neutralized, killing off the remaining chemical suppliers will be as easy as shooting fish in a barrel.

We have no great fear of the audit - we have good attorneys and we have, we believe, behaved in a scrupulously legal manner - but the audit will deplete our meager resources, both in terms of money and (volunteer) time and focus, and thereby constrain our ability to mount a proper defense - which is, of course, our adversary’s objective.

Understand what is going on here: Our government is spending your tax dollars to impair our ability to effectively use your contributed dollars to defend ourselves against -- our government. All the money in the pot is ours, and much of it - the majority of it - is being used by the government to either attack us or constrain our ability to defend our community.

Are you angry yet?

Our advice to all members of our community is as follows:

1) Do not have any contact with the CPSC.
2) Refer all contacts to our lawyers through the Board of the PGI, the Board of the Fireworks Foundation, or John Steinberg.
3) If you are a target personally, hire a lawyer and do only as the lawyer suggests.
4) PLEASE DONATE ALL YOU CAN, IMMEDIATELY, TO THE FIREWORKS FOUNDATION, either by mail at The Fireworks Foundation, C/o Mike Swisher, 14511 Olinda Blvd. N., Stillwater, MN 55082, or online via credit card/PayPal at http://www.fireworksfoundation.org.

Thank you.

Tom Handel
1st VP, PGII

John Steinberg
Trustee, The Fireworks Foundation