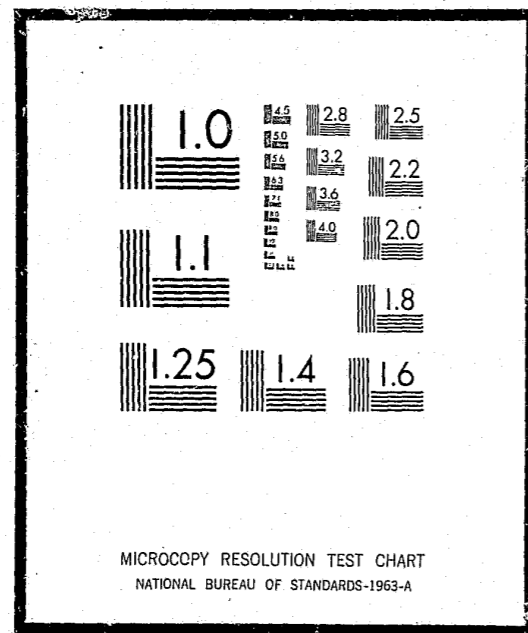


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FIREWORKS

PLANT EXPLOSIONS and BOOTLEG TRAFFIC in ILLINOIS

**A REPORT TO THE
ILLINOIS GENERAL ASSEMBLY**



BY THE
ILLINOIS LEGISLATIVE INVESTIGATING COMMISSION

300 West Washington Street, Chicago, Illinois 60606

Telephone (312) 793-2606

JUNE 1974

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THIS REPORT IS RESPECTFULLY
SUBMITTED PURSUANT TO HOUSE
RESOLUTION 414 ADOPTED BY
THE ILLINOIS HOUSE OF REPRESENTATIVES ON JUNE 13, 1973

*Cover Photograph Courtesy of Illinois
Fireworks Company, Danville, Illinois*

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TO: HONORABLE MEMBERS OF THE GENERAL ASSEMBLY

This report represents our findings, conclusions and recommendations pursuant to the investigation mandated to this Commission, through House Resolution 414, sponsored by Representative Calvin L. Skinner, and adopted by the Illinois House of Representatives on June 13, 1973.

This report also includes a proposed fireworks law drafted by the Commission, an Appendix, for introduction at the next session of the Illinois General Assembly. It is addressed to the prevailing serious fireworks problem and would replace existing State law which is archaic and does not adequately protect the public's health, safety and welfare.

By a vote of the Illinois House of Representatives on January 9, 1974, the date on which the Commission was directed to report its findings to the General Assembly was extended from November 1, 1973, to April 30, 1974. This was occasioned by the fact that the Commission's staff required additional time to complete its thorough investigation because of the volume of its duties concerning other equally important investigations assigned to it by the House of Representatives.

Chapter 1 reflects the Commission's findings relative to the explosions of four fireworks plants, an explosion during a public fireworks display, and an explosion of a discarded aerial shell while two youngsters were playing with it.

Chapter 2 relates to another mandate of House Resolution 414 which instructed the Commission, with the help of the State Fire Marshal, to monitor the patriotic fireworks displays held in celebration of Independence Day, 1973. In that regard we also received the assistance of many fire departments throughout the State. We sent questionnaires

to each of 1,164 fire departments requesting them to monitor displays on that date and report their findings to us, including details concerning the sponsors, the operators of the displays and any accidents that may have occurred.

From that mailing we received a total of 506 returns or approximately 43 per cent of all the departments contacted. A total of 257 fire departments reported that displays were held, 18 of which were staged without the required permits. Only two departments recorded minor injuries to six persons caused by debris falling into the spectators area.

In Chapter 3 we included our findings concerning the extensive illicit traffic in fireworks, commonly referred to by those in the industry as bootlegging.

We identified various known and suspected fireworks bootleggers in Illinois and out of state who are involved in the illegal intrastate and interstate traffic. Also identified were fireworks companies in Illinois who illegally diverted fireworks to bootleggers. Details are also furnished concerning two undercover investigations conducted by Commission agents.

In one case two Commission undercover agents purchased \$2,000 worth of fireworks from Elmer Lee Smith and Ray Allen Mason who transported the products from Ohio to Willow Springs, Illinois. They were arrested on August 3, 1973, by the local police and agents of the Illinois Bureau of Investigation. The previously identified purchase money was recovered, and the fireworks were seized.

In the other investigation another two Commission undercover agents purchased \$115 of fireworks, without a valid permit, from Anthony T. Cartolano, owner of the New Melrose Fireworks Display Company in Huntley, Illinois, on June 28, 1973.

Details concerning both of these investigations and all of our files containing many investigative leads have been furnished to the Chicago office of the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department.

The Commission also furnished information to the St. Louis, Missouri office of the Bureau of Alcohol, Tobacco and Firearms concerning clandestine manufacturing opera-

tions in Missouri. Subsequently a site in Rolla, Missouri was successfully raided in August, 1973, and a large quantity of M-80 salutes were seized. Defendants Robert Wilson and Larry Bradshaw were later indicted in federal court in St. Louis.

House Resolution 414 further instructed the Commission to investigate the importing, manufacture, transportation and ignition of fireworks. Our investigation in that regard is included in Chapter 4.

Chapter 5 contains summaries of testimony from 22 witnesses who appeared at public hearings we conducted in Chicago on December 17-18, 1973. They included Commission undercover agents, fireworks bootleggers, owners of fireworks companies, State enforcement authorities, and fireworks experts.

On December 19, 1973, public hearings were conducted in Woodstock, Illinois. Sheriff Arthur Tyrrell of McHenry County, a Commission agent, fireworks company owners, and former employees of the former Melrose Display Fireworks Company that exploded in 1972, were among the 15 witnesses who testified. Summaries of testimony of all these witnesses are included in Chapter 6.

The transcripts of these public hearings have been furnished to the State's Attorneys of Cook and McHenry Counties, and federal authorities in Chicago.

Chapter 7 reflects the Commission's analysis of the current Illinois Fireworks Act, the Illinois Mines and Mineral Act insofar as it relates to explosive fireworks, the California Act, a 1973 Model State Fireworks Law and a 1973 Code for the Manufacture, Transportation and Storage of Fireworks both of which were prepared by the National Fire Prevention Association of Boston, Massachusetts. The Commission proposes that the current Illinois fireworks law be repealed and be replaced by a new law, the main thrusts of which are also discussed in that chapter.

The final chapter of this report furnishes a list of conclusions and recommendations, broken down into the following categories: explosions, fireworks displays, fireworks bootlegging, fireworks companies, State enforcement and legislation.

Every year from 1970 through 1973 an Illinois fireworks company plant has exploded. A total of seven persons

have died, 39 persons have been injured, some seriously, and many millions of dollars of property damages resulted from these four plant explosions, and display accidents.

The June 9, 1973, explosion of the Worldwide Fireworks Company in McHenry, Illinois, which injured seven persons, demolished the plant and caused extensive property damages, was probably caused by spontaneous combustion which triggered the explosion of an excessive amount of fireworks stored in trailers that were too close together. Owners Robert Van Schoick, Louis P. Landerman, and Lawrence A. Callen, were negligent because they violated the law by storing an excessive amount of explosives in licensed trailers and also secretly storing an additional large amount of fireworks in unlicensed trailers.

The Worldwide Fireworks Company violated the Illinois Fireworks Act by not obtaining a Certificate of Registration from the Illinois State Fire Marshal. Prior State Fire Marshals and the incumbent Fire Marshal were negligent for not prosecuting this company for non-compliance with the registration provision of the Illinois Fireworks Act. The Fire Marshal was also negligent for not prosecuting this company for failure to correct safety violations.

The March 6, 1972, explosion of the Melrose Display Fireworks Company plant at Orland Park, Illinois, which killed three people, injured 16 persons, and totally destroyed three buildings, was probably caused as a result of a spark or friction that ignited explosive powder negligently spilled on the floor of the working area of the plant.

In more than 15 years of operation the owner of the plant, Anthony T. Cartolano, had never applied for a Certificate of Registration from the Illinois State Fire Marshal, in violation of the Illinois Fireworks Act.

Prior Illinois State Fire Marshals were at fault for very belatedly never having discovered the existence of the Melrose Display Fireworks Company until after the March 6, 1972, explosion. That office, however, did eventually proceed against that company which on March 6, 1974, entered a plea of guilty in Cook County Circuit Court for failure to so register, and other charges, and was fined \$4,000.

Prior Illinois State Fire Marshals, and the incumbent Fire Marshal, were negligent for never having inspected the Melrose Display Fireworks Company.

The May 27, 1970, explosion of the Carpentersville Fireworks Company in Huntley, Illinois, which seriously injured three persons and totally destroyed three buildings, was probably caused by friction when a heavy steel drum was negligently rolled over a pile of flammable powder. Prior State Fire Marshals were negligent for never having discovered the fact that this company had been in existence for 15 years without ever obtaining a required Certificate of Registration. Those Fire Marshals were also negligent in the enforcement of the law because they never once inspected the Carpentersville Fireworks Company before the explosion.

The July 4, 1972, explosion during a fireworks display at Bangs Lake Park, Wauconda, Illinois, conducted by Robert Van Schoick of Worldwide Fireworks Company, which killed Edward Bulger and injured eight persons, was caused by the misfiring of an aerial shell, precipitated by moisture inside a steel mortar tube. Van Schoick is responsible for neglect in not knowing that dampness could cause the shell to explode inside the tube.

The May 17, 1971, explosion of the Continental Fireworks Company at Pisgah, Illinois, which killed three persons and injured five persons, and demolished eight buildings, was caused as a result of friction generated while the owner, Dominick Shalla, one of the three fatalities, was pressing flammable powder into a cardboard tube. Prior State Fire Marshals were negligent for never having once inspected this plant, and for not detecting the fact that that company, in existence since 1946, had never obtained a Certificate of Registration.

Anthony T. Cartolano, operator of the New Melrose Fireworks Display Company, Huntley, Illinois, was negligent for discarding defective aerial shells in an easily accessible pond on his property. One of these shells exploded when two youths, Gary W. Eicholtz and his brother Dana, playfully ignited the explosive contents of the shell on May 30, 1973.

With the cooperation of the State Fire Marshal and all of the fire departments in Illinois, the Commission attempted to monitor state-wide fireworks displays on Independence Day, July 4, 1973. During one such display, sponsored by the City of Evanston and monitored by Commission Investigators, we discovered that three teenagers, without any prior experience, assisted in the ignition of dangerous fireworks. One of these youngsters miraculously escaped injury when

the concussion of a misfire knocked him to the ground. In another display in Downers Grove, the ignition operator was a person with a prior criminal record who had not obtained the required State permit, and who is an alleged fireworks bootlegger of M-80 firecrackers.

Under the current Illinois Fireworks Act, the issuance of permits to conduct fireworks displays is haphazard. Our proposed law changes the system of permits so that the State Fire Marshal would issue such permits, have better control over such issuances, and for the first time have a central state-wide record of such displays.

The Commission also concluded it was a threat to the public welfare to permit youngsters to ignite fireworks displays. Therefore, our proposed law would provide for appropriate certification of all persons who fire such displays, and would limit permits to those 21 years of age, or over.

The Commission further concluded that the bootlegging of fireworks, which is the diversion of legally produced fireworks to persons unlicensed to deal in fireworks, is a serious problem in Illinois, involving hundreds of traffickers and retail sales of several million dollars annually. Organized bootleggers import fireworks from other states and also purchase fireworks illegally from Illinois companies.

The most significant illicit fireworks traffic involves the M-80 type of fireworks, the manufacture of which, under federal law, is legal but the retail sale of which is prohibited except for agricultural or wildlife purposes. The Commission recommends that the Illinois law be the same.

The Commission finds that law enforcement efforts by federal, State, county and local government agencies to detect, arrest and prosecute fireworks bootleggers leaves much to be desired. We strongly recommend that appropriate law enforcement programs, at all government levels, be initiated and pursued for the purpose of more effectively suppressing this bootleg traffic.

With regard to fireworks companies in Illinois, the Commission established that many of them have ignored the statutory requirement to obtain Certificates of Registration from the State Fire Marshal; that many of these companies have also ignored the statutory provisions concerning safety requirements; and that some Illinois companies have

knowingly engaged in the illegal sale of fireworks to unlicensed bootleg traffickers.

The Commission concluded that prior State Fire Marshals, as well as the incumbent Fire Marshal have been negligent and deficient in the following areas:

1. Ineffective enforcement of the statutory provision requiring fireworks companies to obtain Certificates of Registration;
2. Infrequent inspections of fireworks companies and in some instances no inspections at all;
3. Failure to initiate prosecution against those fireworks companies who have failed to make corrections of cited safety violations;
4. Failure to maintain stenographic or other written records of hearings conducted in connection with appeals of Orders, containing safety violations;
5. Inadequate liaison with Fire Chiefs throughout Illinois whereby the State Fire Marshal has not been apprised of the existence of companies engaged in the manufacturing, assembling, processing or sale of fireworks; and
6. Failure to maintain full and complete files concerning fireworks companies.

The new law which the Commission proposes is directed toward the protection of the public's health, safety and welfare. In addition to the provisions mentioned previously, following are some additional salient features of our proposed law:

1. The Illinois Department of Mines and Minerals, rather than the State Fire Marshal, will have the responsibility to issue licenses to fireworks manufacturers, wholesalers, importers, retailers, and display operators, and to conduct periodic inspections of licensees' premises;
2. The State Fire Marshal will have the duty to issue permits for fireworks displays to licensed display operators who must be at least 21 years of age;
3. Contains complete definitions for Class B, Class C, "dangerous" and "safe and sane" fireworks, which are not now included in Illinois law;

4. Permits the retail sale of safe and sane fireworks, unrelated to public displays, under appropriate supervision;

5. The packaging or repackaging of fireworks already in a finished state will constitute manufacturing;

6. The licensing and annual renewals of such licenses, to manufacturers, wholesalers, retailers, importers and exporters, at a graduated scale of fees for initial licensing and annual renewals;

7. Provisions that manufacturers and distributors must observe in the manufacturing, storing and transportation of all classifications of fireworks;

8. New hearing procedures in cases of appeals from citation Orders and appeals of license revocations, including the obligatory presence of two competent hearing officers, and a requirement that there shall be a stenographic or other written record maintained of such proceedings;

9. Procedures that must be followed in the operation of supervised public displays of fireworks; and

10. Requirements that third party personal injury and property damage insurance policies, without deductible clauses, be purchased by fireworks companies for their plant operations, and also in connection with the ignition of public fireworks displays.

The Commission trusts that fireworks companies in Illinois are now sufficiently impressed concerning the necessity to operate their plants safely in order to avoid a recurrence of the tragedies of these past few years. We are also confident that State regulatory and enforcement authorities, especially the Fire Marshal, are fully aware of their serious responsibilities, and the necessity to effectively discharge those responsibilities.

We believe that the new law which the Commission proposes is necessary. With the cooperation of the fireworks industry and proper enforcement by the State of Illinois, the deaths, injuries and property damage

which the citizens of this State have suffered unnecessarily, can be reduced and hopefully eliminated in the future.

Respectfully submitted,

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HOUSE RESOLUTION 414
Sponsored by Representative
Calvin L. Skinner

On June 13, 1973, the Illinois House of Representatives adopted House Resolution 414.

"WHEREAS, The Worldwide Fireworks Company warehouses near McHenry and fourteen trailers loaded with fireworks exploded on Saturday, June 9, 1973; and

"WHEREAS, On March 6, 1972, the Melrose Display Fireworks Company plant exploded; and

"WHEREAS, There was an explosion at the Carpentersville Fireworks Company of Huntley on May 27, 1970; and

"WHEREAS, There have been numerous incidents arising from the setting off of fireworks at civic celebrations, including the death of Mr. Edward Bulger during an Independence Day celebration in Wauconda, where fireworks were supplied by Worldwide Fireworks Company; and

"WHEREAS, The need for additional regulation of the importing, manufacture, distribution and ignition of fireworks in the State of Illinois is indicated by these incidents; therefore be it

"RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Legislative Investigating Commission be directed to:

(1) investigate the importing, manufacture, transportation and ignition of fireworks; and

(2) hold hearings convenient to the public to hear their suggestions; and, thereafter

(3) to develop regulatory legislation to protect the health, safety and welfare of

the citizens of the State of Illinois; and be it further

"RESOLVED, That the State Fire Marshal and his staff be requested to cooperate with the Legislative Investigating Commission in monitoring the patriotic fireworks displays held in celebration of Independence Day, 1973, with a view toward gaining information on practices followed in the ignition of fireworks and toward investigating any accidents which may occur; and be it further

"RESOLVED, That the Illinois Legislative Investigating Commission be directed to report its findings and recommendations to the 78th General Assembly on or before November 1, 1973."

By a vote of the Illinois House of Representatives on January 9, 1974, the date on which the Commission was directed to report its findings to the General Assembly was extended from November 1, 1973, to April 30, 1974.



Chapter 1

FIREWORKS EXPLOSIONS

A. Introduction

House Resolution 414 instructed the Commission, among other things, to investigate the circumstances surrounding the explosions of three fireworks plants in Illinois: Worldwide Fireworks Company, McHenry, on June 9, 1973; Melrose Display Fireworks Company, Orland Park, on March 6, 1972; and Carpentersville Fireworks Company, Huntley, on May 27, 1970.

We also investigated the death of Edward Bulger and the injury of eight persons during a fireworks display at Bangs Lake Park, Wauconda, conducted by Worldwide Fireworks Company on July 4, 1972, which was also cited in House Resolution 414.

In addition to the above tragedies, the Commission also investigated the May 17, 1971, explosion of the Continental Fireworks Company at Pisgah, and an explosion of a discarded aerial shell that occurred on May 30, 1973, at Huntley, Illinois which seriously injured two persons.

Shocking statistics emerged from these six explosive incidents. Every year from 1970 through 1973 a fireworks company plant has exploded. A total of seven persons have died, 39 persons have been seriously injured, and many millions of dollars of property damages resulted from these four plant explosions, and display accidents.

Not one of these plants ever obtained a Certificate of Registration from the Illinois State Fire Marshal, in violation of law. And only one had ever been inspected by that office prior to the tragedies.

B. The Worldwide Fireworks Company Explosion

1. Introduction

On June 9, 1973, a series of explosions devastated Worldwide Fireworks Company in McHenry, Illinois. Seven people were injured and severe damages were suffered by several homes in the vicinity.

Witnesses reported to us that for several weeks after the explosion, fireworks debris would sporadically explode from time to time. The outlying area of the plant still contained other debris as late as November 1973, when a Commission investigator picked up jagged steel fragments, weighing up to 50 pounds each, from the devastated semi-trailers.

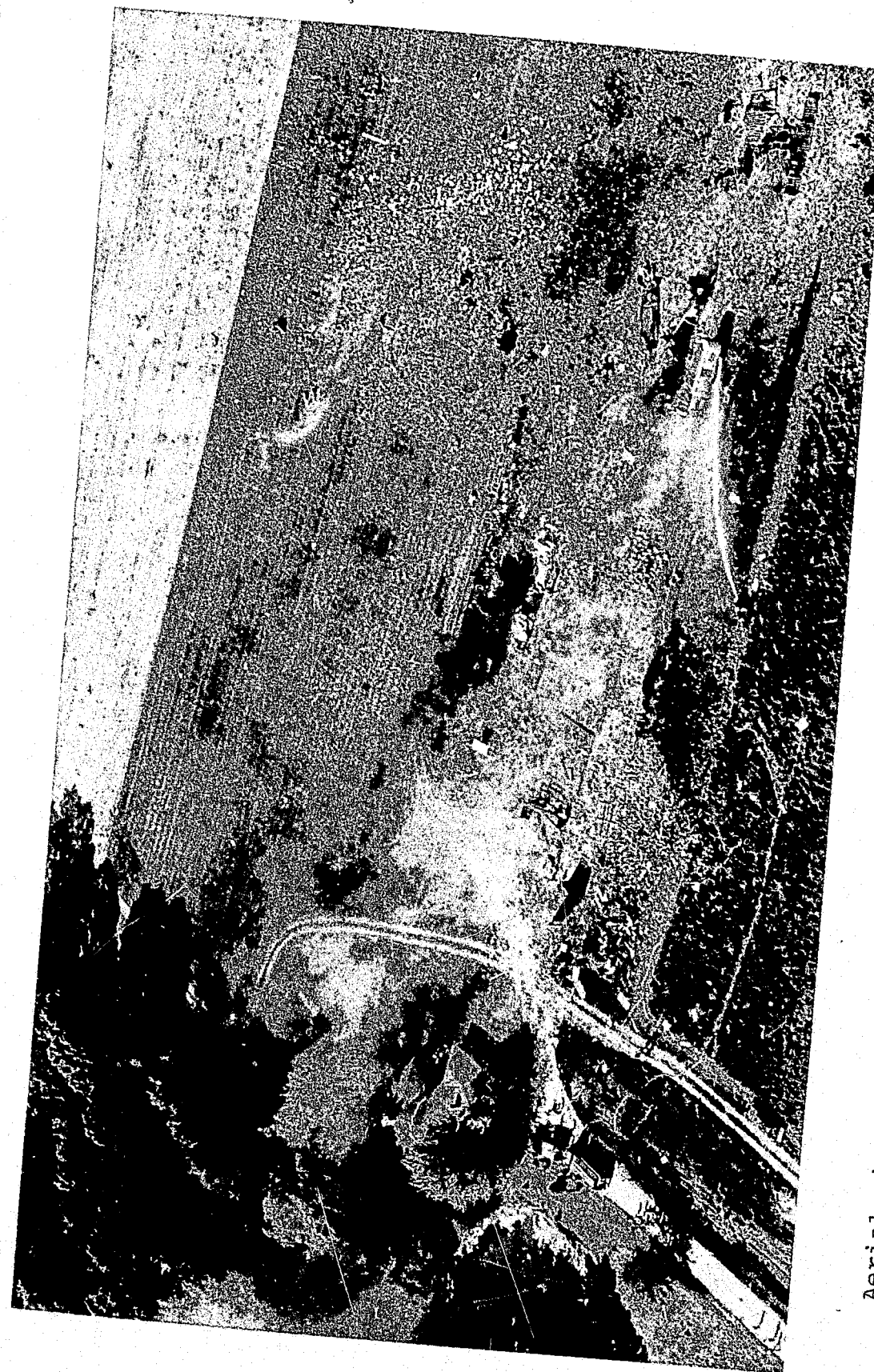
There were 12 trailers, containing several thousand pounds of fireworks, parked about 20 to 50 feet from one another. The Illinois Department of Mines and Minerals had visited the company on March 19, 1973, and issued licenses for the storage of 1,400 pounds of fireworks in five semi-trailers. It was later established that subsequent to that plant inspection, the company had brought in an additional seven trailers which had never been licensed to store fireworks.

It was, therefore, estimated that the company had thousands of pounds of fireworks stored in 12 trailers, in violation of the law.

Worldwide Fireworks Company specialized in the purchase of Brazilian fireworks containing potassium chlorate, which when damp and exposed to heat are subject to spontaneous combustion. As a result of interviewing many persons, the Commission is satisfied that in all probability some of the Brazilian fireworks, stored in any one of the 12 trailers, exploded from spontaneous combustion, and triggered explosions of all the others, facilitated by their proximity to one another.

On April 14, 1972, the State Fire Marshal's Office inspected this plant and discovered four safety violations. By an Order of April 24, 1972, the company was instructed to rectify these conditions. On June 7, 1973, the plant was reinspected and it was discovered that none of the defects had been remedied. Ironically, two days later the plant exploded.

It is noted that at the time of the June 7, 1973, inspection by the State Fire Marshal, the principal owner and operator of the plant, Robert Van Schoick, was not in Illinois. He was in a hospital at Corpus Christi, Texas as a result of an accident he incurred in April, 1973, while putting on a fireworks display on a barge. He suffered extensive injuries that almost caused his death. He remained in that hospital for many months and is still taking medical treatment. He was still recuperating there when the explosion occurred in Huntley on June 9, 1973.



Aerial view shortly after a series of explosions on June 9, 1973, razed the Worldwide Fireworks Company manufacturing plant at McHenry, Illinois, injuring seven persons, and scattering 12 trailers containing several thousand pounds of fireworks, and scattering large, jagged steel fragments and other debris, some of which were found in the area as late as November of that year. Photograph courtesy of Waukegan News-Sun.

As a result of his severe injuries from the April, 1973, explosion, Van Schoick's partners Louis P. Landerman and Lawrence A. Callen (the latter two persons also own the Acme Specialties Fireworks Company in River Grove) offered to sell Worldwide Fireworks Company stock to Patrick Moriarty, President, American Pyrotechnics Association, of California. Mr. Moriarty sent a representative to inspect the Worldwide plant just two weeks before the explosion. The representative advised Mr. Moriarty of the highly unsafe storage conditions, and suggested that to minimize the impact of an inevitable explosion the 12 trailers should be spaced farther apart. Mr. Moriarty obviously declined to purchase any Worldwide company stock.

Mr. Moriarty was so impressed with the gravity of the situation that he telephonically informed Mr. Callen and Mr. Landerman that some of the fireworks were unstable and were going to explode. He said that unless the trailers were spread farther apart the entire plant would go up. His tragic prediction came true.

2. Investigation by the McHenry County Sheriff's Department

According to a report by Sergeant Leo Moore of the McHenry County Sheriff's Department, the explosion at Worldwide Fireworks Company occurred at 2:58 p.m. on June 9, 1973. Sergeant Moore reported that he arrived at Worldwide Fireworks Company a few minutes after the first explosion. He immediately radioed his headquarters to send all available men to the scene. Sergeant Moore waited in the area and rescue squads began arriving to take some of the injured to McHenry Hospital.

Moore located an employee, Kurt H. Johnson, of 536 Stewart Street, Palatine, Illinois. Johnson told Moore that he and another employee Michael Rowe, of Oakland Drive, McCullom Lake, Illinois, were in the office with two other people transacting business. Johnson said he then heard a sizzling noise as if a firecracker were about to explode. He looked out of the office and then heard the explosion. All four men then ran out of the office.

Moore learned from Johnson that three men, Robert Van Schoick, Lawrence A. Callen, and Louis P. Landerman owned Worldwide Fireworks Company, and that Callen and Landerman are also co-owners of another fireworks company, the Acme Specialties Company, 2021 West Street, River Grove, Illinois.

Sergeant Moore also interviewed Murray Yule, 51, of 1221 Cleveland Street, Wilmette, Illinois who said he was not regularly employed by Worldwide Fireworks Company but did conducted displays for the company. Yule also said Robert Van Schoick, President of the Company, was in a hospital in Texas after having been very badly burned in a fireworks display accident there.

Moore also interviewed two neighbors of the fireworks company, Kenneth C. Peterson, of 4112 West McCullom Lake Road, and Martin Stoffel, of 4014 West McCullom Lake Road. Both men said that they had extensive damage to their homes. Stoffel said that he was renting a mobile home from a firm in Elgin because his home was too severely damaged to occupy.

Sergeant Moore reported that 10 squads from the Illinois State Police, 11 Deputy Sheriffs, and officers from the McHenry Police Department and the McCullom Lake Police Department responded to the call for assistance. Three units from the McHenry Fire Department, units from the Lake Moore Fire Department and the Johnsburg Fire Department responded to fight the fires. Units from the Johnsburg Rescue Squad, the McHenry Rescue Squad, and the Richmond Rescue Squad arrived to assist the injured.

Sergeant Moore estimated the damage to Worldwide Fireworks Company at \$250,000 and estimated that the damage to other buildings surrounding the Company was another \$250,000.

Detective Elof Borgeson of the McHenry County Sheriff's Department, assigned to investigate the explosion, reported that Worldwide Fireworks Company was a fireworks wholesale and storage facility, located approximately 500 feet north of McCullom Lake Road. He also reported that Robert Van Schoick, President of the Company, was in a hospital in Corpus Christi, Texas, at the time of the explosion because of serious injuries he suffered there while putting on a fireworks display on a river barge.

Borgeson reported that seven people were injured as a result of the explosions and were treated at McHenry Hospital. Robert L. Scaman of 5429 River Drive, Naperville, Illinois was admitted to the hospital and treated for smoke inhalation and a broken arm. The following six people were treated for smoke inhalation and released: Thomas S. Scaman of P. O. Box 25, Stanton, Missouri; Kurt H. Johnson, 22, of 536 Stewart Street, Palatine, Illinois; Michael Rowe, 33, of Oakland Drive, McCullom Lake, Illinois; Patricia J. Van Schoick, 34,

Robert Van Schoick, 2, and Lisa Van Schoick, 4, of 4004 McCullom Lake Road, McHenry, Illinois.

Shortly after the explosion, Borgeson interviewed Michael Rowe and Kurt Johnson. They told him that the only other people who were at the fireworks plant the day of the explosion were the Scaman brothers. The Scamans, according to Rowe and Johnson, arrived at the fireworks plant sometime between 12:00 and 1:00 p.m.

The Scamans were escorted through the trailers, and Thomas Scaman picked out the fireworks that he wanted to purchase. These fireworks were placed at the rear of each of the trailers and then loaded into Tom Scaman's pickup truck.

After all of the fireworks had been loaded into the truck, Johnson, Rowe, and the Scamans went to the office, a mobile trailer located in the Northwest corner of the storage area, to fill out the purchase invoice.

Shortly after entering the office, they heard a whining sound emanating from the east end of the storage yard. The noise became louder and louder until the trailers began exploding. All four men raced from the trailer and began running from the yard as debris rained all around them.

Johnson and Rowe claimed that the Scamans were the only two people, besides themselves, who were at Worldwide the day of the explosion. They said that no one had been smoking on the premises except inside the office. They also mentioned that earlier in the day Rowe had been mowing the lawn along the southern perimeter of the company property. They were planning to move a couple of storage trailers to that area because they were anticipating the arrival of more trailer loads of fireworks.

Rowe and Johnson hypothesized that the explosion started in the trailer where Worldwide stored rockets. The whining noise before the explosion sounded to them like rockets igniting. As they ran from the property they noticed that the explosions were coming from the area where that trailer had been parked.

Detective Borgeson was not able to interview Patricia Van Schoick or Robert Scaman the day of the explosion. However, he did speak with Thomas Scaman. Scaman told Borgeson that he had driven to Worldwide from his home in Missouri to purchase fireworks for his two stands there. His brother,

Robert, had just come along for the ride. They arrived at Worldwide at approximately 12:30 p.m. According to Scaman, Johnson and Rowe were the only other people at the company.

After loading the pickup truck all of the men went to the office to fill out the paperwork. They then heard a loud whining noise and started to run from the office. Scaman said that he had no idea where the explosions began.

Detective Borgeson was able to interview Robert Scaman on June 11, 1973. Scaman stated that he and his brother, Thomas, had driven to Worldwide Fireworks Company to purchase fireworks for his brother's two stands in Missouri. Scaman said they arrived at approximately 12:00 noon. The only other people present were Michael Rowe and Kurt Johnson.

The Scamans examined the contents of the trailers and Thomas Scaman selected the fireworks he wanted to purchase. After loading Tom's truck, all of the men went into the office to fill out the paper work. Robert said he then heard what he thought was a skyrocket taking off, but he did not know from where the sound emanated. Everyone ran for the door. Before they could get out of the office one of the trailers exploded, and Robert, who had broken his leg in a previous accident, lost his crutches. He was left alone in the trailer.

As Robert was trying to get out of the office, his brother returned to help him. By this time flames and smoke engulfed three sides of the trailer, but the Scamans managed to make their way down the hall and out a window on the north side of the office.

Robert reported that the fence on the north side of the property had been knocked down by an explosion so he and his brother escaped from the facility by running north and then west. Scaman said that the explosions were coming from the east end of the property, and that he recalled hearing two large explosions and several other smaller explosions.

Scaman mentioned that after the fireworks had been loaded into his brother's truck, the doors of several of the storage trailers were left open.

3. Investigation by the Illinois Department of Mines and Minerals

Donald C. Simpson, Explosives Administrator for the Illinois Department of Mines and Minerals, also investigated

the explosions at the Worldwide Fireworks Company. Simpson and Lester Glynn, an explosives inspector, examined the site of the explosions on June 10, 1973.

Simpson conferred with the following investigative personnel at the site: Ken Swanson and Mike Nason of the Bureau of Alcohol, Tobacco and Firearms, United States Treasury Department; Glenn Peterson, McHenry Fire Chief; and Edward Driscoll, Deputy State Fire Marshal. He also interviewed Michael Rowe an employee of Worldwide; Robert Scaman, a customer present at the time of the explosion; Martin Stoffel, a nearby resident; and William Lange, a visitor at the home of Albert Jasin, another nearby resident.

Based on these interviews, Simpson reported that four people were inside the plant the day of the explosion. They were: Thomas and Robert Scaman, customers; Michael Rowe, the plant manager; and Kurt Johnson, a Worldwide employee. Thomas and Robert Scaman had been at Worldwide for approximately three hours selecting fireworks before the explosion occurred. During this time Michael Rowe had been mowing the lawn in the east section of the plant to prepare the section to move in more trailers. Kurt Johnson was assisting the Scamans select fireworks. After the Scamans had selected all of their fireworks, all of the men, including Rowe, returned to the plant office.

While in the office, all of the men heard a whistling noise and then an explosion, according to Simpson's report. All of the men fled from the office as several more explosions were touched off. Simpson reported that Robert Scaman suffered a broken arm and leg while fleeing the scene. Thomas Scaman, Kurt Johnson and Michael Rowe suffered from smoke inhalation. Also, Mrs. Patricia Van Schoick and her two children, who were in their home at the time, were treated for smoke inhalation.

Simpson reported that residences adjacent to the fireworks plant suffered extensive structural and window damage. Windows in the city of McHenry were also damaged.

Simpson was unable to determine the cause of the initial explosion. However, he stated that the "multiple explosions were due to trailers containing fireworks parked close to one another." Worldwide was licensed by the Department of Mines and Minerals for storage of fireworks in five trailers. The company had 12 trailers full of fireworks.

On June 12, 1973, Simpson drafted a letter to Robert Van Schoick, President of Worldwide Fireworks Company ad-

vising him that his explosives storage license (numbers 1737, 1738, 1739, 1740, and 1741) were revoked. Simpson explained that he was revoking the licenses because Van Schoick had illegally stored the fireworks.

4. Investigation by the State Fire Marshal

It is apparent, based on information gleaned from reports of various governmental agencies, that the explosion at Worldwide was investigated by the State Fire Marshal's office. However, Commission investigators were unable to locate any official report of the incident in the files of the Fire Marshal. The only official documents concerning Worldwide Fireworks Company involve inspections made by a Deputy State Fire Marshal prior to the explosion.

On April 14, 1972, Deputy Fire Marshal Edward Driscoll inspected the Worldwide Fireworks Company and found several violations. On April 24, 1972, State Fire Marshal Robert E. May sent a registered letter to Robert H. Van Schoick ordering the following:

1. Each unit must have two means of egress, directly to the outside, remote from each other. Doors shall open in the direction of exit travel and be equipped with panic hardware.
2. At least 36 inch aisles shall be maintained in each unit.
3. Install at least three pressurized water type fire extinguishers.
4. Obtain certificate of registration from Department of Law Enforcement in accordance with Fireworks Regulation Act.

May directed Van Schoick to comply with the order within thirty days.

There is no record that any official from the Fire Marshal's office reinspected the company until over a year later. On June 7, 1973, two days before the explosion, the company was again inspected. The supplementary order submitted by Deputy Fire Marshal Donald L. Hollinger indicates that Worldwide had not complied with any of the previous orders. The company plant exploded two days later.

5. Interviews Conducted
by the Commission

In July, 1973, Commission investigators interviewed Robert L. Scaman concerning the Worldwide explosion. Scaman was present at Worldwide the day of the explosion and had suffered a broken arm while fleeing from the scene.

Scaman told the investigators that he never had any involvement with fireworks before the day of the accident. He claimed that he had gone to Worldwide with his brother, Thomas Scaman, just to keep him company.

Robert Scaman told the investigators that his brother owned a farm in Stanton, Missouri, and during the 4th of July fireworks season Thomas Scaman operated fireworks stands near his farm. The day of the explosion, Thomas Scaman had driven to Worldwide to purchase fireworks for his stands.

Before going to Worldwide, Thomas Scaman stopped off at Robert Scaman's house in Naperville. Robert drove with him to the fireworks plant and they arrived there at approximately 12:00 noon. Robert Scaman said they were met at the gate of the fireworks company by Kurt Johnson. Johnson told Robert to put out the cigar he was smoking. He did and Thomas then drove his pickup truck over to the office and parked it.

Thomas, according to Robert, told Kurt Johnson that he wanted to purchase a truck load of Class C fireworks to take back to Missouri with him. Robert thought there were about 14 to 20 semi-trailers parked in two rows along one side of the compound, a mobile house trailer used as an office, and a large building that appeared like three two car garages side by side. The only other person on the property was Michael Rowe, the plant manager, who was mowing the grass near the fence.

Johnson and the Scamans walked over to the trailers to select fireworks for Tom. As they worked their way down the rows of trailers, Johnson unlocked the vans, then both Johnson and Tom Scaman climbed in to select their fireworks order.

Robert Scaman was recovering from a broken leg so he could not help the other two. However, he observed that the trailers were completely loaded with fireworks and that some of the aisles were cluttered with boxes.

After selecting the fireworks that he wanted, Thomas Scaman drove his pickup truck over to the trailers where he and Johnson loaded the boxes, which they had stacked at the end of the vans, into the truck. Rather than locking all of the trailers again, however, Johnson left about six or eight of them open, according to Robert Scaman. Robert asked Johnson why he didn't lock them up again, and Johnson replied that it was to air them out.

The three men then drove over to the large garage-like building to pick up the launching sticks for sky rockets. Johnson and the Scamans entered the building and Johnson mentioned that some of the fireworks stored there belonged to Acme Specialties Company. Johnson located the sticks and placed them in Scaman's truck. Robert said that the truck was now completely filled with fireworks.

By this time, Michael Rowe had stopped mowing the grass and had joined them by the large building. All four then walked back to the office to tabulate the bill. Robert said that all four had been in the office for about ten to fifteen minutes when they heard a loud hissing sound. Without saying a word, they all began to run.

Robert could not move very fast, however, because he was on crutches. He just got to the doorway when the first explosion occurred, knocking him on his face. He said that he broke his arm in the fall. He got up and started to hobble away when a second explosion knocked him down again. Finally, his brother returned and helped him out through a window. All other exits were blocked by debris or flames.

Once the Scamans were out of the building, Johnson returned to help Robert Scaman to safety. By this time, policemen and firemen were on the scene, but they were on the other side of the property and did not, at first, see the four men. Eventually, the police spotted them, called an ambulance, and took them to the hospital. Robert Scaman was admitted to the hospital and remained there for six days. The other three men were treated and released.

Robert Scaman was unable to offer any explanation about the cause of the explosion, except possibly that the heat had caused it. Scaman said the temperature was in the 90's that day and he assumed that it must have been much hotter in the trailers. He claimed that no one had been smoking on the property while he was there, that no one had started any fires, and that no one had shot off any fireworks.

In August, 1973, Commission investigators interviewed Kurt Johnson about the Worldwide explosion. Johnson's version of the order of events the day of the explosion conformed closely to that of Robert Scaman. However, Johnson said that the trailers where the fireworks were stored were in two lines, six in each line. The trailers according to Johnson, were in poor condition and were approximately 20 to 50 feet apart.

Johnson also said that about an hour before the explosion there had been some fireworks set off. Michael Rowe demonstrated three different kinds of Brazilian foggottes to the Scaman brothers. Johnson did not believe that this was the cause of the explosion. The fireworks were set off over 100 feet from the trailers, all of the trailer doors were closed, and the wind was blowing in a direction away from the trailers.

In Johnson's opinion, the explosion was caused by spontaneous combustion. He said that many of the Brazilian fireworks stored in the trailers were made with potassium chlorate which, if they become damp and then subjected to heat, are very susceptible to spontaneous combustion.

In August, 1973, Commission investigators also interviewed Thomas Scaman at his home in Stanton, Missouri concerning the explosion at Worldwide. Tom Scaman's story was essentially the same as his brother's. Thomas said, however, that they arrived at Worldwide between one and two o'clock. He did not remember Johnson leaving any of the doors of the trailers open.

In September, 1973, a Commission investigator interviewed Patrick Moriarty, President of the American Pyrotechnics Association, at his offices in Anaheim, California. Moriarty told the investigator that he had been in the fireworks business for over 20 years and that he was well acquainted with Louis P. Landerman, Lawrence A. Callen, and Robert H. Van Schoick, the owners of Worldwide Fireworks Company.

Moriarty told the investigator that he had warned Callen and Landerman that Worldwide was going to explode two weeks before it happened. Moriarty explained that Robert Van Schoick had been severely injured in a fireworks accident in Corpus Christi, Texas in April, 1973. Landerman and Callen did not think Van Schoick was going to survive so they contacted Moriarty about the possibility of selling Worldwide Fireworks Company to him. Moriarty sent one of his representatives in Ohio to examine the company about two weeks

before the explosion.

This representative reported back to Moriarty that the condition of the fireworks combined with the method of storage of fireworks at Worldwide, created an extremely dangerous situation. The representative predicted that there would be an explosion at Worldwide very shortly and that to minimize the damage the trailers containing the fireworks should be spread out all over the property.

Moriarty then called Landerman and Callen and relayed the warning of his representative. He told them that they would be "committing suicide" if they did not do something about their storage facilities. Moriarty said that no action was taken on his warning and two weeks later the company exploded.

Robert Van Schoick was also interviewed by a Commission investigator, but was unable to shed any light on the cause of the explosion. Van Schoick, at the time of the explosion, was in the hospital in Corpus Christi, Texas recovering from injuries he suffered while putting on a fireworks demonstration on April 26, 1973. Van Schoick, because of the seriousness of his injuries, was not even informed of the accident until several weeks after it occurred.

Several people whose residences are located near Worldwide Fireworks Company were also interviewed by a Commission investigator. Mrs. Ruth Martha Jasin of 4024 McCullom Lake Road, McHenry said she was home the day of the explosion and had been knocked off her feet by the blasts. She said there were four separate explosions about two seconds apart. Mrs. Jasin's home is 600 feet from the fireworks company. The explosions loosened the walls of her home, ripped out some of the bricks on the exterior of her house, and raised the ceiling. Debris from the explosion was scattered all over her yard. One large section of a trailer, estimated to weigh approximately 500 pounds, narrowly missed hitting two children who were playing outside at the time.

Mr. Robert G. Petersen of 4112 McCullom Lake Road, McHenry, Illinois said he was taking his small herd of cows out to pasture at the time of the explosion. Petersen said he heard a loud crack like a rifle shot followed by a large explosion. Petersen immediately ran back to his house to get his movie camera. He returned to the scene approximately 15 minutes later and began taking pictures of the explosions. The film is in the Commission files.

Petersen said that his house, located 800 feet from the fireworks company, was not too severely damaged. Only the windows were broken out. However, the walls of a cement block building next to his house that he uses as a repair shop were pushed out several inches.

Martin Stoffel of 4018 McCullom Lake Road, McHenry, Illinois was not at home at the time of the explosion. Stoffel told a Commission investigator that his home was so severely damaged that he and his wife were unable to occupy it.

Glenn E. Peterson, Fire Chief of McHenry, was interviewed by a Commission investigator in August, 1973. Peterson told the investigator that he had worked for Worldwide from 1971 to 1972 and that he frequently visited Robert Van Schoick even after he stopped working for him. He also said that he had received a copy of the State Fire Marshal's order to Robert Van Schoick dated April 24, 1972, and that he had accompanied an official from the State Fire Marshal's office on an inspection of the Worldwide Fireworks Company two days prior to the explosion. Peterson could offer no explanation as to why the company was allowed to remain in operation even though it was in violation of the Fire Marshal's codes.

Peterson told the investigator that he thought the explosion was caused by spontaneous combustion. He said that most of the fireworks at Worldwide had been manufactured in Brazil and that if they became damp they became unstable. He said that as long as four weeks after the explosion, fireworks that had been scattered all over the surrounding fields by the June 9th explosion would explode at various times of the day spontaneously. They would especially notice these explosions after a rainfall or heavy dew.

In October, 1973, Donald C. Simpson and Lester W. Glynn of the Illinois Department of Mines and Minerals were interviewed in Commission offices. Simpson said that he personally inspected the site of the Worldwide Fireworks Company explosion and that he revoked the company's explosives storage licenses because the fireworks had been stored illegally. Simpson said that Lester Glynn had originally approved the licenses for the company.

Glynn explained that when he originally inspected Worldwide, he did not approve any explosives storage at the company. He said that at the time Worldwide was storing fireworks in a large garage-like building that was not appropriate for explosives storage. Glynn told Robert Van Schoick to purchase semi-trailers to store the fireworks.

On March 19, 1973, Glynn reinspected the company and found that the fireworks were stored in five semi-trailers. He approved explosives storage in all five trailers. However, Glynn approved storage of 300 pounds of explosives in four of the trailers, and 200 pounds in one. At the time Glynn inspected the company, 50 pounds of fireworks were stored in two of the trailers, 60 in another, 75 in a fourth, and 40 pounds in the fifth trailer.

Glynn and Simpson said that after the licenses were issued, Van Schoick hauled in several more unlicensed trailers and loaded all of them with fireworks.

6. Conclusions

The Worldwide Fireworks Company explosion was apparently caused by spontaneous combustion. However, the severity and magnitude of the explosion was caused by negligence of the owners of the company, and failure on the part of the State Fire Marshal to take corrective action when the company refused to comply with a government order.

An excessive amount of fireworks were stored in trailers too close to one another on the plant premises. The trailers contained Brazilian fireworks which, when subjected to dampness and heat, are susceptible to spontaneous combustion.

This company had never obtained a Certificate of Registration from the State Fire Marshal although it was in business since March 30, 1971. The Marshal's office inspected the plant on April 14, 1972, and found safety violations which it ordered the company to correct. The State Fire Marshal's office inspected the premises a second time on July 7, 1973, and many of the hazards were still uncorrected. Two days later the plant exploded. The State Fire Marshal never initiated prosecution for failure to obtain registration.

Robert Van Schoick knowingly and wilfully violated the law by storing an excessive amount of explosives in trailers licensed by the Illinois Department of Mines and Minerals, and also secretly storing an additional amount of fireworks in trailers unlicensed by that department.

Co-owners Louis P. Landerman and Lawrence A. Callen were warned a few weeks before the explosion that the tragedy was imminent due to the unsafe storage conditions, namely the closeness of the trailers and the presence therein of Brazilian fireworks that were highly susceptible to spon-

taneous combustion when exposed to summer heat and dampness. Landerman and Callen ignored the warning.

McHenry Fire Chief Glenn E. Peterson, a frequent visitor to the plant and a former part time employee of the company, was aware of the order issued by the State Fire Marshal citing unsafe conditions. As a Deputy Fire Marshal, he should have persuaded the plant owners to comply with the Fire Marshal's order; and he should have reported the non-compliance to the Fire Marshal's Office.

C. The Melrose Display Fireworks Company Explosion

1. Introduction

On March 6, 1972, The Melrose Display Fireworks Company manufacturing plant was devastated by a series of five explosions and fire, over a ten minute period, in which the following three employees were killed:

Marty Olsen, 18, 15602 South Wolf Road, Orland Park, Illinois
Richard Serafin, 33, 418 State, Calumet City, Illinois
Robert Trindal, 26, 2812 138th Place, Chicago, Illinois

Olsen had been employed at the plant for six months; Serafin had worked intermittently over a period of six years, and it had been Trindal's first and last day on the job. Olsen's body was found the day of the explosion. Serafin was identified from the fingerprints of a severed hand found two days after the explosion. Neither his body nor any of his other remains were ever found during a three day search. No trace of Trindal's body was ever found.

The impact of the explosions was so fierce that 17 of the plant's 19 buildings were totally destroyed, as well as 12 automobiles and two trucks. Unidentifiable human remains, presumably from victims Serafin and Trindal, were scattered over the blast area.

Miraculously, two magazine buildings containing 12,600 pounds of explosives, were undamaged. It was never established just how many pounds of fireworks were destroyed in the explosions but the impact was such that it must have been enormous.

Sixteen persons were injured from the explosions and fire: 12 of the 28 employees, one person who was driving his automobile outside the plant premises, an independent



Body of Marty Olsen, 18, found among the debris at the Melrose Display Fireworks Company in Orland Park, Illinois, following an explosion that leveled the plant, on March 6, 1972. Photograph courtesy of Illinois Deputy Fire Marshal Harry Schaefer.



Aftermath of the Melrose Display Fireworks Company manufacturing plant at Orland Park, Illinois after five explosions and fire completely devastated it on March 6, 1972, killing three persons, injuring 16, destroying 17 buildings, 12 automobiles and two trucks. Photograph courtesy of Illinois Deputy Fire Marshal Harry Schaefer.

carpenter, and two police officers who were called to the scene after the first of five explosions occurred. The injury victims were:

Employees:

1. Mary Oesterle, 18, 9200 West 180th, Tinley Park
2. Darlene Panek, 14145 South Lavergne, Midlothian
3. Sharon Williams, (age and address unknown)
4. Dorothy Anderson, 45, 15400 Wilcox, Orland Park
5. Frances Vanlandingham, 23, 167th & 108th Streets, Orland Park
6. Roberta Senecal, 10012 South 87th Avenue, Palos Hills
7. Ignatius Montalto, 633 West 25th Place, Chicago
8. Annabelle T. Conway, 10831 West 166th, Orland Park
9. Charlene A. Olsen, 17, 15602 South Wolf Road, Orland Park
10. Roxanne Poulter, 20, 23 Nebraska, Frankfort
11. Pamela Munro, 16, 16500 South Wolf Road, Orland Park
12. Irene Haycraft, 167th & Wabash, Midlothian

Passerby:

13. Leonard Baumann, 16810 South 92nd Avenue, West Haven

Carpenter:

14. Robert Laczynski, 30, 6109 Spring Side Avenue, Downers Grove

Policemen:

15. Joseph Ordonez, 30, Orland Park Police Department, residing at 14415 South Jefferson, Orland Park
16. Michael Gregczyk, 24, West Haven Police Department, residing at 7502 Oak Grove, Orland Park

The first of the five explosions probably occurred in the building where the late Richard Serafin and Robert Trindal had been engaged in mixing explosive powders used in the manufacturing of fireworks.

The day of the explosions the Illinois State Fire Marshal sent investigators to the disaster scene. That office discovered for the first time that the fireworks company had been in operation for 16 years, but had never obtained a Certificate of Registration, in violation of law. In fact, the State Fire Marshal's office had never inspected the plant claiming it had never before been aware of its existence.

The day after the explosion, representatives of the Illinois Department of Mines and Minerals also conducted an investigation of the scene. It was then discovered for the first time that lawful licenses from that department had never been obtained to store explosives. Representatives from the United States Treasury Department's Alcohol, Tobacco and Firearms Division also investigated the presence of explosives at the plant.

The United States Occupational Safety and Health Administration also conducted an intensive investigation of the Melrose Display Fireworks Company, as a result of this explosion. The owner of the company, Anthony T. Cartolano, 45, 13941 Citation Drive, Orland Park, was subsequently cited for many federal civil violations.

Following the destruction of his Orland Park plant, Cartolano took over the operation of the former Carpentersville Fireworks Company at Huntley, doing business under the name of New Melrose Fireworks Display Company.

(For a discussion of the Carpentersville Fireworks Company explosion, see Section D of this chapter.)

2. Investigation by Cook County Sheriff's Office

Deputy Nieman of the Cook County Sheriff's Police, reported that the explosion at the Melrose Display Fireworks Company occurred at about 2:00 p.m. on March 6, 1972. He heard the blast while in Division Two headquarters. A few minutes later a radio report was received that the fireworks plant in Orland Park had exploded.

Nieman responded to the call. Arriving at the scene he was unable to enter the property due to the fires and explosions. Nieman waited with other police officials for the fires to be brought under control.

After the area had been rendered safe by the fire fighters, Nieman and his police colleagues began combing the area. While inspecting the site, Nieman located and interviewed Anthony T. Cartolano, the owner of the plant. He told Nieman that at about 2:00 p.m. he was working in the main building when he heard a small explosion. He and several employees ran out of the building and observed one of the small buildings at the west end of the plant in flames. Everyone began running away from the area as other explosions occurred.

A total of 28 employees were in the plant at the time of the explosion. The following persons were injured and taken to South Suburban Hospital: Mary Oesterle, Orland Park Policeman Joseph Ordonez, Darlene Panek, Sharon Williams, Dorothy Anderson, West Haven Policeman Michael Gregczyk, Frances Vanlandingham; taken to Oak Forest Hospital were: Robert Laczynski, Roberta Senecal, Ignatius Montalto, Annabelle T. Conway; taken to Silver Cross Hospital were: Charlene Olsen, Roxanne Poulter, and Pamela Munro.

Nieman reported that Marty Olsen from Orland Park, Richard Serafin from Calumet City, and Robert Trindal from Chicago were missing.

One person later identified as Marty Olsen, was found among the rubble of the plant, and was taken to Oak Forest Hospital where Dr. Giacobe pronounced him dead at 4:30 p.m.

Nieman reported that there were 12 cars, two trucks and 17 buildings destroyed by the explosions and fire. Only two buildings remained standing.

Officers Sirbutz and Rochewicz of the Cook County Sheriff's Police arrived at the Melrose Display Fireworks Company shortly after the initial explosions. They assisted other officers at the scene and later on drove to South Suburban Hospital to interview Orland Park Policeman Joseph Ordonez who was injured in the explosion.

Ordonez told the officers that he had been driving south on Route 45 near 145th Street when he heard an explosion. He drove to the Melrose Display Fireworks Company, entering the property through a driveway on the west side of 104th Avenue. A West Haven and a Tinley Park Police squad car followed Ordonez into the plant.

Ordonez said that he could see no one at the plant because the smoke was too thick, but he heard people screaming.

Suddenly more explosions were touched off. Ordonez tried to drive from the area. His path was blocked by the Tinley Park squad car as the driver attempted to make a U-Turn. Ordonez got out of his car and tried to run to the West Haven police car. An explosion knocked Ordonez into a ditch. He then tried to return to his own squad car, but another explosion knocked him out. The next thing he remembered was being transported to the hospital.

Sgt. Erickson of the Sheriff's Police also submitted a report concerning the explosion. Erickson was notified by radio of the explosion at 2:10 p.m. while returning to Division Two headquarters in his vehicle. He immediately drove to the fireworks company, arriving there at approximately 2:20 p.m. Erickson was instructed by Orland Park Fire Chief to set up road blocks to prevent unauthorized personnel from approaching the scene.

After the fire was brought under control and the area was safe to enter, the officials at the scene began probing the debris. Erickson reported that the body of one male unidentified person was located near the source of the original explosion. Parts of human remains, were recovered on the grounds northwest and southwest of the original blasts. The body and parts were transported to Oak Forest Hospital.

Erickson reported that twenty four Cook County Sheriff's Police, officers from the Illinois State Police, Tinley Park Police, Palos Hills Police, and the Will County Sheriff's Police were at the scene of the disaster. The officers searched the area until 6:00 p.m. when the light failed. At 7:00 p.m. the road blocks were removed and one unit from the Cook County Sheriff's Police remained at the scene for security purposes.

The following day, the entire plant area was again inspected by the Cook County Sheriff's Police. Participating were investigators from the United States Treasury Department, Illinois Fire Marshal's office, and the Federal Occupational Safety and Health Administration.

The investigators made arrangements with Anthony Cartolano, the owner of the company, to remove the contents of the two unexploded magazines and two large propane storage tanks. The contents of one of the magazines was transferred to the Carpentersville Fireworks Company in Huntley, Illinois on March 7, 1972. Cartolano said he would transfer the contents of the other magazine, and the propane storage

tanks, the following day. Also on March 7, 1972, the Sheriff's Police received a call from Leonard Baumann, 16810 South 92nd Avenue, West Haven. Mr. Baumann told the officer at the desk that at the time of the explosion at the fireworks company he was driving north on 104th Avenue, at 160th. Baumann said the explosion knocked out the windshield of his car, and caved in his roof. Baumann received a bruise on his head and a laceration on his leg. He told the officer that he was taken by ambulance to the South Suburban Hospital.

On March 8, 1972, according to a report by Sgt. Scrugg of the Cook County Sheriff's Police, the entire plant area was searched for unexploded fireworks. Numerous unexploded shells and one C.N. gas grenade were discovered. Also found was a human arm, later identified as part of Richard Serafin, whose other remains were not found.

Shortly after the area had been searched, Anthony Cartolano arrived to remove the contents of the remaining magazine. Sgt. Scrugg reported that the magazine contained black powder, coloring mixes, star glitter, star dust, strontium carbonate, rosin, potassium chlorate, pyrotechnic grade aluminum, and sodium oxalate. Sgt. Scrugg and Agent Kenneth Swanson from the Alcohol, Tobacco, and Firearms Division of the United States Treasury Department took samples of all of the contents. Swanson ordered all of the materials impounded.

Cartolano transferred the explosives to the Carpentersville Fireworks Company in Huntley. All of the unexploded shells found in the search by the investigators were transported to, and stored in, the Material Service Corporation magazine in Thornton, Illinois.

On March 9, 1972, Officers Camden and Grigg of the Sheriff's Department interviewed Karen Oaks, 14418 Highland, Orland Park, and Anthony Cartolano. Oaks said that the women employees were in the dining room at the time of the explosion. She told the police officers that after the first explosion all of the people in the dining room ran out the door and toward the main gate to safety. She said that she did not notice anything unusual during the day, and she had no idea what caused the explosion.

Cartolano told the officers that the sixteen women working that day were on their break in the dining room at the time of the explosion. He said that Marty Olsen was working in shack number six and that Richard Serafin and Robert Trindal, were in shack number seven.

Cartolano and three other male employees were working in building number one. The carpenter, Robert Laczynski, was working on a door in shack number five. Cartolano said that before Laczynski started working on the building, all of the contents had been removed.

Cartolano told the investigators that while he was working in building number one he heard an explosion. Before he could get to the door he heard another explosion, about two or three seconds after the first. He looked out and saw that buildings numbered six and seven had been completely leveled. Fire was burning around shack number four where aerial bombs were stored.

He then saw the employees running to the main gate. Cartolano ran into the dining room to make sure everyone got out, and then ran to safety himself. About five minutes later another large explosion occurred. Cartolano told the investigators that he had no idea what caused the initial explosion.

3. Coroner's Inquest

The Coroner's inquest into the deaths of Martin Olsen and Richard L. Serafin was held on April 12, 1972. Only two people testified at the inquest, Investigator John Camden of the Cook County Sheriff's Department and plant owner, Anthony Cartolano.

Camden testified that he was unable to determine the cause of the explosion. He said that Martin Olsen had been working in building number six at the time of the explosion and that he had been pronounced dead at 4:40 p.m., March 6, 1972, at Oak Forest Hospital by Dr. Giacobe. He also reported that Richard Serafin had been working in building number seven at the time of the explosion. Serafin's arm was recovered on March 8, 1972, and identified by fingerprints. Serafin was pronounced dead at 5:00 p.m., March 9, 1972, at St. James Hospital by Dr. Green.

Camden stated that Robert Trindal had been working with Serafin in building number seven, but the police could find no trace of his body.

Anthony Cartolano testified that he had been in the fireworks business since 1955 and at the Orland Park location since 1956. Cartolano said his plant had been inspected by the Orland Park Fire Department in April, 1971,

the State of Illinois in September, 1971, and the United States Treasury Department in August, 1971. Evidence was also adduced that the land on which the fireworks company was located, had not been zoned for the operation of a fireworks plant.

Concerning the explosion, Cartolano explained that at approximately 2:05 p.m., on March 6, 1972, he was working in building number one when he heard an explosion. Cartolano said at the time all of the women employees were on their coffee break in the office building next to building one.

After the explosion, Cartolano ran out of the building and observed that buildings six and seven had been leveled. He ran over to shut off the butane tank, used to supply fuel to heat the buildings, and then made sure that everyone got out of the plant area safely.

Martin Olsen, according to Cartolano, was in building number six filling M-80's. Richard Serafin and Robert Trindal were in building number seven mixing powder. Serafin had been working for Cartolano intermittently for about six years, Olsen had worked steadily for about six months, and it had been Trindal's first day on the job.

Cartolano explained that he had no regular training program to teach his employees the proper procedures. Rather, new employees learned on the job by working with the more experienced workers.

The Coroner's Jury found the deaths of Serafin and Olsen to have been accidental. The jury was unable to consider the death of Trindal since he had not yet been officially declared dead.

4. Investigation by the State Fire Marshal's Office

Two hours after the explosion, investigators Webber, Dalluge, Sutton, and Bugner from the State Fire Marshal's office arrived at the Melrose Display Fireworks Company. The investigators reported that the explosion started in either building six or seven. However, they could not determine the cause of the explosion. The report stated that only two buildings remained standing at the plant. The company was insured for \$45,000 for the buildings, but there was no liability insurance. Cartolano did carry workmen's compensation insurance.

On March 17, 1972, after further investigation of the site and interviews of witnesses, Deputy State Fire Marshal Sutton reported that the initial explosion at the fireworks company probably occurred in building number seven. Sutton could not determine the cause of the explosion, but found no evidence of arson.

5. Investigation by the Illinois Department of Mines and Minerals

Donald C. Simpson, Explosives Administrator for the Illinois Department of Mines and Minerals, investigated the explosion at the Melrose Display Fireworks Company. He reported that none of the magazines used to store explosives at the company had been licensed by the Department of Mines and Minerals as required by law. However, he reported that this failure to license the magazines did not contribute to the explosion. Indeed, the storage magazines were the only two buildings that survived the devastation. The contents of the magazines, 12,600 pounds of explosives, were not damaged.

Simpson reported that approximately five explosions occurring over a period of 10 to 12 minutes totally destroyed 17 of the 19 buildings at the plant. In Simpson's opinion, seven of the buildings exploded, and the remaining 10 were burned and razed by the explosions in the other buildings.

Simpson was unable to determine the cause of the initial explosion but stated that the first blast occurred in building seven.

6. Interviews by Commission Investigators

In October, 1973, a Commission investigator interviewed Tylene Olsen Vick and Charlene Ann Olsen, sisters of Martin Olsen and former employees of the Melrose Display Fireworks Company. They told the investigator that at the time of the explosion they were in the main building together with other female employees taking a coffee break. A few minutes after 2:00 p.m., they heard the first explosion. This explosion did not do too much damage to the building. A second larger explosion a few seconds later, however, broke out all of the windows and caused the roof to start caving in.

Most of the employees were trying to escape from the building and the area. Within minutes they heard several other blasts but could not remember just how many. The two

women said that on the day of the explosion their brother, Marty Olsen, was in the "filling shack" filling M-80's with flash powder. Richard Serafin and Robert Trindal were in the "mixing shack" mixing flash powder. All three of these men were killed. The women believed the explosion started in the mixing building where Serafin and Trindal were working, and it may have been caused by Serafin because he was known to be a very careless worker.

Darlene Panek and Sharon Sturmen were also interviewed and said they too were in the main building taking a break at the time of the explosion. They said all of the women employees were in the building at that time because their daily afternoon break was scheduled to begin at 2:00 p.m. They corroborated the accounts furnished by Tylene Vick and Charlene Olsen.

In September, 1973, a Commission investigator interviewed Robert A. Laczynski who said he had been employed by Anthony Cartolano as an outside contractor to perform carpentry work on various buildings at the company. The day of the explosion, Laczynski was working in building number five, adjacent to building number 6.

During his lunch break, Laczynski noticed an employee of the fireworks company spill some flash powder on the metal door and door frame. Powder was also spilled over the floor but was not swept up. Later in the day Laczynski was working on the door to building number five with his back to building number six. At approximately 2:00 p.m. he heard a loud explosion and he knew that the building behind him had exploded. Laczynski was propelled by the blast through the doorway all the way to the opposite wall, approximately 26 feet.

Laczynski blacked out. After a short period of time he regained consciousness and found that the building wall had collapsed on him. He was bleeding from the eye and had a cut on the left side of his nose. He searched for a way out of the building and eventually crawled out through the south end. As soon as he got out of the building, Laczynski ran for safety. While trying to escape, Laczynski said that there were at least three more explosions. Laczynski theorized that the explosion was caused by friction or a spark igniting the spilled powder on the floor in building number six.

7. Conclusions

The Commission believes that the first explosion at the Melrose Display Fireworks Company occurred in building number six where Martin Olsen was filling tubes of M-80 explosives, possibly as a result of a spark or friction igniting spilled powder on the floor.

Regardless of the cause of this initial explosion, the major contributory cause of the disastrous series of explosions was the fact that there was far too much powder being stored in the processing buildings where people were working. This conclusion is based on the fact that the two people who were working in the mixing shack were literally blown to pieces. One of these individuals, Robert Trindal, has not yet been officially declared dead because they could not find enough of his remains to identify.

The Commission believes that Anthony Cartolano, the owner of the plant, was grossly negligent by permitting such large quantities of explosives to be stored in these work areas. Cartolano also violated Illinois laws by failing to obtain a Certificate of Registration from the State Fire Marshal's office, failing to have his explosives magazines licensed by the Illinois Department of Mines and Minerals, and by operating his fireworks plant on property not zoned for such use.

The State Fire Marshal must also share the blame for this tragic explosion. Had the Fire Marshal's office performed their inspectional duties, the explosion might possibly have been averted. The excuse given by officials of the State Fire Marshal's office for failing to perform these inspectional duties is that they were ignorant of the company's existence until the explosion occurred. It is inconceivable that a fireworks company that covered several acres of land and which provided fireworks for scores of 4th of July fireworks demonstrations in the Chicago area, as well as for periodic demonstrations at White Sox Park, could go unnoticed by investigators of that office for sixteen years.

D. The Carpentersville Fireworks Company Explosion

1. Introduction

On May 27, 1970, a fire and explosion caused three injuries at the Carpentersville Fireworks Company in Huntley,

Illinois, when it was owned by the late Louis Maretta. It has since been operated by Anthony Cartolano under the name of New Melrose Fireworks Display Company. Three people were seriously burned and three buildings were totally destroyed.

According to available reports concerning this 1970 explosion, and the statement by an individual who was present at this explosion, the fire was initially caused by friction when a heavy steel drum was rolled over a pile of flammable powder in one of the buildings. The powder had been swept up by an employee of the company, and in order to sweep another part of the building, he rolled a drum through the sweepings. The friction caused the powder to ignite and set the building aflame. Before the fire trucks could arrive, the fire spread to another building where powder was being stored. All employees, in the meantime, had evacuated the area. A few minutes later, there were a couple of explosions and more fires broke out. No one was injured by these explosions.

After the firemen arrived, they were trying to drive one of the trucks into the plant area, but their path was blocked by a drum of black powder. One of the firemen at the scene picked up the drum, and started to throw it out of the path of the truck. An employee immediately shouted to him that the drum contained black powder. Either the firemen did not hear the employee, or it was of no significance to him because he went ahead and threw the drum. When the drum hit the ground, the top of the container popped open, and because there were burning wood, burning paper, and sparks all over the ground, the powder immediately ignited, creating a ball of flame approximately 25 feet in diameter. At this time two firemen and one employee were seriously burned.

The company, in existence for several years, had never obtained a Certificate of Registration from the State Fire Marshal, in violation of Illinois law. It had never been inspected by that office prior to the explosion.

2. Preliminary Investigation

The Carpentersville Fireworks Company was incorporated on September 20, 1963, by Louis A. Maretta, Barbara E. Maretta, and Anthony A. Maretta for the purpose of manufacturing and exhibiting fireworks displays. Louis A. Maretta was President of the Corporation until 1972 when he died, and Barbara Maretta succeeded him. The firm was later operated, on a contract sale basis, by Anthony T. Cartolano, who renamed it

the New Melrose Fireworks Display Company.

The Commission was unable to locate any record of any investigation of this explosion by any state agency. The only official document that refers to the explosion is a report received by the State Fire Marshal on June 15, 1970, from the Huntley volunteer Fire Chief Cullman K. Anderson which states: "One shed blew from a black powder explosion, causing two other small working shops to blow. Two firemen in hospital by a drum of powder exploding, 1-2-3 degree burns. Owners say lost \$30,000 in powder and fireworks completed for the 4th."

The State Fire Marshal's office did inspect the Carpentersville Fireworks Company about one month after the explosion on the basis of a letter dated June 12, 1970, from Chief Anderson. Chief Anderson said that he did not believe that the Carpentersville Fireworks Company was currently in compliance with state fire regulations and he wanted some corrective action taken.

On June 30, 1970, Deputy Fire Marshal Edward Driscoll inspected the company and ordered the following actions:

1. Submit to the State Fire Marshal a copy of the permit to manufacture fireworks.
2. Limit the amount of explosive powder used in any building for the manufacture of fireworks to the immediate needs of the orders being worked on.
3. Make the furnace room in the office one-hour fire resistant in its entirety, and vent that room to the outside with louvers.
4. All exit doors shall open in the direction of exit travel.
5. The exit doors from the office area, work area and finishing building shall be equipped with panic bars and no other type locking devices shall be permitted.
6. Discontinue the practice of permitting excelsior and cartons to accumulate in the work area building.
7. Discontinue storing gasoline in cans in buildings.
8. Install another means of egress, directly to the

outside, remote from the present exit, in the work area room. Door shall open in the direction of exit travel and shall be at floor level.

On August 18, 1970, Driscoll performed a reinspection and found that compliance had been made with all these items, except item three which was in the process of being corrected. The Commission could not locate any records to indicate that any further inspections were performed, nor is there any record that indicates the company was ever inspected by the State Fire Marshal prior to the May, 1970, explosion.

3. Interviews Conducted by Commission

In October, 1973, Kurt H. Johnson, 22, of 372 Bode Road, Hoffman Estates, Illinois was interviewed by a Commission agent concerning the May 27, 1970, explosion at the Carpentersville Fireworks Company. Johnson, who was 19 at the time of the explosion, formerly worked at the Carpentersville Fireworks Company, doing various odd jobs such as loading and unloading truckloads of materials, constructing set work pieces, and preparing package displays.

Johnson said that the initial fire began in a processing building as an employee was sweeping up a small pile of flammable powder, from one side of the building into the center of the floor. In order to sweep the other side of the building the employee moved a heavy metal drum, rolling it through the sweepings. The resulting friction ignited the powder and set the whole building aflame. The employee escaped unscathed and sounded the alarm to the other workers.

All the employees cleared the area and the Fire Department was summoned. Before the Fire Department arrived, the fire spread to two other buildings. One of them, which was loaded with black powder, exploded scattering burning debris over the entire plant area. No one was yet injured.

When the firemen arrived, they quickly brought the major fire under control. But burning debris, scattered by the explosions, littered the entire grounds. The firemen began clearing a path through the debris so a fire truck could penetrate deeper into the company property. One fireman, according to Johnson, picked up a small drum of black powder and started to toss it from the path of the truck. Johnson, who said that he believed the drum was marked "match dust," shouted at the fireman that the drum contained black powder.

Either the fireman did not hear him, or he did not realize the significance of what Johnson had said, because he tossed the drum aside anyway. The top of the drum, which was loosely attached, popped open when the drum hit the ground. Some of the powder spilled out and the sparks littering the ground ignited the explosive. The explosion created a ball of flame approximately 25 feet in diameter, according to Johnson, and seriously burned him and two firemen. Johnson spent several weeks in the hospital recovering from the burns.

Philip Freund the present Fire Chief of the Huntley Volunteer Fire Department, told a Commission investigator in November, 1973, that he had been a member of the Fire Department and had helped fight the blaze at the Carpentersville Fireworks Company in 1970. Freund said that the day of the explosion he was at work. He heard a loud blast, ran outside, and saw a large mushroom cloud rising some distance away. He immediately knew the explosion had occurred at the fireworks company.

Before the alarm had sounded, Freund and his brother, John, drove to the fire station to get the two pumpers. Philip drove one truck and his brother the other. In the meantime, the alarm had sounded and other volunteers began to arrive.

The Freunds were the first to arrive at the scene. Burning debris was spread over two and one half acres. As the other volunteers began to arrive, they started wetting down the entire area. There were no fireplugs near the fireworks plant so the firemen had to use the water stored in the trucks. Before the fire was brought under control, one of the trucks had to be driven back into town to fill up with more water.

After the larger fires had been extinguished, according to Philip Freund, the firemen tried to move deeper into the debris to put out more of the small fires. Several firemen began clearing paths through the debris for the trucks. One of the firemen, Vernon Bruenchon, picked up a drum of black powder and was moving it out of the path of one truck. Some of the powder spilled from the drum as Bruenchon carried it.

Glowing coals were scattered all over the ground. The powder ignited, causing the drum to explode. Bruenchon, another volunteer fireman, David Oldham and Kurt Johnson were seriously burned. Fortunately an ambulance had already been called to the scene and was standing by. All of the men were taken to the hospital.

Freund said that all of the volunteer firemen became angry because none of the people who worked for the fireworks company were helping them extinguish the flames so they decided not to risk any more injuries if the people who worked there refused to assist. After the injured men had been sent to the hospital, at the direction of Fire Chief Anderson, the firemen rolled up their hoses and left. A few small fires were still burning.

David Oldham and Vernon Bruenchon were also interviewed by a Commission investigator. Their recollection of the events leading up to their injury conformed closely to the story related by Philip Freund. Oldham said that he had been at the fireworks company fighting the fire for about 20 to 30 minutes before he was injured.

Oldham was clearing debris out of the path of one of the fire trucks when the drum of black powder exploded. His back was turned and he said that he didn't even know what had happened until the other firemen told him later in the hospital.

Vernon Bruenchon told a Commission investigator that he also was clearing debris from the path of the fire trucks. He said that he picked up a drum of black powder, which was about half full, and began carrying it out of the way. Bruenchon said that at the time he did not know that the drum contained black powder, since it was not marked. Some of the powder spilled out of the drum and was ignited by glowing sparks scattered all over the ground. Upon seeing the flash, Bruenchon tried to throw the drum away from him, but it exploded. Bruenchon and Oldham were severely burned and spent several weeks in the hospital recovering.

4. Conclusions

The cause of the injuries was either the improper markings on the drum of black powder, or the firemen's unfamiliarity with fighting fires involving hazardous materials. The original cause of the fire, however, was gross carelessness on the part of the employee who was sweeping the floor in the building where the fire broke out. This employee's carelessness was possibly due to improper training.

The Fire Marshal's office was negligent because there is no record that it ever inspected the company prior to the explosion. Had an inspection been so conducted the damages on May 27, 1970, may not have been so extensive.

The Carpentersville Fireworks Company had never obtained

the required Certificate of Registration from the State Fire Marshal's office. That office never initiated any prosecution for that violation of Illinois law.

E. The Bangs Lake Park
Explosion at Wauconda

1. Introduction

Edward Bulger, 24, 2709 Pueblo, McHenry suffered a tragic and avoidable death on July 4, 1972, while employed as an assistant to Robert H. Van Schoick, who was conducting an Independence Day fireworks display on the beach at Bangs Lake Park in Wauconda. Eight persons were also injured.

Fifteen steel mortar tubes were partially buried in the park sand beach. Fireworks shells of various sizes were being dropped into the mortar tubes and then ignited by both Bulger and Van Schoick. Water in the sand had seeped up through and into the base of the mortar tubes, moistening the shells. This moisture caused one shell to explode inside the tube, leaving a crater five feet wide and one and one-half feet deep. No one was injured.

It was subsequently established that the catalytical action of the water caused the shell to explode. Instead of stopping the ignition of further shells, Van Schoick proceeded with his display. Twenty minutes later another shell was ignited, and it exploded, killing Bulger who was standing in the nearby firing area, and injuring eight other persons. The explosion created a crater three feet wide and two feet deep.

The Commission was unable to determine from the official reports it examined, from the coroner's inquest, or from persons it interviewed the exact portion of Bulger's body that absorbed fatal damages. However, it is safe to assume that fragments from the exploded steel mortar tube hit different portions of his body, mortally wounding him.

Shrapnel from the explosion fell as far as two and one half city blocks away from the site of the display. Unexploded shells and debris littered the site of the beach display.

Van Schoick feebly attempted to blame the premature explosion of the shells on their inferior manufacture by the Carpentersville Fireworks Company of Huntley from whom Van

Schoick had purchased them. When questioned by a Commission investigator he denied knowing that there was water in the steel mortar tubes. Yet, evidence received from official reports and through interviews of several witnesses established he was well aware of the water situation at the time of the July 4, 1972, fireworks display.

Several pyrotechnics experts consulted by the Commission all agreed that the water inside the mortar tubes acted as a catalyst on the fireworks shell therein, causing it to explode.

Van Schoick was the operator of the Worldwide Fireworks Company in McHenry, whose plant was devastated by fire and explosions on June 9, 1973, and details of which were previously mentioned in Section B of this chapter.

2. Investigation by the
State Fire Marshal

According to a report dated July 10, 1972, by arson investigator Roger Sutton of the State Fire Marshal's office, a six-break shell exploded inside a four inch, heavy wall, rolled steel mortar tube at approximately 10:00 a.m. on July 4, 1972, during an independence day celebration. Shrapnel from the blast killed Edward Bulger. The explosion also injured: Craig Steiner, 17, 506 Mineral Springs Drive, McHenry; Philip H. Marquardt, 32, 1722 West Route 176, Crystal Lake; Dean Lisi, 6, 474 Oriole Terrace, Cary; Roger Henring, 31, 22 Jonathon Road, Lake Zurich; Lawrence Lehnert, 9, Box 375, Lake View Woodlands, Wauconda; Roger Hackl, 15, 410 South Barr Road, Wauconda; Lawrence Kapelke, 17, 302 East Liberty, Wauconda; and Walter G. Dale, 913 Ridge, Island Lake.

During the course of Sutton's investigation, he interviewed; John Now, Wauconda Chief of Police; Walter G. Dale, a Wauconda fireman and Special Police Officer; Kenneth Potter, Mayor of Wauconda; Charles Buschick, Wauconda Park Commissioner; Robert Van Schoick, President of Worldwide Fireworks Company; and Kenneth McGill, Wauconda Fire Chief. Police Chief John Now had not been present at the time of the accident, but he told Arson Investigator Sutton that the display had been jointly sponsored by the Village of Wauconda and the Wauconda Park District.

The sponsors had contracted Worldwide Fireworks Company, 4004 McCullom Lake Road, McHenry, Illinois, to set off the display. The Company posted proof of \$500,000 liability insurance carried by the Reserve Insurance Company and the

permit for the display was signed by Mayor Kenneth Potter of Wauconda.

On July 5, 1972, Arson Investigator Sutton, accompanied by Walter G. Dale, a Wauconda Volunteer Fireman and Special Police Officer, inspected the site of the explosion. Dale told Sutton that the evening of the fourth, he and Officer Philip Marquardt of the Wauconda Police Department had been assigned to water patrol in order to keep pleasure boats out of the firing area during the display. According to Sutton, Dale reported that during the demonstration the aerial shells were not exploding high enough in the air, and burning debris was dropping back into the crowd. Dale's daughter, who was viewing the display in the spectator's area, was slightly burned on the face by a piece of the debris.

After the show had been underway for several minutes, Dale said that one of the aerial shells exploded inside the launching tube. No one was injured, but a brief intermission was called. During the intermission, Dale and Marquardt docked their boat at a pier about 300 feet from the display area to get a soft drink. While still on the dock the demonstration resumed.

A few minutes later, another shell exploded inside the tube. The second explosion killed Edward Bulger and injured eight others including Dale and Marquardt. Dale was struck in the thumb by a piece of shrapnel and Marquardt was struck in the face. Both were knocked back into the water.

Sutton examined the site of the two explosions and found that the first created a crater five feet in diameter and one and one half feet deep. The second blast created a crater three feet in diameter and two feet deep. Dale informed Sutton that the crowd was kept back from the launch area approximately 50 feet by a chain link fence. Dale also said that the display should have been halted when the first rockets did not appear to be firing properly, and it most definitely should have been stopped after the first shell exploded in the tube.

Sutton reported that although Mayor Kenneth Potter signed the permit for the display, he had no direct involvement in arranging for the display. Rather, Mayor Potter told Sutton that the Park Board was responsible for making the arrangements. Sutton interviewed Charles Buschick, a Park Commissioner, who confirmed Potter's statement. Buschick was responsible for making all of the display arrangements.

Buschick told Sutton that after the Park Board decided to hold a 1972 fourth of July display, the Board received letters from several fireworks companies wishing to be contracted for the display. The Board was most impressed with Robert Van Schoick, owner of Worldwide Fireworks Company, and decided to provide him with the contract.

Although Buschick made the arrangements to hold the display, he was not in the display area the evening of the fourth. He explained to Sutton that he viewed the demonstration from the spectator's area and that he had not talked to Van Schoick that evening about stopping the display after the first explosion occurred. He said that at the time, he had complete confidence in Van Schoick's decision to continue the show.

When Van Schoick was interviewed by Sutton, Van Schoick stated that after the first explosion he asked Fire Chief Kenneth McGill and Commissioner Buschick if he should halt the display. McGill and Buschick, according to Van Schoick, said that he should not. Van Schoick also said that the two shells that had exploded had been manufactured by the late Louis Maretti, owner of the former Carpentersville Fireworks Company. Two shells of the same type, stated Van Schoick, exploded at a show fired by his men in Fontana, Wisconsin, and one exploded at Palatine, Illinois. There were no injuries at these locations.

Van Schoick told Sutton that he does not manufacture fireworks but purchases them from other companies. Normally Van Schoick purchased his fireworks abroad, but for the 1972 shows he said he was short of the particular kind of shell that exploded at Wauconda, Fontana, and Palatine. Therefore, he purchased a quantity of these shells from Maretti's company in Huntley.

Sutton questioned Van Schoick about his relations with Maretti. Van Schoick said that they were not very cordial because since Worldwide Fireworks began operations, Maretti's business had been reduced. Van Schoick did not feel, however, that Maretti would intentionally sell him defective shells.

Wauconda Fire Chief Kenneth McGill, when questioned by Sutton did not know the cause of the two explosions. McGill was in the display area at the time of both explosions, and contrary to Van Schoick's statement, said Buschick was not there. McGill did say, however, that he had noticed water seeping into the mortar tubes when they were buried along

the beach. He felt this might have caused the accident. McGill also mentioned that Wauconda had no ordinance governing fireworks displays.

3. Investigation by the
Wauconda Police Department

Following the accident, the Wauconda Police Department conducted an extensive investigation. Shortly after the explosion, Officer Robert H. Garrett interviewed Walter Dale. Dale told Garrett that he and Officer Philip Marquardt were assigned to the Wauconda Police Department patrol boat for patrol duty at Bangs Lake the evening of the fourth. During an intermission at the show, they returned to the Village Beach boat dock for a soda pop. Marquardt, Dale and Roger Hackl were standing on the dock and the show resumed. Dale then heard a large blast. Something hit Dale in the left thumb, spun him around and he fell back into the water. At the same time Marquardt fell off the dock into the water.

Marquardt had been hit in the face and was bleeding badly. Dale held Marquardt's head above water until Roger Hackl and another man, George W. Watkins, 40, of 663 Minerva Street, Wauconda, Illinois, could pull Marquardt and Dale out of the lake. After being pulled on to the dock, Dale called the Wauconda Police desk on his walkie-talkie requesting that an ambulance and squad car be dispatched to the scene.

Officer David Thompson in squad #512 responded to the call. Watkins helped Marquardt to the beach and put him in the squad. Officers David Thompson and William Ramage then took Marquardt and Dale to Condell Hospital in Libertyville. Garrett also interviewed Watkins who confirmed Dale's version of the incident.

Sgt. Bruce Freeman of the Wauconda Police Department interviewed Ronald Buda, a spectator, who said that many of the shells seemed to be malfunctioning. They were not going high enough before exploding and burning debris was falling back into the crowd.

Buda explained that after the first shell exploded inside the tube he saw Fire Chief Kenneth McGill knocked to the ground by the concussion. Buda was 30 feet from the fence, next to the beach house. After the second explosion, Buda approached Van Schoick and asked him what caused the explosions. Van Schoick appeared dazed to Buda, and said that he didn't know what caused the explosion. However, he told Buda that the explosions could have been caused as a

result of water that was seeping up through the base of the tubes.

Freeman and Wauconda Police Chief John Now interviewed Fire Chief McGill to obtain his version of the evening's events. McGill said that he arrived at the site of the fireworks display prior to the beginning of the show, but after the mortars had been buried along the beach. He checked the mortars and noticed that at least two had water in them. McGill said that he told Van Schoick about the water in the tubes and asked if it made any difference. Van Schoick responded that he did not know how water would affect the shells, but he believed it would be alright.

McGill then helped the Worldwide crew unload the fireworks from the trucks and carry them to the launch area. After the fireworks were unloaded they were covered with canvas. For the protection of the spectators, Worldwide's vehicles, used to transport the display material, were lined up between the launch area and the spectator section.

After the show began, McGill noticed that the shells did not appear to be rising to their proper height before exploding. The display had been in progress for several minutes when a shell exploded inside one of the mortars. The concussion from the blast knocked McGill to the ground, but no one was injured.

McGill asked Van Schoick if that kind of thing had ever happened at any other shows he had fired. He replied that it had not. McGill then directed the crowd, using the public address system, to move back away from the fence. The crowd complied by moving back another 20 to 25 feet making them approximately 70 to 75 feet from the launch area.

There was a short intermission before the show resumed. When it started up again, McGill noticed one shell that launched properly, but did not burst in the air. It returned to the ground unexploded. Three or four more shells were fired and then another shell exploded inside the mortar. This blast killed Edward Bulger and injured eight others.

McGill immediately questioned Van Schoick about the cause of this second explosion. Van Schoick could offer no explanation other than the possibility that the water in the bottom of the tubes had caused it.

Sgt. Kenneth McGill and Officer William Ramage were both off duty the evening of the fourth. They were viewing the

demonstration from the top of the police garage several hundred feet from the launch area with their families and with several other families. Ramage reported that some of the shells did not appear to be exploding high enough in the air and that burning debris was falling back into the crowd. He stated that on two occasions during the show he heard a large blast and then observed a cloud of smoke. The second time this happened he saw squad car #512 racing to the scene with its lights flashing. Ramage and Freeman ran to the launch area to assist in the emergency.

Ramage stated that when he arrived at the scene of the accident he observed Officer Marquardt bleeding heavily from the face and two firemen administering first aid to an unidentified boy. Ramage then accompanied Marquardt to the hospital.

At the hospital, James F. Lehnert, father of Lawrence Lehnert, told Ramage where Lawrence was standing at the time of the explosion and asked Ramage if he would return to the scene and search for his son's ear which had been severed by shrapnel from the blast. Ramage returned to the scene, met Fire Chief McGill and several other firemen and searched for the ear. They were unsuccessful.

Sgt. Freeman's account of the events leading up to the explosion corresponded closely to that of Officer Ramage. Freeman stated that he was sitting on top of the police garage with his family and several other families viewing the fireworks display. At one point during the demonstration he heard a loud blast and saw a large cloud of smoke rising from the launch area. After this there was about a five minute pause in the display before it resumed. About 20 minutes after the first explosion, Freeman stated, he heard another explosion and observed another large cloud of smoke rising from the display area.

A few moments later he observed squad #512 racing to the scene with the red lights flashing. Freeman and Ramage immediately ran to the area to assist. They found Officer Marquardt sitting on the tail gate of a station wagon bleeding heavily from the head and face. Freeman and Ramage helped Marquardt into the squad car and instructed Officer David Thompson, the driver, to take him to Condell Hospital in Libertyville. Walter Dale, who was also injured, and Officer Ramage, went to the hospital in the squad car.

Freeman remained on the scene to assist other injured

parties and to begin conducting an investigation into the cause of the accident. Freeman learned that two shells had exploded inside the metal mortar tubes. The tubes shattered from the blast and sent metal pieces flying in all directions. Some pieces were found as far as two and one half blocks from the site of the explosions.

Freeman reported that the first explosion broke out two windows in the beach house near the launch area. The second explosion, which occurred about 20 minutes after and five feet away from the first, resulted in the death and injuries and also broke three more windows in the beach house.

Officer Marquardt, Walter Dale, Roger Hackl and Lawrence Kapelke, according to Freeman's investigation, were standing on the Park District pier, 250 feet east of the launch area at the time of the second explosion. All four were injured by shrapnel from the explosion. Lawrence Lehnert, whose ear was severed by shrapnel from the explosion, was standing on a pontoon boat tied to the pier, 250 feet east of the fireworks launch area. Freeman reported that two of Worldwide's employees were also injured as were two children in the spectators area.

Freeman recovered numerous pieces of the shattered tubes from all areas of the beach, park, and adjoining areas.

Shortly after the second explosion, Freeman interviewed Van Schoick and questioned him about the accident. Van Schoick told Freeman that he believed the explosions had been caused by either extra large salutes or by the shell exploding all at once instead of in stages. Freeman also overheard a conversation between Alexander C. Anderson, 39, of 2601 West Indian Trail, McHenry, Illinois and Van Schoick. Anderson had been working for Worldwide helping fire the display. He mentioned to Van Schoick that there had been water in the firing tubes but Van Schoick responded that he felt the water would not have any bearing on the malfunction.

The day after the explosion, according to Freeman's report, numerous unexploded shells and other debris were found littered along the beach. Also found was one unexploded shell ten inches in diameter with the fuse burned half way down. Freeman took some of the debris, some metal fragments of the shattered tubes, as well as the base plate of one of the mortars that Freeman dug out of the bottom of one crater to the Northern Illinois Crime Lab in Highland Park, Illinois.

On July 7, 1972, Sgt. Freeman and Chief Now interviewed

Robert Van Schoick at his home in McHenry. Van Schoick told them that he and his employees had driven to Wauconda on July 4th, in a station wagon, a pickup truck and a panel truck. They carried the display materials with them in these vehicles. When they arrived, they buried 15 launching tubes in the sand along the beach. Two tubes were three inches in diameter, three were four inches, three were five inches, three were six inches, two were eight inches, one was 10 inches and one was 12 inches in diameter. The vehicles were parked between the launching tubes and the spectators area for the protection of the crowd.

Van Schoick said that when the display began, his employees loaded the tubes, and he, alone, would light the fuses with a railroad flare. Van Schoick told Freeman and Now that he knew there was water in some of the launching tubes and said that he would get sprayed by water when he fired a shell from these tubes. He also stated that water would have no effect on the shells, except that if the powder got wet the display would not fire.

When questioned about the cause of the two explosions, Van Schoick theorized that there was either a heavy charge of powder in the base of the shells or there was a powder leakage in the shells somewhere ahead of the lifting charge. Van Schoick then gave Freeman and Now a six-break, four inch diameter shell, which Van Schoick said was the same type that exploded at Wauconda.

Van Schoick had purchased several of these shells from the Carpentersville Fireworks Company in Huntley. Some were included in the display at Bangs Lake Park, two of which exploded prematurely. Another exploded prematurely in a fireworks display he fired at Palatine, and the same thing occurred in another display fired at Fontana, Wisconsin. No injuries occurred either at Palatine or Fontana. Another was used at a display at Great Lakes; it did not explode prematurely but the fuse fell out before it could be fired.

4. Investigation by Insurance Company

The Commission was able to obtain the transcripts of two interviews conducted by Mr. Joseph Edler, employed by Attorney John Soffietti, who was representing Lawrence Lehnert in a civil action against Worldwide Fireworks Company for personal injuries suffered by him.

Craig A. Steiner, 17 of 506 North Mineral Springs Drive, McHenry, said that at about 1:30 p.m., July 4, 1972, a friend,

Roger Smith, called him and said that Worldwide needed another person to help prepare fireworks displays. Smith had worked for Worldwide on several shows. Steiner had never handled fireworks before.

Smith told Steiner that he would be paid 30 dollars for a day's work. He agreed and went immediately to Worldwide's storage area located at 4004 McCullom Lake Road in McHenry. When Steiner arrived there, he spoke briefly with Robert Van Schoick, was given a uniform, and began boxing fireworks for various displays.

Between 5:00 and 6:00 p.m., Steiner and a few others, loaded up the vehicles with the fireworks for the Wauconda display and drove to Bangs Lake Park. When Steiner arrived at Bangs Lake Park, the mortar tubes had already been set up along the beach. Steiner helped unload the fireworks from Worldwide's trucks.

The show began and it was Steiner's job to keep the mortar tubes loaded with shells. He would drop the shells into the tubes and Robert Van Schoick would light the fuse. After a few minutes one of the shells exploded inside the tube and there was a brief intermission.

Following the intermission, Edward Bulger began firing the shells. Steiner stated that both Bulger and Van Schoick were lighting the fuses during the second half of the show. A short time later, another shell exploded inside the tube and Steiner, his back to the explosion was knocked to the ground by shrapnel. Steiner did not know whether Bulger or Van Schoick had lit the shell that blew up.

Steiner said that the only training he received prior to helping with the display was to make sure he loaded the right size shells in the tubes, and to make sure the shells dropped all the way to the bottom of the mortar. According to Steiner, the shells were separated in different piles, according to their size.

The second interview was with Robert H. Van Schoick of 4004 McCullom Lake Road, McHenry, Illinois on July 26, 1972, the President of Worldwide Fireworks Company, and who was in charge of the July 4th Wauconda display. Van Schoick would answer few of Edler's questions, pursuant to instructions of the attorneys for Reserve Insurance Company, the company with whom Van Schoick carried his insurance.

Van Schoick told Edler that he had been involved with

fireworks for fifteen to sixteen years and this was the first time he had ever experienced an accident of this kind. He said that the shells that exploded had been improperly manufactured by an American company. Van Schoick would not tell Edler the name of the company, but said that the owner was dying of cancer, was bankrupt, had no insurance, and was "probably the worst kind of risk in the industry."

5. Coroner's Inquest into Edward Bulger's Death

A coroner's inquest into the death of Edward Bulger was held on October 12, 1972. Wauconda policemen William Ramage and Bruce Freeman, and spectators Ronald Buda, Donald Murphy and Lawrence Kapelke testified that the display had been plagued with numerous problems. Many of the shells were not going high enough into the air before they exploded, and several shells failed to explode in the air. These unexploded shells were found the following day scattered over the beach area.

Fire Chief Kenneth McGill testified that prior to the demonstration he had inspected the fireworks and launch area. The metal mortars had been buried 18 to 20 inches into the sand, but he noticed that water had seeped into some of them. McGill asked Van Schoick if it would hurt anything. Van Schoick responded that it would not. There were no sand bags around the exposed portion of the tubes.

In retrospect, McGill thought that Van Schoick had not used sufficient safety precautions. However, at the time of the explosion, not having had any prior knowledge concerning fireworks displays, he thought Van Schoick was employing proper safety measures.

After the first explosion when McGill was knocked to the ground, he asked Van Schoick if that had ever happened before and if it was alright to continue the show. Van Schoick replied it was the first time it had ever happened at any of his shows, and said it would be safe to proceed.

Van Schoick was not available for questioning at the inquest. He had been excused due to illness. Nevertheless, the coroner's jury found Bulger's death to be accidental, and they further determined "that there was a lack of safety precautions on the part of the fireworks people."

6. Conclusions

The explosion of the shell that killed Edward Bulger was undoubtedly caused by the water inside the metal mortar tube.

Robert Van Schoick contended that the explosion was caused by improper manufacture of the shell by the Carpentersville Fireworks Company from whom he had purchased it and other identical shells. The Commission was unable to interview Louis Maretti, the owner of the Carpentersville Fireworks Company, because he died from cancer in 1972.

The Commission rejects Van Schoick's contention, nevertheless, and we accept the independent judgment of various pyrotechnic experts who all said that moisture inside the metal mortar tube caused the explosion. It is also noted that Van Schoick had furnished conflicting accounts concerning the water inside the mortar tube. When questioned by a Commission investigator, he denied there was any water in the mortar tubes during the July 4, 1972, fireworks display at Bangs Lake Park. Yet official reports we examined and several persons the Commission interviewed agreed that Van Schoick had been well aware of water in the mortar tubes.

Commission investigators interviewed several fireworks experts who said that water in the firing tubes would cause malfunctions because of the way fireworks are constructed. They asserted that the fuse that ignites the lifting charge inside the shell also ignites the time fuse that bursts the shell in the air. The fuse first ignites the time fuse, then ignites the lifting charge. If the lifting charge, which is at the base of the shell, gets wet the shell will either fail to launch or it will fall short. The time fuse will still continue to burn. Therefore, when the shell does not launch, it will explode inside the tube.

In our opinion Robert Van Schoick demonstrated gross negligence which significantly contributed to Edward Bulger's death. He should have known that it was dangerous to ignite a shell while it was inside a mortar tube contaminated by water, yet he proceeded to fire the shell. Had the mortar tubes been buried deeper into the ground there would not have been as many metal fragments. There were no sand bags surrounding the area of the mortar tubes to absorb flying metal fragments.



Total devastation of the Continental Fireworks Company at Pisgah, Illinois, when the plant suffered a series of explosions on May 17, 1971, resulting in the death of three persons, including owner, Dominick Shalla, and serious injuries to five persons. *Photograph courtesy of Illinois State Journal.*

F. The Continental Fireworks Company Explosion

1. Introduction

The afternoon of May 17, 1971, the plant of the Continental Fireworks Company at Pisgah, Illinois was devastated by a series of explosions which resulted in the death of three people and the injury of five others. The tragedy was investigated by the Morgan County Sheriff's Department, the State Fire Marshal's office and the Illinois Department of Mines and Minerals.

The following three persons, all residents of Jacksonville, and all employed at the plant, were killed:

Dominick Shalla, 75, R.F.D. 4, owner;
Josephine M. Scialla, 19, 603 Sandusky, granddaughter; and
Richard A. Morris, 45, 226 West Court.

The following five persons, also residents of Jacksonville, and employees at the plant, were injured:

Maria Hocking, age unknown, 1012 South Main, daughter of Dominick Shalla;
Mark Hocking, 18, 1012 South Main, grandson of Dominick Shalla;
Donald C. Worth, 23, 603 Sandusky, fiancée of Josephine M. Scialla;
Ethel Skirvin, 43, 618 North West Street; and
Nellie Graham, 54, 1206 Center Street.

The fire that set off the explosions originated in the main building of the plant and then spread to other buildings. There were three people in the building at the time the fire began. They were working at a bench placed along one wall of the building. Only one of those three people survived.

The survivor said that the fire started at the middle of the bench where Dominick Shalla, the owner of the fireworks company was working. He saw Shalla pressing powder into a tube with a wooden mallet. He looked away, and about two seconds later he looked back and saw flames all around Shalla's hands, igniting powder which was spread out on the table. The survivor said the fire spread so fast that he barely had time to get out of the building through a door right next to where he was working. As he ran, the building exploded. This explosion set off explosions in another seven nearby buildings, totally destroying them.

Also destroyed were seven automobiles, one two and one half ton truck, a one half ton pickup truck, and a trailer. Dominick Shalla's home, 500 feet from the plant, suffered extensive damage. One wall of his garage was cracked and all the windows were blown out. A farmer's house located 550 feet south of the plant suffered floor and foundation damage. A barn located one half mile north of the plant caught fire from burning debris. Weed fires broke out approximately one quarter mile north of the plant.

Some of the remaining 13 buildings, that comprised the plant complex, and which were undamaged, contained a total of about 7,600 pounds of explosives. Had those explosives been ignited the holocaust would have been even worse.

It was Dominick Shalla, the owner of the plant, that was obviously responsible for the tragedy: he caused the chain reaction of explosions through the friction he inadvertently applied to pyrotechnic powder while filling tubes.

The Commission was unable to locate any records to indicate that the State Fire Marshal or any other state or local authorities had ever inspected the premises of this fireworks plant prior to the explosion.

2. Investigation by Morgan County Sheriff's Department

According to the report, the Sheriff's Department received a call at approximately 1:00 p.m., on May 17, 1971, advising that the Continental Fireworks Company had exploded. Sheriff Harold E. Wright responded to the call and arrived on the scene a few minutes later. Practically the entire plant was on fire. Wright radioed for fire equipment and for ambulances. He also called for more Deputy Sheriffs and requested the assistance of the Illinois State Police.

Two fire trucks from the Franklin Volunteer Fire Department, two from the Jacksonville Fire Department, and one fire truck from the South Jacksonville Fire Department responded. Also responding to the alarm were the Waverly Rescue unit, the Morgan County Rescue unit and ten State Policemen from District nine. Additionally, Governor Ogilvie dispatched Merle L. King, from the Department of Public Health, Ernest F. Melkush, Chief of the Illinois Civil Defense agency, and Donald C. Simpson, from the Department of Mines and Minerals to assist in the investigation of the accident.

When Sheriff Wright arrived at the plant he saw Richard

Morris lying on the ground surrounded by fire. Wright was unable to reach him because of the heat. Other injured employees were in the yard of Dominick Shalla's house, located several hundred feet north of the plant.

Maria Hocking took her son, Mark Hocking, to Passavant Hospital in her car. Wayne McNeeley, a passerby, took Donald Worth to the hospital. A few minutes later four ambulances from the Lowe Ambulance service arrived and transported the remaining victims to the hospital. Richard Morris was pronounced dead on arrival. Dominick Shalla and Josephine Scialla because of the severity of their burns, were immediately transferred to the burn center at Memorial Hospital in Springfield, Illinois where they later died of their injuries.

After the fires were extinguished, investigators probed the area surveying the damage. The Sheriff reported extensive damage to the plant area. A panel truck, a pickup truck, and three cars parked in the vicinity of the plant were totally destroyed. Four other cars and a tractor were damaged. Dominick Shalla's house, 300 yards from the plant, suffered extensive blast damage. A barn, a half mile from the plant, was set afire by burning debris. A guard was posted at the fireworks plant to keep away curiosity seekers.

At approximately 10:15 p.m. the evening of May 17, another fire broke out. The fire department was summoned by the guard. The Franklin Volunteer Fire Department and the Jacksonville Fire Department both responded to the alarm with one truck each. The flames were shortly extinguished.

Deputy Sheriff Norman Cottingham was assigned to investigate the explosion by Sheriff Harold Wright. According to the report, Cottingham arrived on the scene about 40 minutes later and was immediately assigned to investigate the cause. After the fires had been extinguished, Cottingham probed the debris searching for possible clues. None were found.

The following day, May 18, Cottingham returned to the site to investigate further. Assisting in this investigation were fire department personnel and investigators from the State Fire Marshal's office. The investigators found a short piece of copper tubing with perforations. According to Cottingham's report, the investigators from the fire department and the State Fire Marshal's office believed this might have been the cause of the original explosion.

The tubing was from a 500 gallon propane tank, located

12 feet from one of the destroyed buildings. The following day a complete examination was made of the propane space heater in the building nearest to the tank. The fire officials felt a leak in the propane heater might have caused the explosion. Cottingham noted in his report, however, that the two women who had been working in the building had not been burned, and had only received superficial injuries.

On May 20, Sheriff Harold Wright and Deputy Sheriff Cottingham interviewed Mrs. Ethel Skirvin and determined that the first explosion occurred in the main building and not in the building near where the perforated copper tubing was found.

The next day, May 21, investigators from Rose L. P. Gas Company, supplier of the propane, entered the investigation to determine if a propane leak had caused the explosion. Grover Dunn, Registered Professional Engineer of Dunn Laboratories, 717 Edgehill Avenue, Northwest, Atlanta, Georgia, was in charge of the gas company investigation. Mr. Dunn examined the perforated tubing under a microscope and determined the holes were caused by exposure to a hot foreign metal.

The possibility that a leak in the tubing could have caused the explosion was excluded. It was determined that the first explosion occurred in the main building. The two propane gas heaters that had been in that building were examined by Mr. Dunn, as well as the tubing running from a 1,000 gallon propane tank to the heaters in the main building. A water manometer test and a high pressure closed pipe test established that there were no leaks in the tubing. The remains of other space heaters that had been located in other buildings were also examined.

Mr. Dunn also conducted tests to determine if any sewer or marsh gases were collecting along the ground. None were present and, thus, could not be considered a possible cause.

While searching through the rubble, the investigators discovered several violations of the electrical code concerning electrical switches, boxes, and lights in the buildings.

Ethel Skirvin, an employee of the Continental Fireworks Company, was interviewed by Sheriff's Police on May 20, 1971, concerning the explosion. She said that at the time of the explosion she and Nellie Graham, another employee, had just returned from lunch and had begun dusting off the shelves in the building where they were working. She heard a small explosion that sounded like a mortar shell exploding. A few

moments later there was another very large explosion.

Both women were knocked to the floor by the concussion. They got up and ran for the front gate, while explosions were being touched off throughout the plant. When they arrived at the front gate, Mrs. Skirvin said that Donald Worth was carrying Josephine Scialla away from the fire toward the road. He put her on the ground next to Mrs. Skirvin, told her to watch Josephine, and then returned to rescue Dominick Shalla.

Explosions continued to wrack the plant so Mrs. Skirvin, Mrs. Graham and Donald Worth helped Dominick Shalla and Josephine Scialla up the road to Shalla's home several hundred feet from the plant. They tried to make the injured comfortable until help arrived.

Mrs. Skirvin did not know where all of the other employees were working that day, but she thought they were working in or near the main building.

The Sheriff's Police interviewed Donald Worth on May 24, 1971, in Passavant Hospital, where he was recovering from his injuries. He said he had been in the main building loading and spiking fireworks with Richard Morris just before the explosion occurred. Both men were working at a bench that ran along one wall, the entire length of the building. Morris was at one end, and Worth was at the other.

A few seconds before the explosion Dominick Shalla entered the building, walked over to the center of the bench and began working with some highly flammable powder. Worth said that Shalla was angry and frustrated because most the employees had not returned from lunch on time.

A few moments after Shalla entered the building and began working, Worth looked over at Shalla and saw fire all around his hands, spreading rapidly. Worth immediately turned and ran out of the door which was a couple of feet from where he was working. The building exploded a few seconds later.

He ran around to the other entrance of the building and saw Josephine Scialla wandering around in shock. He helped her to the road, then returned to get Dominick Shalla, who in the meantime had crawled out of the burning building. Worth, Nellie Graham, and Ethel Skirvin helped Dominick Shalla and Josephine Scialla up the road to Shalla's home, to safety. Worth explained that he then returned to the plant area to search for Richard Morris.

Worth saw Morris laying on the ground, but was unable to reach him because of the fires. Worth said he returned to Shalla's home where about 15 other people had congregated, and someone then drove him to the hospital.

Worth theorized that the fire must have been started by a spark touched off by Dominick Shalla. He could offer no other explanation. He also said that he had not detected the smell of leaking propane gas in the building before the explosion occurred.

On June 1, 1971, Sheriff's Police interviewed Mark J. Hocking at Passavant Hospital where he too was recovering from burns. Hocking said that he had been working at the plant for his grandfather, Dominick Shalla, since February, 1971. He explained that at the time of the explosion he was outside the main building disassembling wood saw horses. Josephine Scialla was about six or eight feet away from him working at a bench.

Hocking said that he was suddenly knocked to the ground. He held his breath until the concussion was over, and then ran to Shalla's house to phone for help. He did not know where his grandfather was at the time of the explosion, but he said that Donald Worth and Richard Morris were inside the main building. Hocking had no idea what caused the explosion, nor did he detect any smell of propane gas prior to the accident.

3. Investigation by Illinois Department of Mines and Minerals

Donald C. Simpson, Explosives Administrator, Illinois Department of Mines and Minerals also investigated the explosion at the Continental Fireworks Company. In a May 18, 1971, report to David Gulley, Director of the Department, Simpson explained that the fire originated in one of the buildings and spread to the other buildings. In all, eight of the 21 buildings were totally destroyed. Also destroyed were seven automobiles, one two and one half ton truck, a one half ton pickup truck and a trailer.

Dominick Shalla's home, 500 feet from the plant, suffered extensive damage; one wall of his garage was cracked and all of the windows were broken out. A farmer's house located 550 feet south of the plant suffered floor and foundation damage. A barn located one half mile north of the plant caught fire from the burning debris, but the fire was extinguished soon after it began. Weed fires broke out

approximately one quarter mile north of the plant. The plant buildings that were left standing contained 7,600 pounds of explosives.

In a subsequent report of July 7, 1971, Simpson stated that the accident was caused by Dominick Shalla "while loading a display cartridge with explosives."

4. Investigation by the Jacksonville Fire Department

According to the report by the Jacksonville Fire Department, the explosion occurred at approximately 1:03 p.m. The fireman on duty in Jacksonville received a call at 1:07 p.m. from an elevator operator in Pisgah, Illinois who stated the Continental Fireworks Company had exploded. The Jacksonville Fire Department did not respond at that time because the plant was located in the Franklin fire district. Five minutes later the Fire Department received another call from Sheriff Harold Wright requesting that they respond to aid the Franklin Volunteer Fire Department.

Two fire trucks were immediately dispatched to the scene. The report stated that by the time the Jacksonville units had arrived, eight buildings had already been leveled to the ground. Two firemen saw Richard Morris lying next to a burning car. They pulled him away but discovered that he was already dead.

Several other people were found injured at the scene. Maria Hocking, the daughter of Dominick Shalla, had been in the office and had received minor cuts and bruises. Dominick Shalla, the owner, received third degree burns over 60 per cent of his body. Josephine Scialla, granddaughter of Dominick Shalla, had been working at a bench outside the main building and received third degree burns over 97 per cent of her body. Mark Hocking grandson of Shalla, was also working outside of the main building and received burns. Donald Worth, fiancée of Josephine Scialla, had been working inside the main building and received severe burns on his arms, legs, and feet. Worth was taken to the hospital by a neighbor. Ethel Skirvin was treated for a heart condition and minor cuts. Nellie Graham was treated for shock. Mary Price, a relative of Dominick Shalla, was not at the plant at the time of the explosion, nor was she injured by the explosion. However, she was at Dominick Shalla's house when the explosion occurred and when the injured were taken to the house, Mary Price went into a state of shock.

After the fire was extinguished, the Jacksonville fire units returned to their station. The Sheriff left a guard to watch over the plant. Later that evening, according to the report, the Fire Department was called to the plant again to extinguish a small fire that had started up again.

5. Investigation by State Fire Marshal's Office

The following day, according to the report, State Fire Marshal Robert E. May, Chief Arson Investigator Gus Mazzone, Deputy State Fire Marshal John Kelley, Assistant State Fire Marshal Joseph D. Patton, and Jacksonville Fire Chief Dale W. Bond probed the debris at the plant in an attempt to find clues as to the cause. Assistant Fire Marshal Patton found a short piece of copper tubing used as a propane line that had two small holes in it. All of the investigators inspected the tubing and initially agreed that it could have been the cause of the explosion.

On May 19, 1971, several investigators returned to the plant area and examined the heaters that had been in the exploded buildings. A thorough check of one of the heaters revealed two places where propane could have leaked into the combustion chamber to cause an explosion. The investigators also found an air compressor that did not have an explosion proof motor.

According to the Fire Department's report, Grover Dunn of Dunn Laboratories, Atlanta, Georgia, arrived to inspect the plant on May 20th. He inspected the piece of tubing with the holes that had been found on May 18th, but took this tube back to Georgia to run further tests.

On May 22, Jacksonville Fire Department officials met with investigators of the Sheriff's Department. Based on the investigation of the Sheriff's Department, the Fire Department ruled out the possibility that a propane leak had caused the explosion.

Dominick Shalla, according to the report, died at 7:50 p.m. on May 18th, and Josephine Scialla died at 2:55 p.m. on May 21st.

6. Coroner's Inquest into the Death of Richard A. Morris

The Coroner's inquest into the death of Richard A. Morris was held on May 27, 1971. Coroner John B. Martin stated that

Richard A. Morris was dead on arrival at Passavant Hospital in Jacksonville and that Dr. Harvey Scott had examined the body. Dr. Scott determined that the combination of third degree burns and trauma from the explosion were sufficient to cause death. The only witness at the inquest was Sheriff Harold E. Wright who testified concerning the findings of his investigation into the explosion. Based on Sheriff Wright's testimony, the Coroner's Jury determined Morris' death to be accidental.

7. Interviews Conducted by Commission Investigators

In October, 1973, Donald Worth was interviewed by a Commission investigator. Worth stated essentially the same thing that he had to the Sheriff's investigators in 1971. However, he added that when the fire broke out, Dominick Shalla was pressing some type of flammable powder into a cardboard tube with a wooden mallet. Worth said that somehow the powder Shalla was working with ignited.

C. Harvey Dean, the present Fire Chief of the Jacksonville Fire Department, was also interviewed in October, 1973, by a Commission investigator. He said that at the time of the explosion at the Continental Fireworks Company he was Assistant Fire Chief, and that he had supervised the fire-fighting efforts at the plant.

Dean explained that the day of the explosion, the Jacksonville Fire Department had received a call from the Sheriff's Department requesting that they extinguish a fire at the Continental Fireworks Company. The Fire Chief at the time, Dale W. Bond, refused to respond because the preceding week they had extinguished a small fire at Continental Fireworks Company and Dominick Shalla was angry that the Jacksonville Fire Department had responded. Shalla had not phoned the Jacksonville Fire Department and, because they had to drive outside of their district, they charged Shalla \$500. Shalla told Chief Bond at that time never to respond to any call at his plant unless Shalla himself phoned.

A few minutes after the first call on May 17, the Sheriff's Department called a second time requesting that firemen from Jacksonville respond. After this second call, Dean, without consulting Chief Bond, went ahead and sounded the alarm. He said that they arrived at the site a few minutes later. They found firemen of the Franklin Volunteer Fire Department standing around doing nothing as explosions occurred, and the fires spread. Dean said the volunteers

appeared to be mesmerized, and seemed to have no idea how to go about putting out the fire.

Dean said he immediately took charge and ordered all firemen on the scene to begin extinguishing numerous small ground fires that had been started by burning debris scattered by the explosions. Once these fires had been put out, and there was no more danger of the fire spreading, the firemen then began to put out the larger blazes. Dean was unable to make any determination about the cause of the initial fire.

James O. Hocking was also interviewed by a Commission investigator. He is the son-in-law of Dominick Shalla, and the father of Mark Hocking. He said that he had helped out at the fireworks plant, on a part time basis, for several years before the explosion. His wife, Maria Hocking, kept the books for the company.

Hocking explained that he was not present at the time of the explosion, but he was familiar with the operation. He offered one possible explanation of how the fire began. About one or two weeks before the explosion, new heating had been installed in a few of the buildings, including the buildings where the fire first started. He said that perhaps they had not been properly installed and there was a gas leak that could have caused the initial blast. Hocking informed the Commission investigator that the Continental Fireworks Company had gone out of business since the explosion, and Dominick Shalla's heirs had no intention of reopening the plant.

8. Conclusions

The Commission believes that the possibility of the explosion being caused by a gas leak can be ruled out. Rather, it appears that the initial fire was caused as a result of friction generated while Dominick Shalla was pressing flammable powder into a cardboard tube. Independent fireworks experts consulted by Commission investigators stated that whenever a flammable powder is compressed there is always a risk that it will ignite. The severity of the explosion apparently was caused by an excessive amount of explosive chemicals being stored in the processing buildings.

The Commission also believes that a contributing factor to the accident was negligence on the part of the State Fire Marshal. Although officials from that office

investigated the explosion, no report of the findings could be located in their files. Nor could Commission investigators find any evidence that the State Fire Marshal had ever inspected the Continental Fireworks Company, as required by law, at any time prior to the explosion. The evidence indicates that the Continental Fireworks Company was not in compliance with State Fire Marshal regulations. Had the company been inspected and had it been compelled to correct the discrepancies, the severity of the tragedy could have been reduced.

G. Accidental Explosion of Fireworks Dud

1. Introduction

On May 30, 1973, Gary W. Eicholtz, 15, and his brother, Dana A. Eicholtz, 14, of 303 North Church Street, Huntley, were severely injured and hospitalized when a defective fireworks aerial shell accidentally exploded.

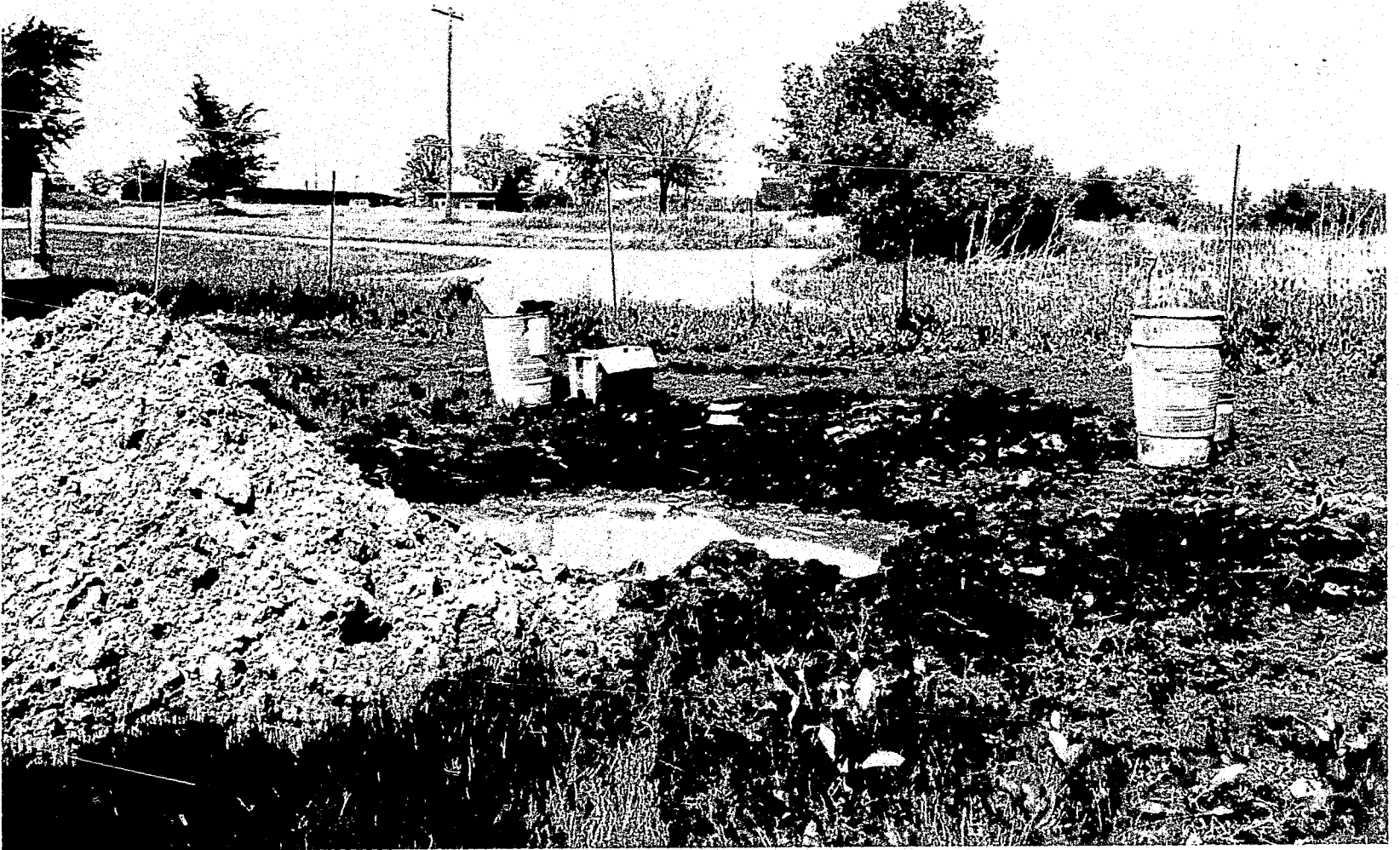
The shell had been picked up by the boys, the day before, from a pond into which employees of the New Melrose Fireworks Display Company, located in the same city, normally dumped defective fireworks. The day of the accident, which occurred by the railroad tracks approximately 800 feet from the premises of the fireworks company, the boys cut open the shell and poured out some of the powder onto the ground. They ignited the powder and poured more powder into the flames, at which time there was an explosion.

2. Investigation by the Huntley Police Department

On May 30, 1973, the Huntley Police Department was notified that two youths had been injured in an explosion near Powder Park in Huntley and were enroute to Woodstock Hospital. A Huntley police officer was dispatched to the hospital to investigate the accident.

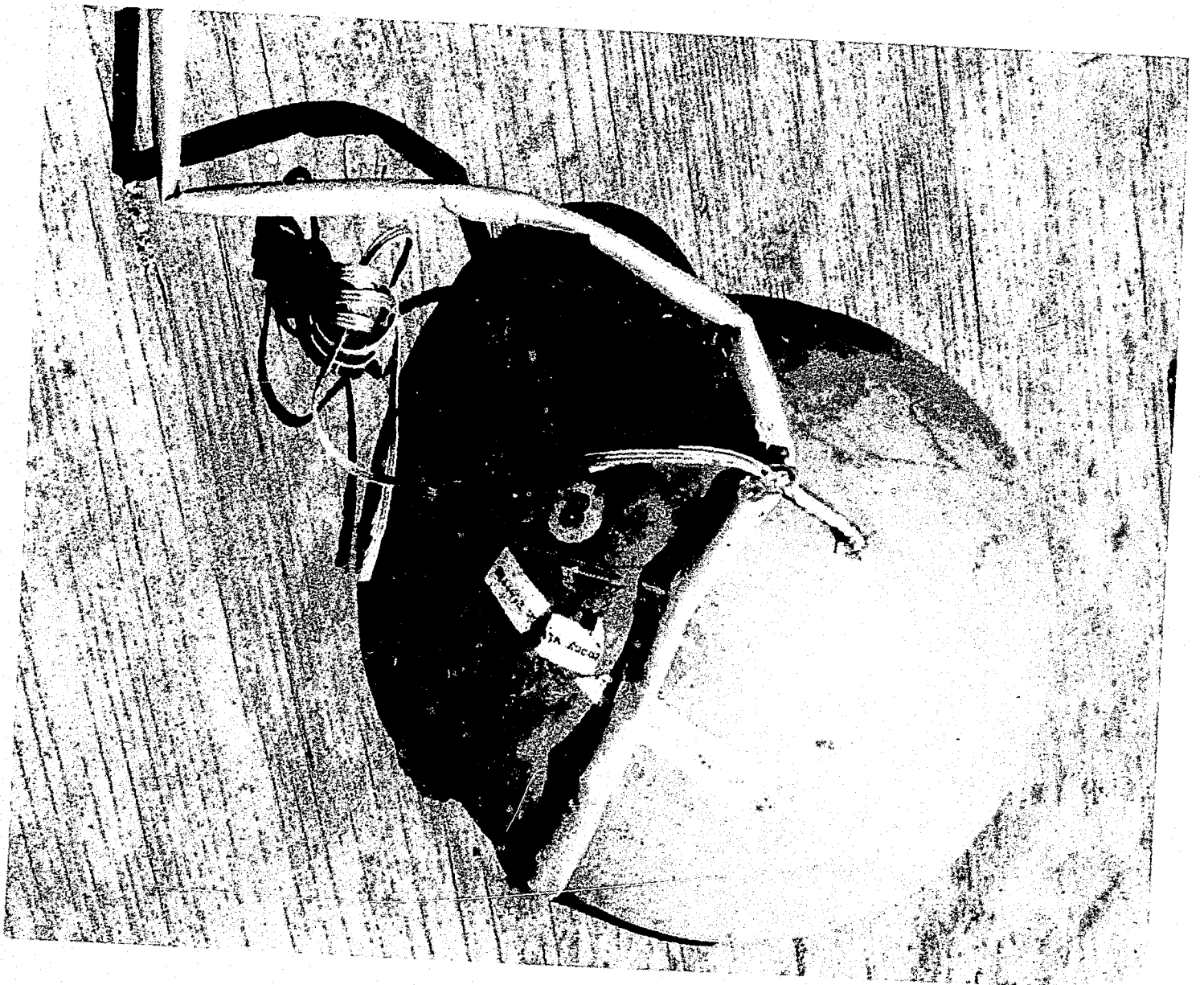
The officer arrived at Woodstock Hospital at 5:25 p.m. and learned that the injured youths were Gary W. and Dana A. Eicholtz. A few minutes later, the boys' mother, Jesse E. Johnson, arrived and was interviewed by the officer.

According to the police report, Mrs. Johnson told the officer that the evening before, May 29, 1973, her sons had returned home with a brown paper covered ball about the size of a basketball. She asked the boys where they found



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Pond on premises of New Melrose Fireworks Display Company, Huntley, Illinois, in which defective fireworks aerial shells were discarded. One of these shells exploded and seriously injured youngsters Gary W. Eicholtz, 15, and his brother Dana, 14, on May 30, 1973, when they playfully cut open the dud shell and ignited the explosive powder. Photograph courtesy of Illinois Deputy State Fire Marshal Harry Schaefer.



Sample of dud aerial shell which injured the young Eicholtz brothers at Huntley, Illinois. Photograph courtesy of Illinois Deputy State Fire Marshal Harry Schaefer.

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it, and they replied that they had found it near the Chapman residence, a neighbor living in Apartment 7 in Powder Park.

The officer then interviewed Dana Eicholtz to determine how the accident occurred. Dana told the officer that his brother had found the ball lying on the ground by the Chapman residence on May 29, 1973. He said that on May 30, 1973, he and his brother took the ball out by the railroad tracks near the property of the New Melrose Fireworks Display Company and cut the ball open. Gary then sprinkled some of the multi-colored powder out onto the ground, lit the powder, and began sprinkling more powder into the flames. The shell exploded. The boys then walked along the railroad tracks to the home of Mr. Cary L. Seifert of Apartment 1, Powder Park, Huntley, Illinois, who drove them to the hospital.

According to the police report, the officer also interviewed Mr. Cary Seifert, who was waiting at the Woodstock Hospital. Mr. Seifert told the officer that three boys had walked to his house and requested help. He said that two of the boys seemed to be injured badly, but that the other appeared to be uninjured. He stated that he immediately drove all three youths to the Huntley Police Department, where he let out the uninjured youth to summon the police. Mr. Seifert then drove Gary and Dana Eicholtz to the Woodstock Hospital.

Gary Eicholtz was too severely injured to be interviewed, so the police officer returned to Powder Park to interview James W. Chapman, 13, Apartment 7, Powder Park, Huntley, Illinois. Chapman told the officer that on the evening of May 29, 1973, at approximately 7:30 p.m., he saw Gary Eicholtz jump the fence at the New Melrose Fireworks Display Company, located in Powder Park, and take a mortar shell about the size of a basketball from a pond of water located inside the fence. Gary then jumped back over the fence and left. Chapman said he shouted at Gary, but his warning was not heeded.

Chapman also told the officer that he was with the two Eicholtz boys along the railroad tracks when Gary and Dana were injured. Chapman claimed that he was walking away from the two boys when he heard an explosion, turned around, and saw Gary on fire. Gary rolled down a bank into a creek and extinguished the flames. Dana was lying in the middle of the tracks stunned and also burned. Chapman went back to the scene of the explosion, then all three youths

walked approximately 800 feet to the residence of Mr. Cary Seifert to request help.

Following these interviews, the police officer inspected the property of the New Melrose Fireworks Display Company. He noticed that in one section the fence surrounding the fireworks company was bent down. He also noticed that there were numerous signs attached to the fence warning that explosive materials were stored on the property. The officer reported that two black and brown German shepherd dogs were running around loose inside the fenced in area. The officer also noted that there were three mortar shells, two blue and one brown, approximately the size of basketballs, floating in a pond of water near the perimeter of the plant.

The police officer located Steve Curtis of Apartment 4, Powder Park, Huntley, Illinois, the foreman of the New Melrose Fireworks Display Company. Mr. Curtis told the officer that he could not understand how anyone could have gotten onto the property while the dogs were running loose. He also said that he did not know how long the fireworks had been floating in the water on the property. The shell, however, was supposed to have been a dud. Curtis said that the pond is where they normally dispose of their faulty fireworks.

Mr. Curtis identified the owner of the fireworks company as Anthony T. Cartolano of 13941 Citation Drive, Orland Park, Illinois. The officer telephoned Anthony Cartolano, who told him that the address of record for the fireworks company is 13941 Citation Drive, Orland Park, Illinois, even though the physical location of the plant is in Huntley, Illinois. Mr. Cartolano said that he did not know how long the fireworks had been floating in the water but mentioned that the fireworks had been manufactured in Japan. Mr. Cartolano told the officer that he would have Steve Curtis repair the portion of the fence that had been bent down, and also would have Mr. Curtis dispose of the remaining aerial shells that were floating in the pond of water.

The police report indicated that the remaining portion of the mortar shell that exploded was retained for evidence. The Huntley Police Department requested that the State Fire Marshal investigate the accident.

3. Investigation by the State Fire Marshal's Office

In response to the request of the Huntley Police Department, the State Fire Marshal's office conducted an investigation into the accident. According to a report by State Fire Marshal Harry P. Schaefer, he, Gus Mazzone (Arson Investigator for the State Fire Marshall, and Detective Elof Borgeson of the McHenry County Sheriff's Police interviewed Anthony Cartolano at the New Melrose Fireworks Display Company in Huntley, on June 1, 1973.

Cartolano told the investigators that he purchased the property, which was formerly known as the Carpentersville Fireworks Company, from Barbara Maretta in February, 1973. Barbara Maretta sold the company to Cartolano because her husband, the former owner, had died.

Cartolano showed the investigators eight permits for explosives storage (numbers 1717 through 1724) issued by the Illinois Department of Mines and Minerals on March 27, 1973. Cartolano also said that the plant had been inspected by a representative of the State Fire Marshal's office on May 17, 1972, and some violations had been found. Cartolano did not have a list of the violations because he did not own the company at that time, he said. The company had been reinspected on May 15, 1973, and all but one of the previously found violations had been corrected. Cartolano claimed that he was in the process of correcting the final violation. He said that a steel door on one of the bunkers had to be grounded and that he had already ordered the grounding strap.

Cartolano explained, according to Schaefer's report, that the plant closes at 5:00 p.m. and that two vicious German Shepherds roam the entire grounds until the plant reopens the next day.

The three investigators then interviewed James Chapman, 13, who lives approximately one block from the fireworks plant. James told the investigators that Gary Eicholtz had come to his house the evening of May 29th. James and Gary then went out to look for bird nests near the fireworks plant.

James said that after they walked to the fireworks plant, Gary saw several mortar shells floating in a pond of water. Gary dropped his jacket outside the fence, climbed over the fence, grabbed one of the shells, about the size of

a volley ball, climbed back over the fence, wrapped the shell in his jacket, and went home. James had told Gary not to enter the property of the fireworks company because two vicious dogs roamed the grounds at night. James also told the investigators that when Gary arrived home with the shell, Gary's mother told him to take it back where he got it.

Gus Mazzone also submitted a report, dated June 4, 1973, concerning the June 1st interview of Cartolano. Mazzone reported that Cartolano said he purchased the Huntley plant in March, 1973, but had been using space at the plant since 1972, when his former plant in Orland Park was leveled by explosions, to manufacture fireworks displays.

Cartolano told the investigators that he was issued permits for his eight magazines by the Illinois Department of Mines and Minerals in March, 1973, when he purchased the facility from Barbara Maretta.

The investigators inspected the grounds of the fireworks plant. Mazzone reported that the pond of water where the dud shells are discarded is 15 to 20 feet from the perimeter fence. Cartolano told the investigators that the shells float in the water for one to two days before becoming sufficiently waterlogged to sink. Also, trash is burned only five to ten feet from the disposal area.

Mazzone observed that the view from the main building to the dump area is obscured by a bunker. He also reported that shells floating in the pond are clearly visible from outside the fence. Thus, even during work hours it would be simple for someone to hop over the fence, completely unnoticed, take a shell, and leave.

Mazzone closed his investigation because arson was not involved. However, he recommended that the Fire Marshal's office reinspect the company.

4. Conclusions

The Commission recognizes that the Eicholtz boys are at least partially to blame for their injuries. Nevertheless, the Commission believes that much of the responsibility for the accident rests on Anthony Cartolano. Cartolano left several mortar shells, extremely dangerous explosive devices, unguarded in an area plainly visible and easily accessible to anyone.

Chapter 2

MONITORING OF FIREWORKS DISPLAYS ON JULY 4, 1974

The first operative clause of House Resolution 414 instructed the Commission to monitor all patriotic fireworks displays in celebration of Independence Day, July 4, 1973.

After consulting with the office of the State Fire Marshall, we concluded that because of our limited staff it would be impossible to accomplish our monitoring objective without the assistance of every fire department throughout the State of Illinois.

Accordingly, we immediately drafted a questionnaire and sent it to all the fire departments in Illinois, precisely 1,164. The questionnaire was designed to achieve our monitoring objective, with the assistance of these fire departments throughout the state. We requested these fire departments to have at least one man attend every fireworks display scheduled for their respective area. Additionally, so that neither life nor property be jeopardized by any failure of the display's operators to observe proper safety precautions, those men so assigned, were encouraged to exercise their department's authority to:

1. Either order the removal of, or
2. Effect the necessary remedial action to correct any observed fire hazardous conditions.

Our questionnaire further requested pertinent information relative to:

1. The location of the fireworks display;
2. The designated official assigned to monitor the display;
3. The sponsor of the display;
4. The individual departments inspection and approval of the proposed site;
5. Verification of an operator's permit being obtained from the local authorities;



Commission investigators monitored a fireworks display by the New Melrose Fireworks Display Company of Huntley, Illinois, on July 4, 1973, at Northwestern University's Dyche Stadium, sponsored by the City of Evanston. Three teenagers, hired by New Melrose, hold large aerial shells to be dropped into metal mortar tubes partially buried nearby. Shortly after this picture was taken the boy in the center was knocked to the ground after a shell had misfired, but miraculously escaped injury.

6. The operator of the display; and
7. The dealer who supplied the fireworks and the quantity supplied.

We also requested that at the conclusion of displays, information be furnished us concerning any accidents that may have been caused by displays, description of any city and-or county fire code ordinance violations, and identifying details of all persons either arrested or cited during those displays.

We believed that with the full cooperation of all fire departments concerned, the data we were subsequently to receive would provide us with sufficient material to give us an overview of all fireworks displays held within the State on July 4, 1973.

From that mailing we received a total of 506 returns or approximately 43 per cent of all departments originally contacted. Of those 506 departments that returned our questionnaires, 257 indicated that displays were, in fact held, while the remaining 259 had no such fireworks display. This amounted to approximately 51 per cent of responding departments indicating that displays were, in fact, held.

Among those departments that indicated displays were held, 18 were staged without a permit being obtained from the local authorities. Additionally, in 10 cases the proposed display sites were not inspected by the area fire departments.

Another area of interest to us was that of injuries resulting from those displays. Only two departments recorded such incidents, with a total of six persons injured. All of those injuries were superficial and needed nothing more than treatment at the scene. Those injuries were due primarily to debris falling into the spectators area. In one instance, the fire department of Elmhurst, Illinois, stopped their display temporarily because of falling debris. Prior to continuing the display, test firings were made to bring it into safety limits. Because of strong winds, debris still fell into the spectators area and the Elmhurst Fire Department cancelled the remaining portion of that display.

So that we might get some first-hand knowledge of these displays, Commission Investigators personally monitored three shows. Investigator Thomas Hampson viewed the display held in Park Ridge, Illinois. That display lasted for approximately one hour and was also monitored by several members of the Park Ridge Fire Department. Fire extinguishers and fire fighting equipment were located at the display scene, as was a station for first-aid treatment. While the display was ignited without incident or injury, we did notice some debris from the exploded material drifting back into the spectators area.

Another display was also viewed in Tower Lake, Illinois. Mr. Roger Sutton, an Investigator with the State Fire Marshall's office, assigned to our staff, was on hand to view that display. Similarly, there were no incidents or injuries at this display. Normal safety precautions were observed and the required permit was obtained prior to the firing of the show. The only problem related to this display was the absence of police to contain the crowd. This resulted in a few persons approaching the firing area and being too close to where the shells were being launched.

Finally, the third display was viewed by Investigator John W. Baylor and Chief Investigator Howard O. Roos. That display was shot off at Dyche Stadium, Evanston, Illinois, and was monitored by the Evanston Fire Prevention Bureau.

While viewing that display, we noted one sky rocket which partially detonated only fifty feet above the launch area. That shell fell back into the launch area and exploded only 20 to 30 feet from the two workers. They were knocked to the ground from the concussion of the explosion. After the show they were taken to the hospital for possible concussion injuries but were later released.

There were four boys assisting the adult display operators at Dyche Stadium. They ranged in age from 14 to 19 years of age. At Chief Investigator Roos' request, but without revealing his identity, these boys posed for a photograph taken by one of our investigators.

It is appalling to think that such young boys would be hired to undertake such a dangerous job without the expertise that should be required.

The mortar area of the display was enclosed by an 8 foot cyclone fence at a distance of some 400 feet from the spectators area. We gained unchallenged access to this area and subsequently notified the Northwestern University Security Guards, at which time a guard was assigned to the fence's gate to prevent any further unauthorized entry.

The ground display was some 200 feet from the spectators area and was sectioned off, and guarded against the public's unauthorized entry.

The three displays all had the required permits and were properly monitored by appropriate fire department personnel.

By way of contrast, following is some background on a display which was held without a permit and without prior knowledge of the proper fire department.

This display, which lasted approximately 1 and 1/2 hours, was ignited in an unincorporated area on the east edge of the Downers Grove Estate Fire Protection District. This particular area is served by the Downers Grove Estates Fire Department and the DuPage County Sheriff's Police Department. Inquiry of both of these departments revealed that neither of them had any prior knowledge of the display, nor a request for such a display.

We then established that one Joseph M. Waz set up and ignited this display. In checking the background of Waz, we determined that he had an extensive criminal record dating back to 1946, which included arrests for robbery, armed robbery, and burglary. On four separate occasions he was convicted and sentenced to prison.

Though they had not prior knowledge of the display, we subsequently identified two volunteer firemen from Downers Grove who were in attendance at this display. Arriving

at the scene by happen-chance, they gave assistance to Waz in setting off his display and in crowd control. No inquiry was made by them as to whether or not a permit had been obtained; and, in fact, they had no direct knowledge that one was necessary. Waz, himself, is an honorary fireman for that same department.

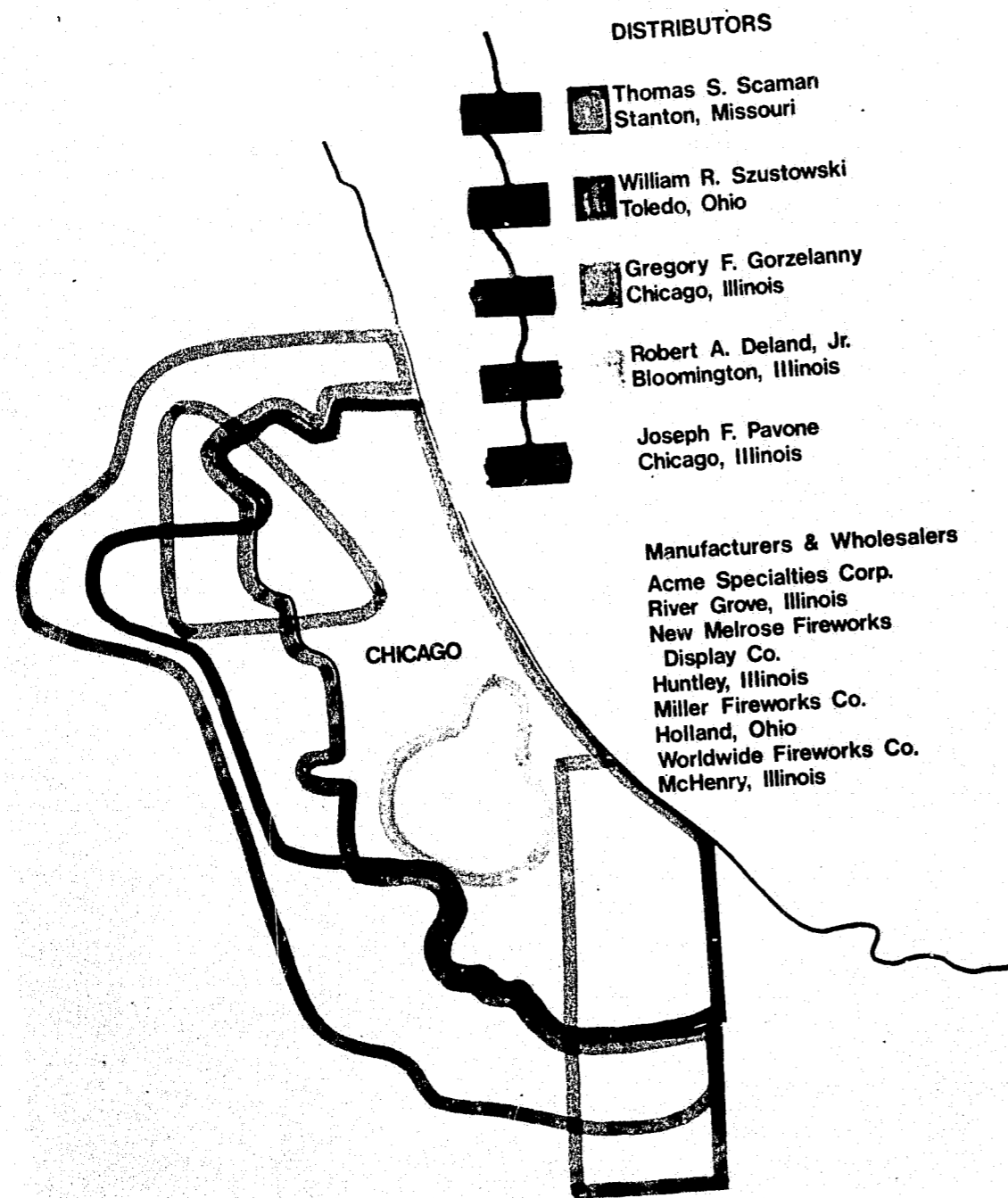
Waz is a resident of Westmont, Illinois, located nearby the site of the display which he ignited. Waz told Commission Investigators that he had been setting off fireworks shows at the same location for the past four years. Among various display items he included for his show, Waz had several boxes of M-80's. Waz openly admitted that he made no attempt to obtain a permit for the display.

He further stated that he received contributions from local people to put on the show, adding that this was the last year he intended to do so. His alleged decision to no longer put on any of these shows was the result of a neighborhood child being injured. He assumed that injury to be caused by the child picking up a dud left over from his demonstration.

We subsequently learned from a confidential source that Waz had been purchasing his M-80's through William "Wild Bill" Szustowski. Waz last purchased fireworks from Szustowski during May of 1973. That purchase was for \$1,400.00 worth of fireworks, which included 36 cases of M-80's.

Our survey was significant for several reasons. We learned that many fire districts refused to cooperate by not responding to either our first or second questionnaire. Although it was impossible for our investigators to be present at the hundreds of other Fourth of July fireworks displays, we are almost certain that many other boys were used at displays elsewhere in the State. For all we know there were many unreported and possibly serious injuries to boys, as well as adults, with no prior experience in handling explosives.

Fireworks Bootleggers



Persons and companies in Illinois and out-of-state involved in the bootlegging of fireworks, including M-80's shown to the left of list of names of persons. M-80's are usually encased in red paper tubes measuring approximately 1½ inches long, ½ inch in diameter, with a wick 1¼ inches long.

FIREWORKS BOOTLEGGING

A. Introduction

The bootleg traffic of fireworks in Illinois involves hundreds of people and retail sales of several million dollars annually. When we first started to investigate this traffic, we believed that most of these fireworks were being brought into Illinois from States such as Missouri where fireworks are legal. This initial assumption proved to be false.

The general public is unaware of the fact that this bootleg traffic is a serious problem. Prior to the inception of our Commission's investigation we, too, shared this ignorance.

We were aware that large quantities of fireworks are illegally possessed and ignited by numerous Illinois citizens. We originally thought that these fireworks were being brought into Illinois by returning vacationers who had passed through States where fireworks are legal. To be sure, many fireworks flow into Illinois in this way. However, we soon discovered that the bulk of the illegal fireworks have come from bootleggers.

We have been able to identify a few of these organized fireworks bootlegging-groups, including manufacturers, major and minor distributors. The trafficking of these bootleg fireworks is handled by hundreds of people who have willfully conspired to violate the laws of this State and the laws of the Federal government.

We discovered an entire network of distributors who import fireworks from other States, but, who, for the most part, purchase fireworks illegally from companies here in Illinois. These major distributors then sell fireworks wholesale to other distributors. Generally, there is a mark up of 100% when fireworks are resold.

The smaller distributors may have up to 100 retail customers. Again, the mark up is approximately 100%.

These customers either use the fireworks themselves or sell them to their friends, with the mark up in price usually being 100%.

The types of fireworks distributed in this traffic are primarily the Class C fireworks, which are legal in some States, and the M-80 firecrackers, which have recently been outlawed by the federal government. The source of the Class C fireworks are companies who also deal legitimately in fireworks.

Within the past year, the major source of M-80's has been clandestine manufacturing plants operating in Missouri and Ohio.

The major bootleg distributors of fireworks purchase Class C fireworks from the fireworks companies, and also purchase cases of M-80's, containing approximately 1,400 M-80's per case, from clandestine manufacturers. When major bootleg distributors sell fireworks to minor distributors, the M-80's are used as an inducement for minor distributors to purchase more Class C fireworks. The reason for this is that M-80's are scarce, but in great demand.

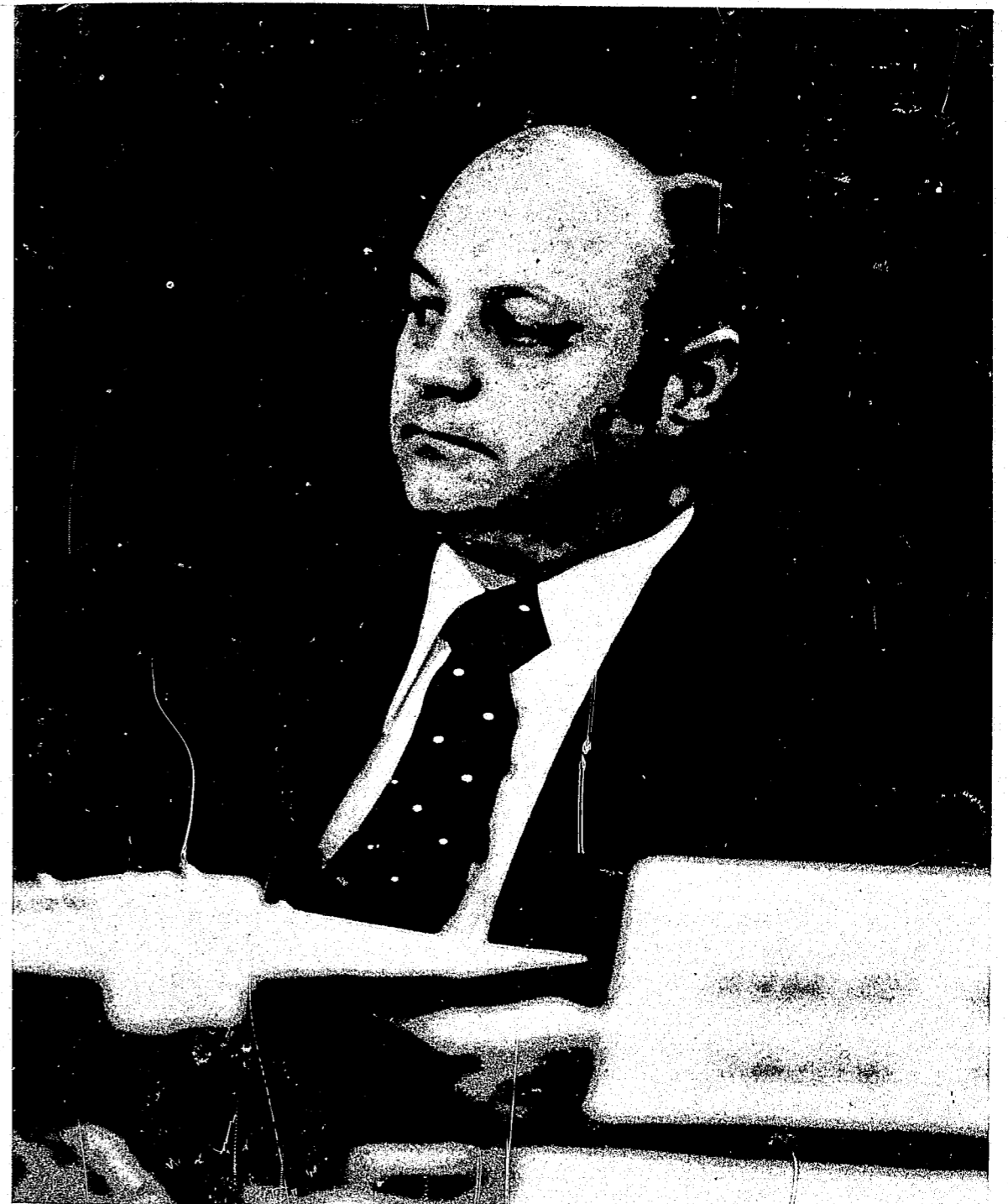
For example, in order for a minor distributor to get a case of M-80's he is required to purchase from \$300 to \$500 worth of Class C fireworks. Therefore, since the mark up on the Class C fireworks is at least 100%, the distributor can make more money.

The minor distributor also uses M-80's as a "tie-in" device to sell more Class C Fireworks. For example, he requires his customers to purchase at least 50 or so dollars worth of Class C fireworks in order for the customer to get two or three half-gross boxes of M-80's.

To best illustrate the huge profits derived in the bootlegging of M-80's, \$10,000 of M-80's sold by the manufacturer, are eventually sold on the street, at retail, for

CONTINUED

1 OF 4



Representative Horace L. Calvo, whose questions to Commission investigator Thomas R. Hampson produced an account of the bootleg fireworks traffic in intrastate and interstate commerce.

approximately \$75,000.

Most of this bootlegging activity in Illinois is restricted to the greater Chicago area. We have not established any direct involvement of organized crime in this bootleg traffic, although we do have an uncorroborated allegation that one fireworks company in the greater Chicago area claims to have connections with the mob.

What is particularly vicious about this bootleg traffic is that unauthorized persons, including youngsters, are buying these dangerous commodities, particularly M-80's, that can and have resulted in deaths and serious injuries. It is apparent that greedy bootleg traffickers have more respect for the dollar than for human lives.

The antiquated Illinois fireworks laws do not provide adequate penalties to effectively suppress this bootleg traffic. In fact, the enforcement of the existing Illinois laws against these bootleggers is practically nil and leaves very much to be desired.

We will attempt to explain in more detail just how this bootleg traffic functions and identify some of the manufacturers, wholesalers and distributors involved in this deadly traffic.

Our explanation of this bootleg traffic will be limited to four ostensibly legitimate fireworks companies and to the five individuals we have identified as being most involved.

We will also furnish details concerning specific undercover cases conducted by Commission investigators.

B. Manufacturers and Wholesalers

Of all the various sources of bootleg fireworks, the four companies who emerged as the major sources, at least for the Chicagoland area, are: (1) the Miller Fireworks Company in Holland, Ohio, owned by John F. Miller; (2) the New Melrose Fireworks Display Company in Huntley, Illinois,

(formerly the Melrose Display Fireworks Company in Orland Park,) owned by Anthony T. Cartolano; (3) the Worldwide Fireworks Company in McHenry, owned by Robert Van Schoick, Louis P. Landerman, and Lawrence A. Callen; and (4) the Acme Specialties Corporation in River Grove, owned by Louis P. Landerman and Lawrence A. Callen.

The Miller Fireworks Company in Holland, Ohio, has a long history of supplying illegal fireworks to the Chicagoland area. We do not know precisely how long this company has been engaged in this activity, but it has been at least since the late 1950's.

In previous years, many people from the Greater Chicago area drove to Miller's plant in Ohio to purchase truckloads of fireworks to bring back to Illinois for resale. Additionally, Miller has had his employees, for years, deliver illegal fireworks directly to favored bootleg operators in the Chicago area.

All varieties of fireworks have been funneled into Illinois from Miller's, although Miller has dealt primarily in the Class C fireworks which he also legally sold, and the Class B M-80's which he manufactured at his plant in Ohio.

Hopefully, Miller will no longer be a source of bootleg fireworks in the future. As a result of Federal charges against him for illegally manufacturing explosives, Miller was totally forced out of the business as of October 1973.

Miller Fireworks Company is the only company located outside of Illinois that we identified as a major source of bootleg fireworks. The remaining companies are all located in this State.

The New Melrose Fireworks Display Company in Huntley, (and its forerunner the Melrose Display Fireworks Company of Orland Park,) is another company that is deeply involved in the illicit trafficking of fireworks. We do not know how long this company has engaged in this activity, but we suspect that it has been since at least the 1950's.

According to our information Anthony Cartolano, the owner, has a monopoly over fireworks sales in the Bridgeport and Chinatown areas of Chicago. His distributors allegedly maintain this monopoly through the use of strong arm tactics. Cartolano also sells fireworks to other distributors as long as they agree not to try to resell them in the Chinatown or Bridgeport sections of Chicago.

In relation to previous years, Cartolano's involvement in the bootleg traffic of fireworks was fairly light in 1973. The explosion that leveled his plant in Orland Park in 1972 disrupted his operations. However, according to our informants, Cartolano plans to resume full scale bootleg trafficking in the future.

As was the case with Miller Fireworks Company, Cartolano's company also deals in both the Class B, M-80's, and the Class C fireworks. Before his plant in Orland Park exploded, Cartolano was the primary supplier of M-80's in the Midwest. The records that we have concerning Cartolano's manufacture of these M-80's over one short period of time provided us with a good deal of insight into the scale of his operations.

Between December 13, 1971, and January 26, 1972, Cartolano purchased 2,597,000 M-80 tubes from the Ohio Can Company in Cleveland, Ohio. We also know that these tubes were used to manufacture M-80 salutes; and that approximately eight of Cartolano's employees were engaged solely in their manufacture. This number of tubes would represent over 1,800 cases of finished M-80's for which Cartolano would have received in excess of \$70,000. The estimated street value of these M-80's would have exceeded a half a million dollars.

A large quantity of these M-80's were destroyed in the March, 1972, explosion; but many did reach the street. Not all of M-80's were destined for the Chicagoland market; some were earmarked for other Midwestern cities. Based on our investigation of Cartolano's activities, we think that in 1972 he planned to produce between 2,500 and 3,500 cases of M-80's with a street value of between three quarters of a million and a million dollars.

This past year Cartolano, to our knowledge, did not produce any M-80's because he did not have the equipment. Also, he was concentrating on rebuilding his legitimate business. In the future, however, we understand he again plans to manufacture these dangerous fireworks.

The Worldwide Fireworks Company in McHenry, before it exploded, was another major source of bootleg fireworks, although this company did not handle M-80's. Worldwide dealt mostly in Class C fireworks and some Class B fireworks other than M-80's. We have no way to estimate the quantity of fireworks sold in violation of the law; however, we conservatively estimate that the volume exceeded \$100,000 annually.

The Acme Specialties Corporation of River Grove, unlike the other companies, deals only in Class C fireworks. Before the 1971 Federal law went into effect, however, that company also supplied Class B fireworks such as M-80's, cherry bombs, and silver salutes to bootleggers. Subsequently, Acme discontinued handling these Class B fireworks.

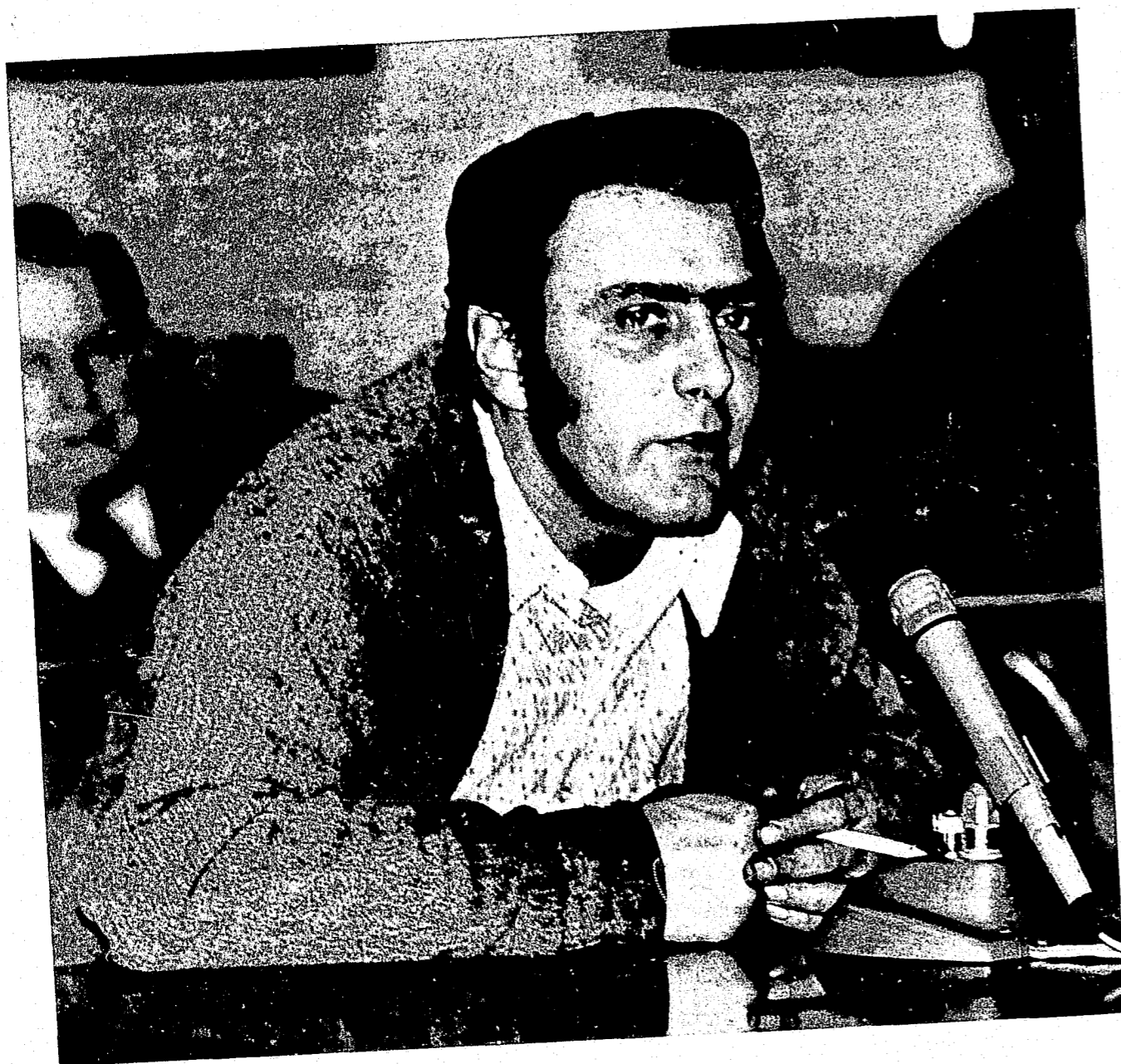
According to our best information, Acme is the major source of Class C bootleg fireworks in the Chicagoland area. One witness told us that close to 80% of the illegal fireworks in the Chicago area comes from Acme. Besides the Chicago market, however, Acme also sells to bootleggers in Indiana, Wisconsin, and Michigan; and we suspect that Acme distributes their fireworks to bootleggers in additional States.

We have no way to accurately determine the quantity of fireworks they bootleg. However, the volume of their bootleg sales to wholesalers probably grossed a half million dollars annually.

C. Major Distributors

1. Introduction

The five major fireworks bootlegger distributors supplied by manufacturers and wholesalers are William R. Szustowski,



Mr. Reno Carli, of Chicago, who testified that he was a customer for illicit M-80 firecrackers purchased from William R. Szustowski, alias "Wild Bill," a former resident of Chicago who is now residing in Ohio.

known as "Wild Bill," Thomas S. Scaman, Gregory F. Gorzellany, Joseph F. Pavone and Robert A. Deland, Jr.

The modus operandi of bootleg traffickers is similar. Distributors place their orders with manufacturers and wholesalers. Distributors then arrange to accept deliveries at the sellers' addresses. The distributors lease trucks in which the merchandise is loaded for transportation to their garages or warehouses in the Chicago area.

Transactions between the manufacturers and wholesalers, on the one hand, and the distributors on the other hand, are always on a cash basis. There are seldom any receipts or invoices. Therefore, we strongly suspect that profits from these bootleg fireworks activities are not reported on either State or federal income tax returns.

2. William R. Szustowski

William R. Szustowski, known in the trade as "Wild Bill," is probably the most important fireworks bootlegger in recent times. He first started this bootleg traffic in the late 1950's. He formerly resided in Chicago but later moved to Ohio.

While he was still a resident of Chicago he was buying large quantities of fireworks from manufacturers and wholesalers in Ohio and then transporting them back to Chicago for sale to other distributors. The Miller Fireworks Company of Chicago soon became his principal supplier. Eventually "Wild Bill" moved his domicile to Ohio, simultaneously becoming the primary agent in the Chicago area for the Miller Fireworks Company.

Szustowski's bootleg fireworks commerce was usually restricted to the two month period prior to the Fourth of July of each year. In 1971 his modus operandi changed. Instead of making deliveries to many Chicago area distributors, Szustowski now delivered fireworks to only a few selected individuals in the Chicago area. During 1971 and 1972 Thomas S. Scaman became Szustowski's single largest outlet. In 1973 Roger Devries of Palos Hills, Illinois, replaced

Scaman as Szustowski's principal outlet.

For the entire time that Szustowski has been engaged in this activity he sold both Class C fireworks as well as the more dangerous Class B fireworks, consisting of M-80's, cherry bombs, and silver salutes.

3. Thomas S. Scaman

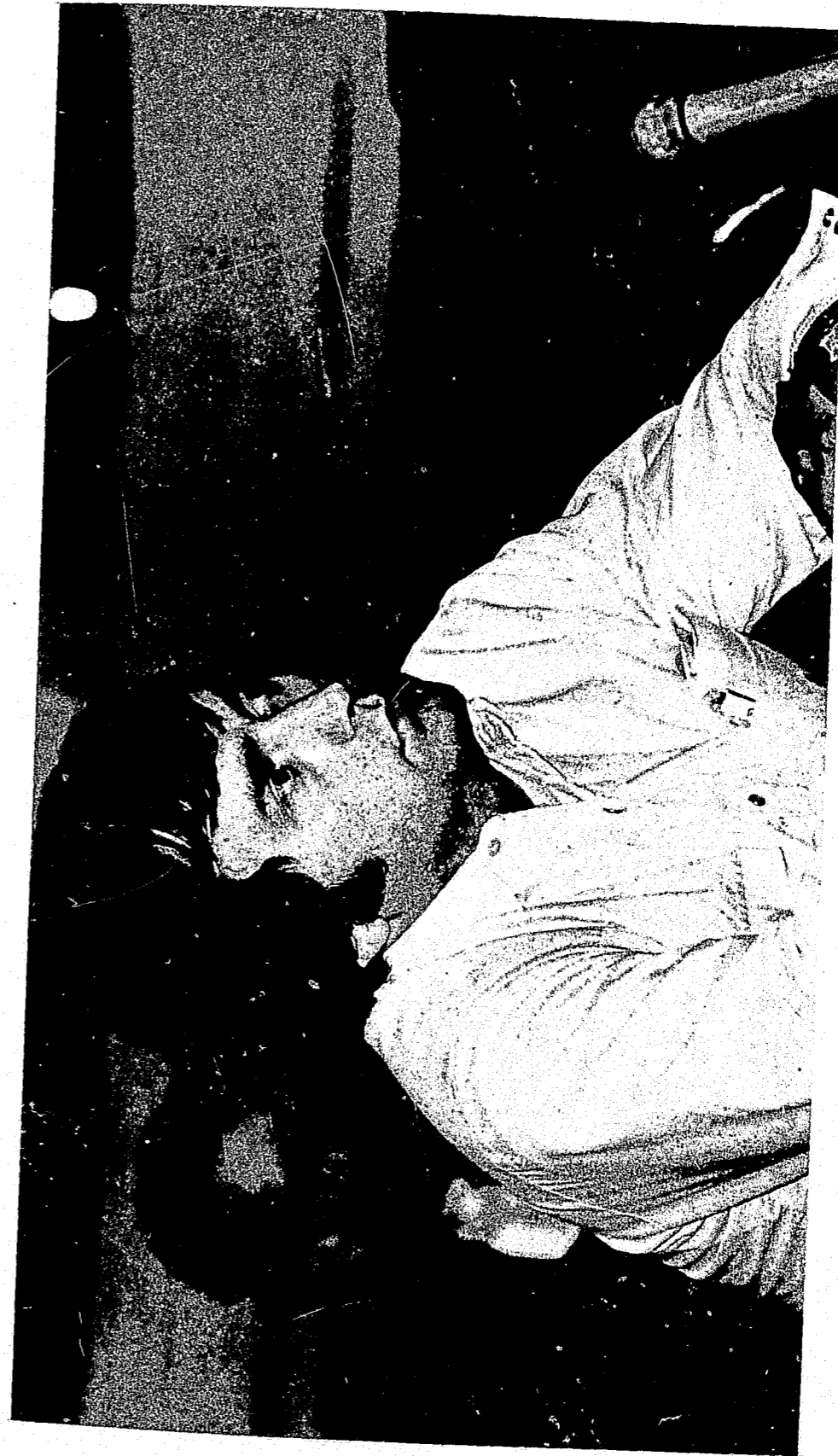
Thomas S. Scaman is another fireworks bootlegger. His brother Robert has long been associated with him in this traffic. Thomas S. Scaman formerly resided in Downers Grove but now resides in Stanton, Missouri.

Because of various difficulties Szustowski has had with federal authorities within the past two years, in connection with the counterfeit dollar and other rackets, he has had to materially curb his bootleg fireworks activities. We think he has been replaced by Thomas S. Scaman as the top bootleg distributor of fireworks to Illinois.

We were unable to determine precisely when Thomas S. Scaman first started his bootlegging of fireworks, but it appears it was several years ago. Until about 1972 Scaman's fireworks suppliers were Szustowski and the Miller Fireworks Company of Ohio. At that time Scaman became his own supplier. He purchased a farm in Stanton, Missouri and with some technical assistance from Miller, set up a clandestine M-80 manufacturing plant on that farm.

In order to give the semblance of legitimacy, Scaman formed a company named Apollo of the Ozarks and filed papers of incorporation in Missouri. The stated purpose of the corporation was to manufacture and deal in fireworks, presumably the Class C type, including legal M-80 smoke bombs.

Covertly, however, Scaman began the clandestine manufacture of M-80's which, starting from September, 1973, became his principal business. According to a reliable source of information Scaman manufactured approximately four cases of illegal M-80 salutes for every case of legal M-80 smoke bombs.



Mr. Robert L. Scaman, of Naperville, Illinois, giving the Commission an account of his unfortunate episodes as a result of fireworks plant explosions.

Still on crutches from a previous accident, Scaman was on the premises of the Worldwide Fireworks Company at McHenry, Illinois, on June 9, 1973, with his brother Thomas Scaman (an important fireworks bootlegger) when the plant was wracked by a series of explosions. Robert Scaman suffered a broken arm which subsequently became infected and for which he underwent extensive medical treatment.

In an apparent effort to legitimize some of his activities, and cloak his illegal M-80 manufacturing, Scaman applied for a federal license to manufacture and sell legal M-80 smoke bombs and other Class C explosives. As yet he has not received this license because he is still under investigation by the Alcohol, Tobacco and Firearms Division of the United States Treasury Department.

In addition to his own illegal M-80 operation, Scaman was purchasing chemicals for three other individuals located in different areas in Missouri. Scaman also provided these men with technical assistance in the illegal manufacture of M-80 salutes, in violation of federal law.

Since Scaman did not possess a federal license to manufacture explosives, he altered the formula normally used to manufacture M-80's. Rather than use potassium perchlorate as one of the ingredients, he used potassium nitrate. Therefore, all the ingredients for his M-80 salutes - aluminum powder - potassium nitrate - sulphur - could be purchased without any Federal license.

When Scaman first started his operation in Stanton, in September, 1972, he was manufacturing approximately 35 cases of M-80 salutes per week. By February of that year he was manufacturing 100 cases per week. Although we do not know precisely how many total cases of M-80 salutes Scaman manufactured, we have located the records of his tube purchases from two companies. These tubes are used to encase the M-80 salutes.

Between December 4, 1972, and February 2, 1973, Scaman purchased 1,527,500 tubes from the Jonesville Paper Tube Corporation in Missouri. He also purchased 1,341,000 tubes from R. T. C. Industries in Chicago between May 22 and June 13, 1973. Based on our estimate that approximately 80% of these tubes were used for the manufacture of M-80 salutes, we believe that Scaman manufactured at least 1,600 cases of these salutes during the past year. However, since there is a large gap between the dates he last purchased from Jonesville Paper Company and the date he began purchasing tubes from R. T. C. Industries, and because we know he was



Mr. Gregory F. Gorzelanny (left), an admitted fireworks bootlegger, and his attorney.

Testifying after he was granted immunity by the Cook County Circuit Court, he related his experiences for the past seven years as an illicit trafficker in Class C fireworks, and in M-80's, the dangerous firecracker, the sale of which is in violation of federal law.

manufacturing M-80's as early as September of 1972, we believe that Scaman's total manufacture of M-80 salutes exceeded 2,500 cases.

Scaman sold these M-80 salutes to customers both in the Chicago area and in other areas of the South and Midwest. Based on the average price he charged for M-80 salutes, we believe that Scaman's gross sales were \$125,000. The street value of this volume exceeds three quarters of a million dollars.

4. Gregory F. Gorzelanny

Another major distributor in the Chicago area is Gregory Gorzelanny who has been an active fireworks bootlegger since 1965. He was arrested on June 26, 1973, by the Chicago Police for the illegal sale of fireworks to an undercover officer. The Police seized over 140 cases of fireworks in Gorzelanny's garage.

Gorzelanny told us that he averaged between \$8,000 and \$15,000 for two months sales a year. He did claim that had he not been arrested he planned on netting about \$60,000 in 1973.

Gorzelanny has purchased large quantities of fireworks from the Miller Fireworks Company of Holland, Ohio, and Sunset Fireworks Company of Toledo, Ohio. He has also purchased fireworks from the following Illinois companies: Worldwide of McHenry; Acme Specialties Corporation of River Grove; the New Melrose Fireworks Display Company of Huntley; and from a few other minor sources. These purchases have included both Class C fireworks and the Class B M-80's, cherry bombs and silver salutes. Gorzelanny had many local Chicago area retail customers whom he has been steadily supplying these past several years.

For the past two years Gorzelanny's primary source of fireworks has been the Worldwide Fireworks Company and Acme Specialties Corporation. Since neither of these companies handles M-80 salutes, he has purchased them from Miller Fireworks Company and more recently from Thomas S. Scaman.



Fireworks bootlegger Joseph F. Pavone (on the left), of Chicago, who upon advice of his counsel, took the Fifth Amendment when subpoenaed before the Commission's public hearings on December 18, 1973.



Robert A. Deland (on the left) of Bloomingdale, Illinois, who upon the advice of his counsel (on the right) invoked the Fifth Amendment against self-incrimination when questioned at length at the Commission's public hearings on December 17, 1973, concerning his fireworks bootlegging activities.

5. Joseph F. Pavone

Joseph F. Pavone is another major fireworks distributor in the Chicago area. Pavone has been in this business for at least the last three or four years. He has purchased from Miller's Fireworks Company and Worldwide Fireworks, but in the last two years his principal supplier has been the Acme Specialties Corporation. Pavone has also purchased large quantities of M-80's from Thomas S. Scaman.

In 1971 and 1972 Pavone worked as a truck driver for Anthony Cartolano of New Melrose Fireworks Company. During that period he was actively involved in the distribution of Cartolano's bootleg M-80 salutes production.

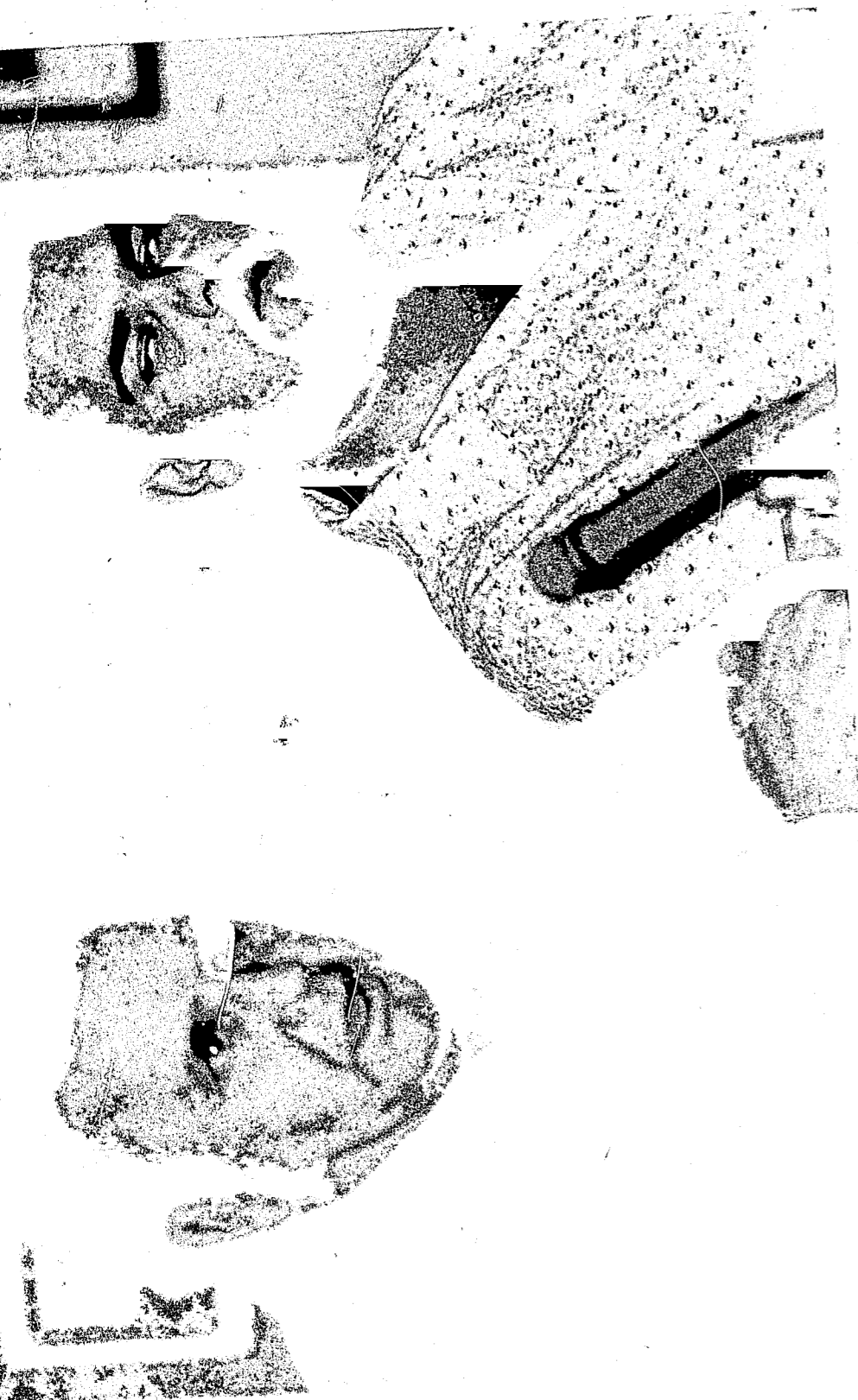
6. Robert A. Deland, Jr.

Another very large bootleg fireworks distributor is Robert A. Deland, Jr., known in the business as Red Deland. He has been an active dealer since the mid 1960's. We were able to establish that so far this year he has made fireworks purchases in excess of \$30,000, though we suspect that these purchases are much larger.

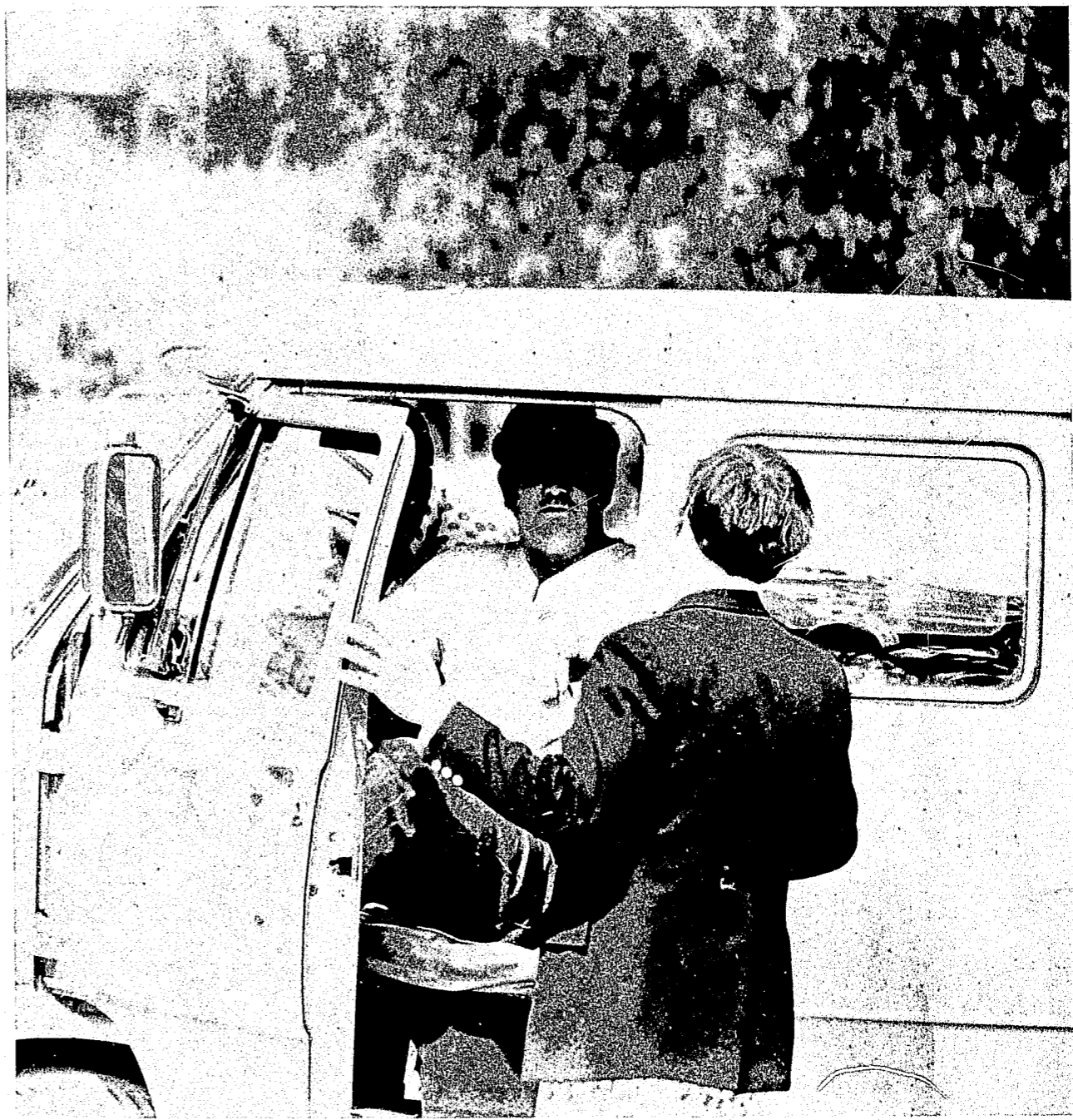
Deland's suppliers for Class C fireworks have been Acme Specialties of River Grove, Illinois; Imperial Enterprises Company of Dayton, Ohio; and Worldwide Fireworks Company of McHenry. His illegal M-80 salutes suppliers have been the Miller Fireworks Company of Holland, Ohio; Anthony Cartolano's former Melrose Display Fireworks Company of Orland Park; and Thomas S. Scaman's Apollo of the Ozarks Company.

D. The Undercover Case Against Elmer Lee Smith, et al

On August 3, 1973, Commission Chief Investigator Howard O. Roos and Agent John W. Baylor culminated a three week undercover investigation of an interstate, illegal bootleg firework operation when Elmer Lee Smith and Ray Allen Mason delivered \$2,000 worth of fireworks to them. The defendants were arrested in Willow Springs by officers of that Police



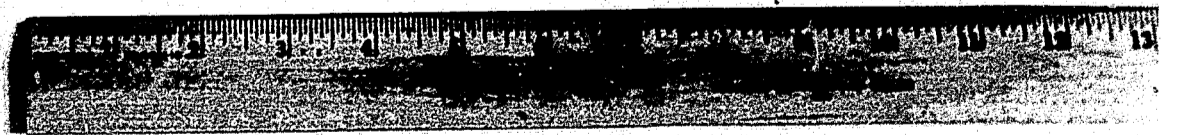
Bootleg fireworks traffickers Elmer Lee Smith and Ray Allen Mason, testifying at the Commission's public hearings on December 18, 1973.



Photograph surveillance by the Illinois Bureau of Investigation of negotiations between Commission undercover investigator John W. Baylor (back to camera) and fireworks bootlegger Elmer Lee Smith, culminating in the arrest of Smith and Ray Allen Mason on August 3, 1973, at Willow Springs, Illinois, and the seizure of 300 pounds of explosive fireworks transported from Ohio in Smith's panel truck.



One of three cardboard cases containing 300 pounds of fireworks explosives seized from Elmer Lee Smith and Ray Allen Mason on August 3, 1973, at Willow Springs, Illinois.



A Night Shell, one of 196 aerial shells confiscated from bootleg fireworks traffickers Elmer Lee Smith and Ray Allen Mason on August 3, 1973, at Willow Springs, Illinois.

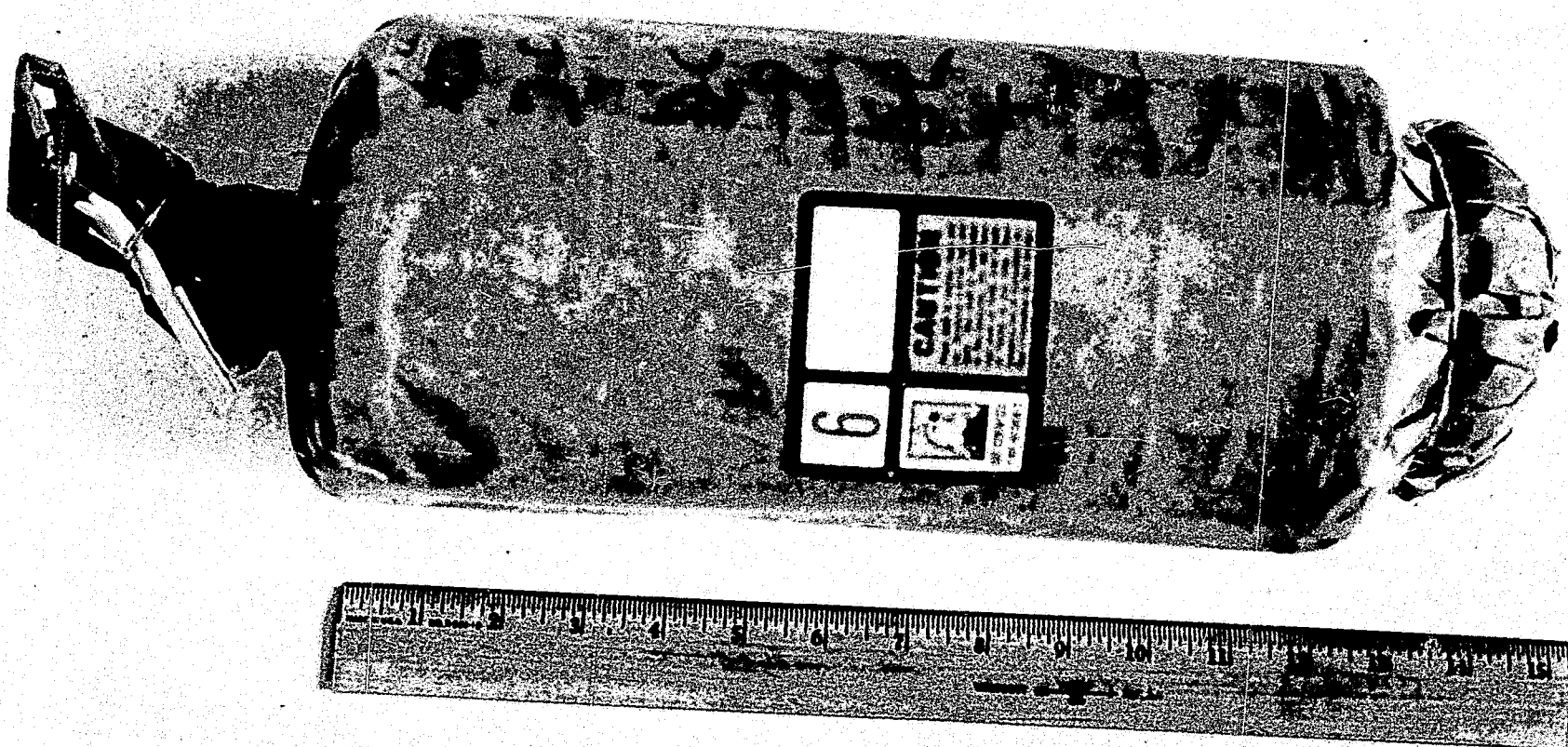
When ignited it produces a single explosion (one break) accompanied by a colored display. This Class B firework was imported from Japan by Thomas Farrow, operator of Professional Pyrotechnics, Inc. of Holland, Ohio, Smith's source of supply.



A Star Shell, another sample of the 196 aerial shells confiscated from Smith and Mason on August 3, 1973, at Willow Springs, Illinois.

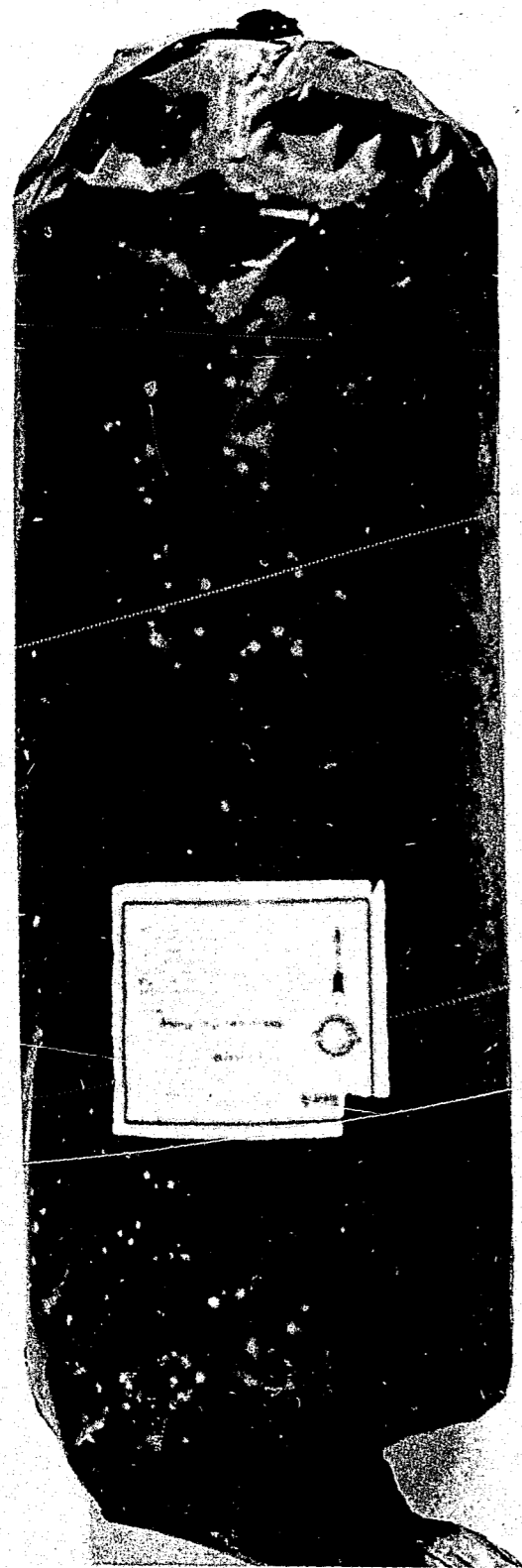
It produces six separate explosions (six breaks). The shell is dropped into a steel mortar tube imbedded in the earth, with the long wick hanging outside, the end of which is ignited by the display operator.

This Class B shell was probably imported from England by Thomas Farrow, owner of Professional Pyrotechnics, Inc., of Holland, Ohio.



"Transformation Shell," producing six separate explosions, the most expensive type purchased by Commission Investigator John Baylor from Smith and Mason, and then confiscated.

It was probably imported from Spain by Thomas Farrow, Professional Pyrotechnics of Holland, Ohio, the source of supply for Elmer Lee Smith who said it was "the most beautiful shell" in the entire delivery of 196 aerial shells.



"Shell-of-Shells," one of the types of Class B aerial shells seized from Smith and Mason, that is often used for the finale of a fireworks display. Probably imported from England by Thomas Farrow of Holland, Ohio, it produces multiple explosions (or "breaks") and spectacular visible effects.

It contains a large amount of explosive powder which, like the shells in the preceding photographs, is sufficient to fatally or seriously injure persons situated nearby, in the event the shell misfires in the steel, mortar tube into which it is dropped for ignition.

Department and agents of the Illinois Bureau of Investigation. The marked money provided by the I.B.I. was recovered at the time of the arrests and seizure.

The seized fireworks consisted of 196 highly explosive firework display shells and six iron mortar tubes, $\frac{1}{4}$ inch thick, into which the shells are dropped before firing. The fireworks were over 300 pounds in weight.

Elmer Lee Smith, a resident of Oak Lawn, Illinois, and oft-times transient boarder in Toledo, Ohio, was the principal subject of this Commission's undercover operation designed to demonstrate how easily high explosive fireworks may be bootlegged and sold on an interstate basis.

In the early stages of this investigation, it was discovered that a primary source of illicit fireworks being bootlegged into the Chicago area was the Miller Fireworks and Novelty Company of Toledo, Ohio.

It was determined that any investigation of this illicit fireworks' trafficking would best begin at the bootlegging source, namely, Miller's Fireworks Company in Toledo. Consequently, the following undercover operation was initiated.

On the morning of July 14, 1973, Agent Baylor drove to the Miller Fireworks and Novelty Company on the outskirts of Toledo, Ohio. Posing as John Newlin of Chicago, he met a man later identified as Elmer Lee Smith, from whom he said he wanted to purchase fireworks.

Smith did not ask any questions as to who referred the Agent to that company, or ask for any other bonafides. Smith initially thought the Agent was interested in buying small novelty items such as firecrackers and bottle rockets but the Agent explained that instead he wanted to arrange for a large twenty minute aerial display of the multi-colored starburst shells.

Agent Baylor gave Smith the cover story that he represented a wealthy Chicago businessman who wanted to conduct an aerial fireworks display for a party he was having at

a suburban country club on August 4, 1973; and that he was willing to pay up to \$2,000, providing his guests would be well entertained.

Smith mentioned the necessity for a local permit for such a display and the undercover Agent said that his client knew the local authorities and they would not interfere. Smith said there were also State and Federal authorities to be concerned with but the Agent commented that they would have no way of knowing of any transaction between them.

They discussed the different sizes and types of aerial shells to be used and their cost in general terms. Smith said he could provide an excellent show, would fire it himself and provide his own liability insurance, all for under \$2,000.

Agent Baylor told Smith that his client would appreciate the convenience of a package arrangement. Smith agreed to call the Agent in Chicago by Wednesday of the following week, July 18, 1973, to further the details of the display.

Smith called twice that week before the Agent returned his call on Thursday morning, July 19th. Smith again mentioned the necessity for a display permit saying, "I've been dealing in fireworks for years and they would just love to burn me."

Rather than an itemization of the aerial shells and their cost, Agent Baylor agreed with Smith that for \$2,000 he would provide approximately 175 shells, the mortar tubes for firing the display, personal liability insurance, transportation and firing of the fireworks.

Smith also requested \$500 in earnest money against cancellation of the display. The Agent postponed further arrangements until Saturday, July 21st, saying his client was not yet certain of his party's exact location.

The Agent telephoned Smith on the 21st and told him that his client would rather spend all \$2,000 on the aerial shells and their necessary mortar tubes and not pay for

either the liability insurance or Smith's firing fee.

Smith agreed to this but said that the Agent would have to transport the fireworks from Toledo himself. Smith said the Agent would need a federal transport permit, but when the Agent asked who would know the difference, Smith replied probably no one.

Smith then agreed to transport the fireworks from Toledo, Ohio, to a Chicagoland warehouse towards the end of July in time for the feigned August 4th display. He stipulated, however, that the Agents would have to pay him the \$2,000 in cash.

On the following Monday, July 23rd, Chief Investigator Roos spoke with Organized Crime Group Leader Thomas Schump of the Illinois Bureau of Investigation about the proposed investigative operation. The I.B.I. agreed to arrest Smith when and if he delivered the fireworks from Miller's, in addition to video-taping the entire transaction.

Later that week, I.B.I. Special Agent David Williams located several possible delivery sites in suburban Willow Springs. Together with the Willow Springs Chief of Police, Michael J. Corbitt, and his Administrative Assistant, Joseph Hein, we finally selected a warehouse in a remote area on Archer Avenue (Illinois 71) in Willow Springs, to minimize damages to life and property in the event of an untoward accident, given the dangerous nature of fireworks.

Agent Baylor telephoned Smith on Friday, July 27th, to inquire about his anticipated delivery date. He stated that first there were several forms that would have to be filled out to legalize his delivery. He also needed the Agent's client's name and the warehouse address.

Smith was informed that the client was Howard Sexton, (Chief Investigator Roos' undercover identity at the time,) and gave him the address of the warehouse in Willow Springs. Smith said that he would call Agent Baylor on Monday, July 30th, to arrange a meeting for executing the delivery forms.

Smith did not call again until Thursday afternoon, August 2nd. He said he was at Miller's Fireworks in Toledo and that he had the necessary Federal forms with him. However, he said that if the Agent did not want to apply for a local fireworks permit, he would have to transport the fireworks himself. Agent Baylor replied that that would be impossible.

Smith said the only other way he could protect himself would be to forge Sexton's signature to a User's Permit. He explained that he was considering becoming a fireworks manufacturer himself and that consequently he had to be very careful with any new customers. Agent Baylor told Smith he would check with Sexton and call him back.

Later, Baylor telephoned Smith and told him to do whatever he had to, but to deliver the fireworks on Friday, August 3rd, for \$2,000 cash. He said, "O. K., I'll make out a phoney bill of sale."

Smith called the Agent the next morning and said he was ready to deliver. He explained that he did not have exactly the shells he had hoped for, but that he had brought 196 shells, including 99 of the larger variety. He said he would refund \$250 of our \$2,000 when we returned his mortar tubes. Baylor agreed to meet at the warehouse at 3:00 p.m. that afternoon.

Later that morning Chief Investigator Roos and Agent Baylor met with Special Agent Thomas Biebel of the I.B.I. to finalize plans for the videotaping and the anticipated arrest to be effected that afternoon upon Smith's delivery of the fireworks.

Early that afternoon Chief Investigator Roos, Commission Investigators Baylor and Thomas Hampson rendezvoused with representatives of both the I.B.I. and the Willow Springs Police Department behind a large Willow Springs chemical plant where final personnel assignments were made.

The I.B.I. videotaping crew, filming from the inside of a vintage mobile camper, was situated in a tavern parking

lot adjacent to the warehouse. The remaining I.B.I. agents, as well as the Willow Springs Police Department officers, stationed themselves in a large circular pattern surrounding the warehouse.

Smith arrived at the warehouse in a Ford Econoline auto at 3:40 p.m. He was accompanied by an individual, subsequently identified as Ray Allen Mason of Chicago, who helped off-load the fireworks and the mortar tubes.

Chief Investigator Roos and Agent Baylor spoke with Smith about the fireworks while Mason transferred them from the truck into the warehouse. Smith produced a phoney bill of sale for the fireworks, (which I.B.I. later seized and now holds in evidentiary custody.)

The undercover Investigators opened one of the fireworks cartons and generally inspected its contents. The shells were a full six inches in diameter and bore red labels with the name Professional Pyrotechnics on them. Professional Pyrotechnics is co-located with Miller's in Toledo and is owned and operated by a Thomas Farrow of Madison, Wisconsin.

Finishing their cursory inspection, the Investigators gave Smith \$2,000 cash, which Smith proceeded to count twice before pocketing. (The I.B.I. had provided Roos with the money earlier after recording the individual serial numbers on each bill.)

Hands were shaken all around before Smith and Mason boarded their van and departed. At this point, Roos signaled the videotaping crew to alert the pre-stationed officers to effect their arrest and recover the evidentiary money.

With Smith and Mason in custody and the \$2,000 recovered, the fireworks and mortar tubes were loaded into a Commission vehicle for transportation to the Glenview Naval Air Station where they were secured in one of the Base's ordnance section bunkers.

The facts concerning this investigation were furnished

to the Cook County State's Attorney. However, it was later decided to drop the prosecution there and initiate prosecution in federal court. The files were made available to the Chicago office of the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department.

E. The Undercover Case Against Anthony T. Cartolano

Illinois law only permits the sale of fireworks to a person who intends to put on a display and who has a permit from the local authorities where the fireworks are to be displayed.

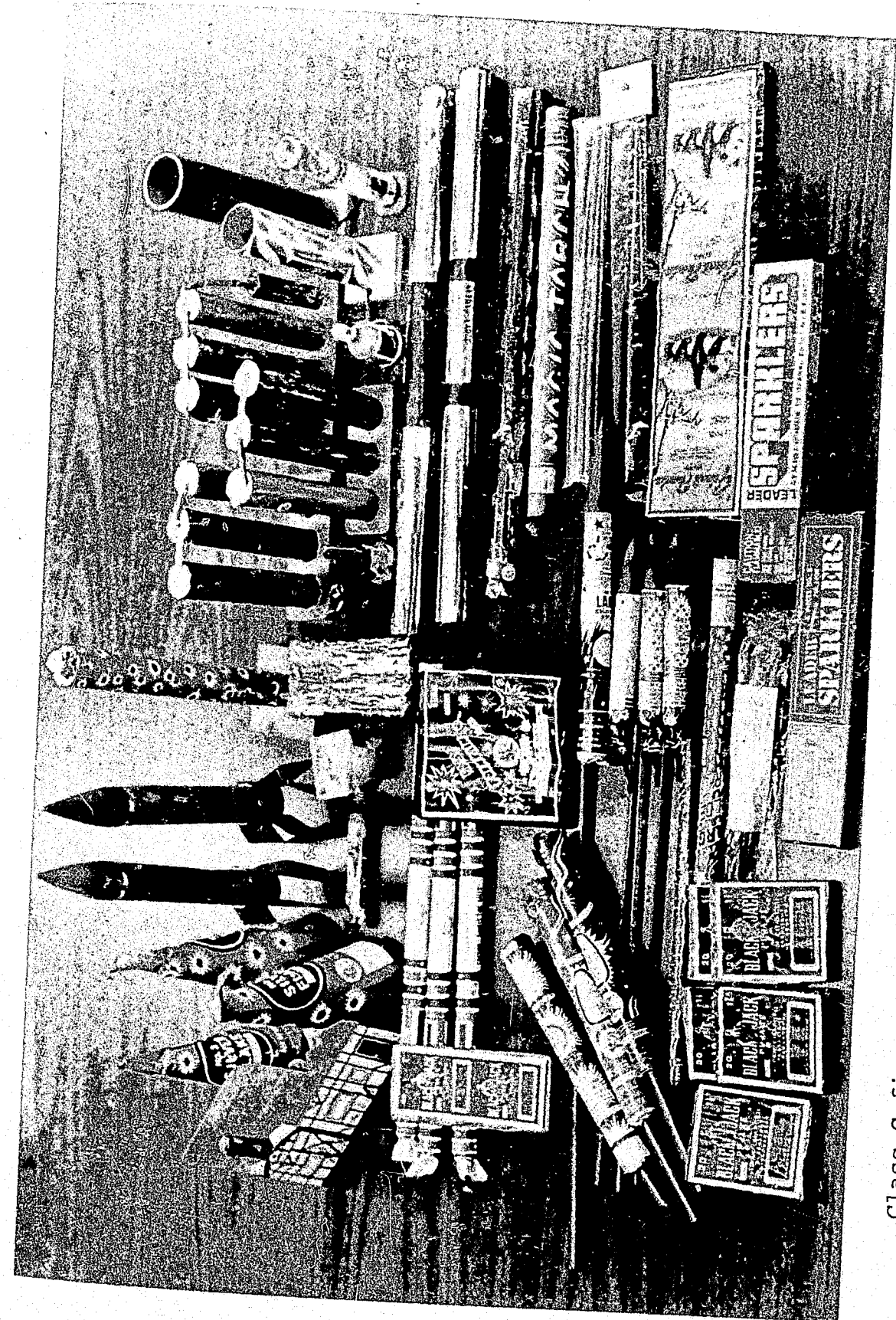
On June 28, 1973, Chief Investigator Howard Roos and Agent Tom Hampson concluded an undercover investigation with the purchase of \$115 of fireworks from Anthony T. Cartolano, the owner of the New Melrose Fireworks Display Company in Huntley, Illinois.

Cartolano knowingly sold fireworks to Commission Agents in flagrant violation of the law. When Cartolano was approached on June 28th he said a signed permit was necessary from local authorities in the city where the Agents intended to display the fireworks. He gave one of the Agents a blank permit. Within an hour Agent Hampson returned with the permit signed by Chief Investigator Roos, using the fictitious name of Donald J. Trainer from Cairo, (several hundred miles away,) in the space provided for the local officer.

It is noted that it was physically impossible for the Agents to have made the round trip from Huntley to Cairo within one hour, therefore, Cartolano had to know the permit was a fraud.

Following are the circumstances that led to the development of this case.

Prior to June 28, 1973 the McHenry County Sheriff's Department had notified the Commission that Detective George Voska of the McHenry County Sheriff's Department had made



Class C fireworks sold illicitly on June 28, 1973, by Anthony T. Cartolano, owner of New Melrose Fireworks Display Company, Huntley, Illinois, to Commission undercover investigator Thomas R. Hampson.



Class B fireworks (aerial shells) and firing tube also sold illicitly on June 28, 1973, by Anthony T. Cartolano to Commission undercover investigator Thomas R. Hampson.

two undercover purchases of fireworks from Anthony Cartolano at the New Melrose Fireworks Display Company in Huntley. The Commission decided to pursue an independent undercover effort against Cartolano.

Accordingly, the morning of June 18, 1973, Agent Hampson drove to Woodstock, Illinois, and met Detective Voska, who briefed him about previous purchases. Detective Voska drove with Agent Hampson to Huntley. Voska waited outside while Agent Hampson entered the premises.

Hampson told Cartolano he was a friend of George Gibbons, the undercover name for Detective Voska, and that he wished to purchase some fireworks. Cartolano said he was unable to sell any fireworks that day because his trailers and bunkers had been sealed by court order. Cartolano told Hampson to return two days later.

On June 30 Hampson returned to Huntley for the purpose of purchasing fireworks from Anthony Cartolano. Again Detective Voska accompanied him, but when they arrived at the New Melrose Fireworks Company there was no one at the facility. They then started to drive back to Woodstock but as they were proceeding along Main Street near the center of Huntley, they noticed Cartolano's Cadillac automobile parked in front of the Village Inn.

When they walked into the Village Inn, they noticed Cartolano and two of his associates sitting in a booth at the rear. Detective Voska and Hampson sat in a booth near the front of the restaurant, ordered lunch, and waited for Cartolano to leave.

Cartolano and his associates finished eating and left. Hampson intercepted Cartolano, drew him off to the side where they could speak privately. Hampson asked him again if he could purchase a small quantity of fireworks to try out. Cartolano informed Hampson that he could not sell any fireworks to him that day because his bunkers and trailers were still sealed by court order.

Hampson then told Cartolano that he was interested in

buying a large quantity of fireworks from him and asked him if he had enough stock on hand. Cartolano informed Hampson that he did, and that he was certain he would be able to sell him the fireworks the next day.

Subsequently, Hampson telephoned Cartolano on several occasions but was advised that the court seals had still not been removed. Finally, on June 27, 1973 Hampson learned from the Sheriff's Police Department that the seals had been finally removed.

Accordingly, Chief Investigator Roos and Hampson drove to Huntley the following day, June 28, 1973. When they arrived at Cartolano's Huntley facility, Hampson walked in to Cartolano's office and after a short wait for him to finish with another customer, he told Cartolano that he was there to purchase a small quantity of fireworks, and that if the fireworks were satisfactory, he would purchase a much larger quantity later.

Cartolano asked Hampson if he had a permit. Hampson responded that he did not. Hampson asked him if it was necessary to get a permit just to try the fireworks out. Cartolano said it was necessary, because, "there's a lot of heat on me right now, and I don't know who could be watching this place. If there is anyone watching and they see you haul away a bunch of fireworks, stop you, and find that you don't have a permit, they'll close me up again." At that point, Cartolano removed a blank permit from his lower right hand desk drawer, handed it to Hampson, and told him to fill it out and come back.

Hampson took the permit and returned to the car. Chief Investigator Roos and Hampson conferred for a couple of moments and then Hampson went back into Cartolano's office and asked him if it made any difference what Sheriff signed the permit. Cartolano said that it did not, so Hampson returned to the car. Chief Investigator Roos and Hampson drove to the McHenry County Sheriff's Department at Woodstock to fill out the permit.

When they arrived at the Sheriff's Department, they

filled out the permit using Cairo, Illinois, in Alexander County, as the place where the display was to be held. They used the fictitious name of Howard Sexton of U.S. Research Development Corporation as the person to whom the permit was issued. Chief Investigator Roos then signed the name Donald J. Trainer as the issuing officer. Donald J. Trainer is a completely bogus name.

After they filled out this permit, Chief Investigator Roos and Hampson returned to Cartolano's Huntley facility. No more than an hour had passed since they had left Cartolano's plant earlier. Mr. Roos again waited in the car while Hampson entered the office to speak with Cartolano. Hampson gave him the permit. He examined it thoroughly, stood up, folded the permit in half, and told Hampson to follow him. They went outside and Cartolano told a man called Bill to get whatever Hampson wanted. Hampson told Bill that he wanted about \$100 worth of fireworks in as wide a variety as possible so that he could try them out.

By that time Mr. Roos had gotten out of the car and joined Hampson. Cartolano went back into his office. Roos and Hampson followed Bill to the shed where the fireworks were stored. Bill entered the shed and began picking out a variety of shells. After selecting the shells, Bill came out and asked if there was anything else Hampson needed. Hampson said that he needed a mortar in which to drop the shells because he did not have one of his own. Bill walked over to a large neatly stacked pile of mortars and gave Hampson a three inch mortar.

Bill and Roos took the mortar and shells back to the car while Hampson went back to the office to pay for the fireworks. Cartolano was busy so Hampson had to wait a few minutes in the outside office. In the meantime Mr. Roos returned from the car and joined Hampson. When Cartolano was free, Hampson went into his office and told him that Bill had given him \$100 worth of fireworks, and that he also wanted one of the backyard display kits that Cartolano had. He pointed to a small box setting on a couch in his office and said, "Go ahead and take that one," adding that it cost \$15. Hampson paid Cartolano \$115, in the presence of Chief Investigator Roos, for the 21 display shells and the Class

C backyard display kit which included various kinds of small fireworks such as sparklers, Roman candles and fire-crackers.

Upon their return to the Commission's office, the Agents inventoried all the fireworks Hampson had purchased from Cartolano. The fireworks were subsequently taken to and stored in the munitions bunker at the Glenview Naval Air Station for safekeeping.

Our file on this investigation was also made available to the Chicago office of the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department.

F. Cooperation with Federal Authorities

During the course of our investigation of the bootleg fireworks racket we furnished information to the Chicago office of the U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms, (A. T. & F.) concerning interstate trafficking activities which indicated possible violation of federal laws.

In August, 1973, we learned that John Miller, owner of the Miller Fireworks Company in Holland, Ohio, had assisted in establishing several clandestine operations to manufacture M-80 salutes in various parts of the country, including some in the Ozarks, Missouri region of Stanton-Newburgh-Rolla.

We furnished this information to the Chicago A. T. & F. office who promptly transmitted it to their colleagues in St. Louis, Missouri. As a result of that lead, A. T. & F. Investigators located the site of a clandestine manufacturing operation in Rolla, seized a large quantity of M-80 salutes, and arrested Robert Wilson. Subsequently, Wilson and one Larry Bradshaw were indicted in Federal court in St. Louis, Missouri, for the illegal manufacture of explosives.

It was established that Wilson and Bradshaw were

associates of Thomas Scaman, who is now the subject of an intensive investigation by the United States Bureau of Alcohol, Tobacco and Firearms in St. Louis.

Five days after the Rolla arrest the Commission's Chief Investigator Howard Roos and Agent Hampson were in Missouri to question Thomas Scaman in the presence of State Police authorities. At that time we offered to give the A. T. & F. authorities in St. Louis, through their Chicago office, our file information on Scaman. We were advised that up until the receipt of our original information concerning clandestine operations in the Ozark mountains area, the A. T. & F. Investigators had no prior knowledge concerning that situation.

In addition to furnishing federal authorities our evidence and files on the undercover cases we developed against Elmer Lee Smith, et al, and Anthony T. Cartolano, we also made available to them our complete fireworks investigation files and public hearings transcripts for further investigation of many undeveloped leads, and possible federal prosecution.

Illinois Fireworks Companies



Chapter 4

FIREWORKS COMPANIES IN ILLINOIS

A. Introduction

Another mandate the Commission received pursuant to House Resolution 414 was the investigation of the importation, manufacture, transportation and ignition of fireworks in Illinois. Therefore, we inquired into the background and activities of the Illinois companies involved in these functions.

Up until 1971 the following 12 Illinois companies were engaged in one or more of these functions:

1. Illinois Fireworks Company, Danville, Vermilion County;
2. Liberty Display Fireworks Company, Danville, an affiliate of Illinois Fireworks Company;
3. World Fireworks Company, Danville, another affiliate of Illinois Fireworks Company;
4. New Melrose Fireworks Display Company, Huntley, McHenry County, formerly known as the Melrose Display Fireworks Company, Orland Park, Cook County;
5. Osco Fireworks Company, Osco, Henry County;
6. Acme Specialties Company, River Grove, Cook County;
7. Star Fireworks Manufacturing Company, Danville, Vermilion County;
8. Thearle Duffield Fireworks Company, Chicago, Cook County;
9. Carpentersville Fireworks Company, Huntley, McHenry County;

10. Continental Fireworks Company, Pisgah, Morgan County; and
11. Worldwide Fireworks Company, McHenry, McHenry County.

At the present time only the following seven companies are active:

1. Illinois Fireworks Company;
2. Liberty Display Fireworks Company;
3. World Fireworks Company;
4. New Melrose Fireworks Display Company;
5. Osco Fireworks Company;
6. Acme Specialties Company; and
7. Star Fireworks Manufacturing Company.

The Thearle Duffield Company went out of existence in 1971. The Carpentersville Fireworks Company was taken over by the New Melrose Fireworks Display Company in 1972. The Continental Fireworks Company never resumed operations after its plant exploded on May 17, 1971. The Worldwide Fireworks Company was similarly disbanded after its plant explosion of June 9, 1973.

The current Illinois law does not adequately define the various types of fireworks. Therefore, for the purpose of discussion of this chapter, the Commission will use the definitions of the types of fireworks as contained in the regulations of the United States Department of Transportation in relation to the manufacture, transportation and storage of fireworks.

All the other definitions not now used in federal law, and which will be mentioned in this discussion, were taken from a Model Code devised by the National Fire Protection Association to guide those States which wish to adopt revised fireworks laws. In Chapter 8 of this report we will go into further detail concerning that Model Code, many provisions of which the Commission will include in its draft of proposed legislation.

Another reason for employing these definitions in this report is that fireworks companies in Illinois come under the jurisdiction of the federal authorities in certain respects, and the designations of Class A, B, and C are commonly employed by those companies.

Class A Explosives, as defined by the United States Department of Transportation, are those which possess detonating or otherwise maximum hazards, such as dynamite, desensitized nitroglycerin, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

Fireworks are any composition or device for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. In that context, Illinois fireworks companies do not produce any Class A explosives.

Class B Explosives, as defined by the United States Department of Transportation, are generally those explosives that function by rapid combustion rather than by detonation, such as propellant explosives (including some smokeless propellants), and photographic flash powders. Therefore, Class B Fireworks are those fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. Class B Fireworks includes, but is not limited to, toy torpedoes, railway torpedoes, firecrackers, and salutes that do not qualify as Class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades.

Class B Fireworks also includes smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each.

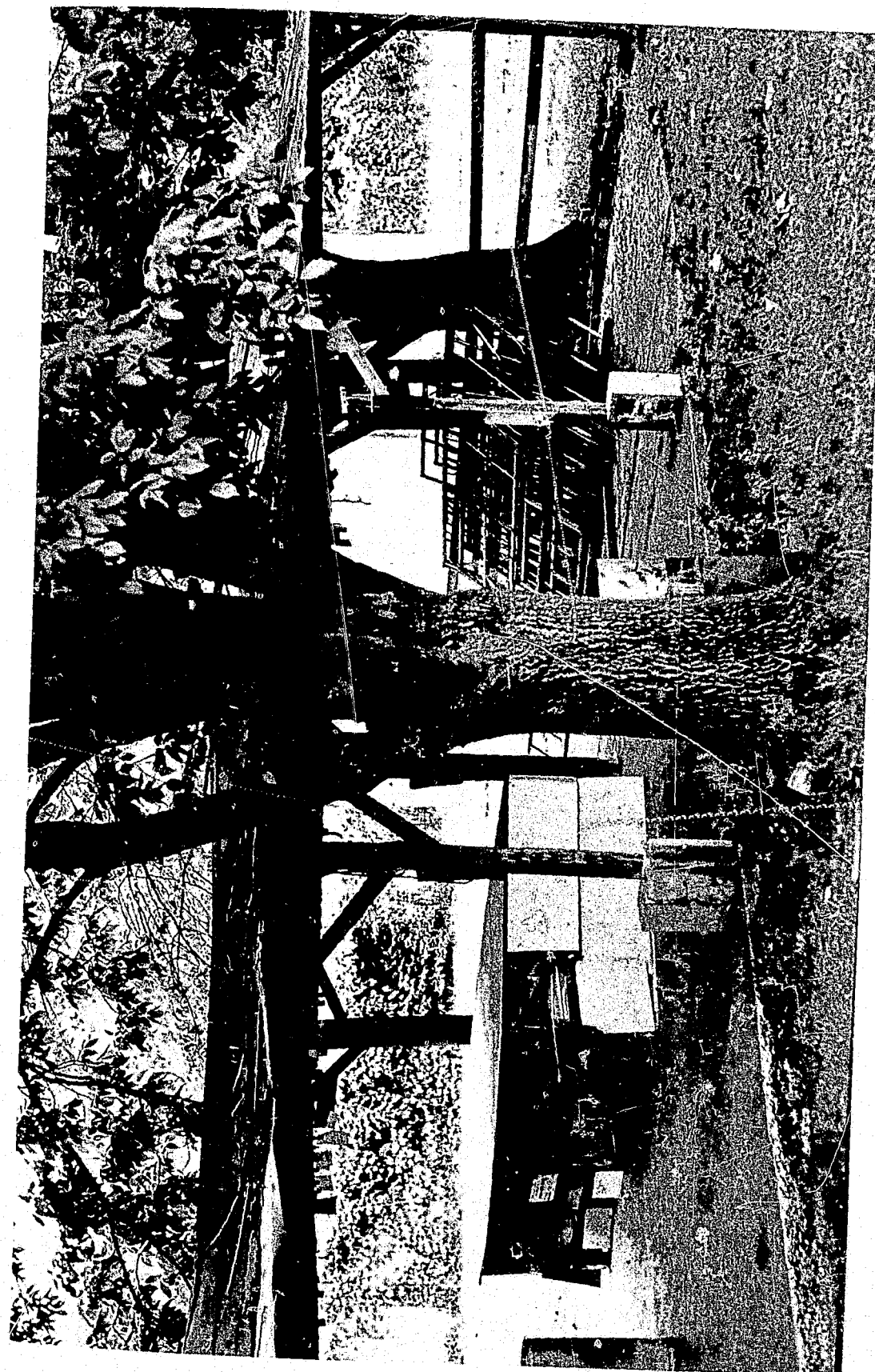
The fireworks displays at civic, patriotic, and fraternal group events, usually employ Class B fireworks. These are the types that are sold by Illinois fireworks companies to these groups, and which are usually ignited by employees of the fireworks companies, for the visible and audible satisfaction of those persons who attend these group functions.

The United States Department of Transportation defines Class C Explosives to include certain types of manufactured articles which contain Class A or Class B explosives, or both, as components, but in restricted quantities. Therefore, Class C Fireworks means fireworks designed primarily to produce visible effects by combustion. Some of Class C fireworks are small devices designed to produce an audible effect, but only when containing two grains or less of pyrotechnic composition. Propelling or expelling charges consisting of a mixture of sulfur, charcoal and saltpeter are not considered as designed to produce audible effects.

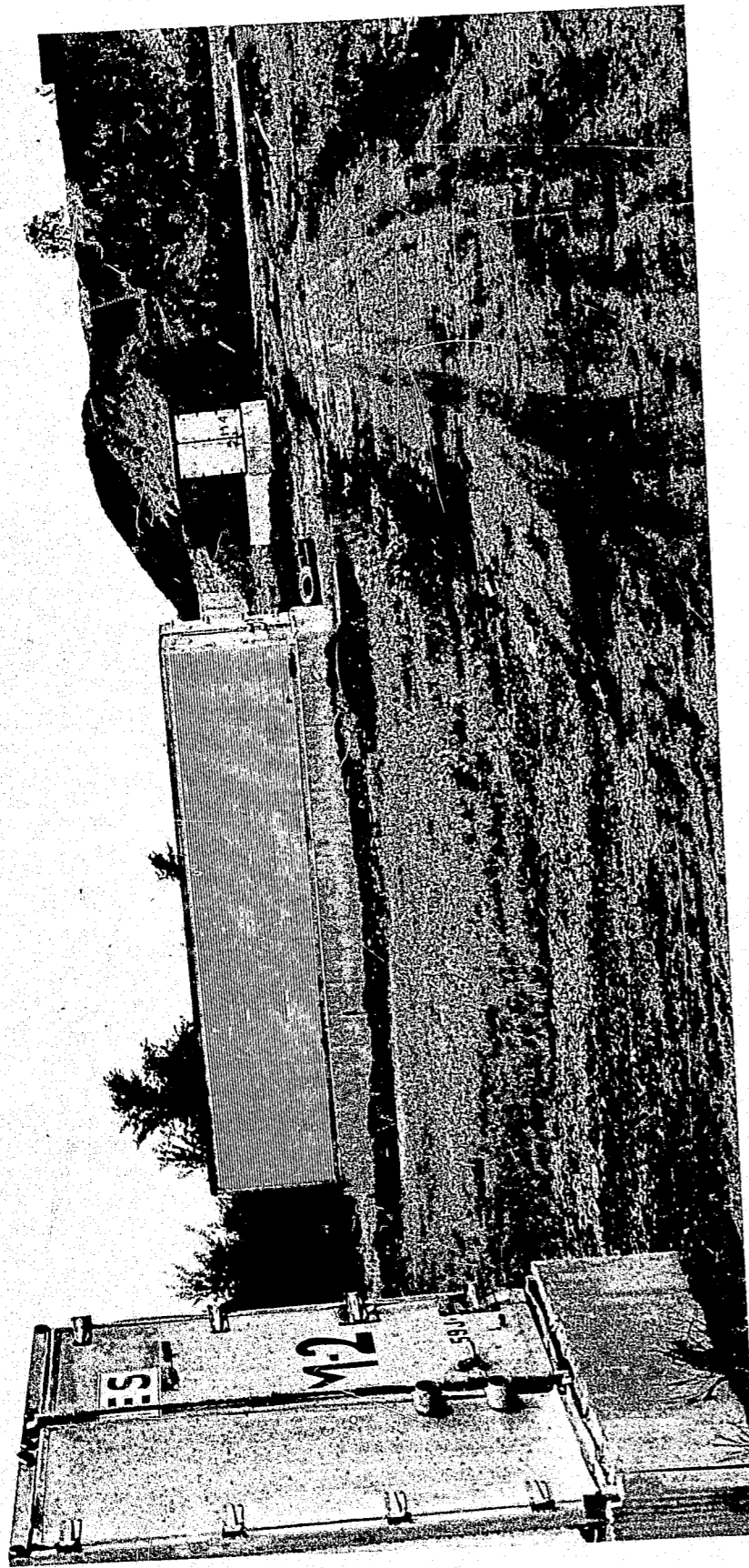
A few Illinois companies also manufacture and sell Class C Fireworks, which are much less dangerous. These are the type that theoretically are illegal in Illinois when purchased by persons or groups for ignition in "backyards," but which practically speaking, nevertheless find such usage.

Class C Fireworks, as classified by the United States Bureau of Explosives and regulated by the United States Department of Transportation, include the following:

1. Roman candles, not exceeding 10 balls, with total pyrotechnic composition not exceeding 20 grams in weight and inside tube diameter not exceeding three-eighths inch;
2. Sky rockets with sticks, total pyrotechnic composition not exceeding 20 grams in weight, and inside tube diameter not exceeding one-half inch;
3. Helicopter type rockets, total pyrotechnic composition not exceeding 20 grams in weight, and inside tube diameter not exceeding one-half inch;
4. Cylindrical fountains with total pyrotechnic composition not exceeding 75 grams in weight, and inside tube diameter not exceeding three-fourths inch;
5. Cone fountains with total pyrotechnic composition not exceeding 50 grams each in weight;



The work area at Illinois Fireworks Company in Danville. The open-air concept is designed to minimize risks of accidental combustion and explosion in the manufacture of explosive fireworks.



Storage area of the Illinois Fireworks Company in Danville, Illinois, consisting of ten truck trailers, mounted on cement foundations. Some trailers contain finished fireworks products, others contain raw material explosives used to manufacture fireworks.

6. Wheels, with total pyrotechnic composition not exceeding 60 grams for each driver unit or 240 grams for each wheel, and with inside tube diameter of driver units not exceeding one-half inch;

7. Illuminating torches and colored fire in any form with total pyrotechnic composition not exceeding 100 grams each;

8. Dipped sticks, the pyrotechnic composition of which contain any chlorate or perchlorate not exceeding five grams, and all sparklers;

9. Mines and shells of which the mortar is an integral part, total pyrotechnic composition not exceeding 40 grams in weight;

10. Firecrackers and salutes with casings, and external dimensions not exceeding one-and-one-half inches in length, or one-quarter inch in diameter, and total explosive composition not exceeding two grains each in weight; and

11. Novelties consisting of two or more devices enumerated in Items 1-10 of this definition.

Fireworks companies in Illinois fall into various categories. Acme Fireworks Company of River Grove, for example, manufactures only Class C fireworks. The other companies manufacture Class B fireworks principally for sale to groups, upon presentation of the proper permits from local authorities, (Mayor, Chief of Police, Fire Chief, or the Sheriff in instances where there is no such local official.) The fireworks companies will, in most instances, also contract to conduct the fireworks displays which includes the ignition of such fireworks.

Some fireworks companies will sell their out-of-town customers within and without Illinois packages of fireworks which are referred to as "ship-shows." Upon receipt of an appropriate permit from the customer, the fireworks companies ship the fireworks with instructions on how to conduct fireworks displays, including ignition.

Some Illinois fireworks companies will import Class B fireworks from Europe, South America, Africa, Southeast Asia, and the Far East where labor and materials are much cheaper than this country. The Illinois companies then assemble their own fireworks displays, using as components the products they purchase from foreign countries.

Therefore, any company which either engages in the total manufacture of fireworks using domestic ingredients entirely, or any company that assembles foreign fireworks, will be considered as a manufacturer, both from a legal and substantive point of view.

Historically, fireworks companies in the United States have been operated by men who have devoted their entire lives to that field. Contrary to popular belief, the top fireworks experts in the United States are not of oriental origin. Rather, they are generally of Italian descent.

The fact is that the Italians, and not the Chinese, perfected the techniques of manufacturing aerial shells which, when ignited, provide brilliantly colored, perfectly symmetrical air bursts. The manufacturing procedure, the exact ingredients, and the proportion of the chemicals used in aerial shells are, even today, carefully guarded secrets that have been handed down from generation to generation.

When these Italian craftsmen emigrated to the United States they brought their expertise with them and established fireworks manufacturing plants throughout the country, and raised their children to take over the family business. Some of these craftsmen eventually established businesses in Illinois.

Each Illinois company involved in the manufacture, storage or sale of fireworks must, according to the Illinois Fireworks Act, be registered with the State Fire Marshal. Our investigation revealed that only four of the 12 companies we investigated, had ever applied for or received this certificate of registration, prior to our inquiry.

The Illinois Fireworks Act also provides that fireworks companies shall be inspected. Our investigation disclosed that few of these required inspections were ever made by the State Fire Marshal. In fact, more inspections were made since our investigation and public hearings than were ever made prior to our investigative interest.

The only other State regulatory supervision of the fireworks industry pertains to the licensing of any magazines containing explosives, which is the jurisdiction of the Illinois Department of Mines and Minerals. Wherever that department was aware of the existence of explosives within a fireworks manufacturing plant, appropriate inspections were made. However, we learned of some instances where that department was unaware of the existence of some fireworks companies that

stored explosives until after their plants had exploded.

B. The Illinois Fireworks Company

This company and its affiliate, Liberty Display Fireworks Company, are co-located at 1706 King Street, Danville, Illinois. Another affiliate is World Fireworks Display Company which is located at Hegeler, about two miles from Danville. The latter company handles the manufacture of fireworks which are distributed exclusively to Illinois Fireworks Company and Liberty Display Fireworks Company.

The sales offices and some minor manufacturing facilities are located in Danville. The main manufacturing operations were recently moved to Mr. Hegeler facilities.

This conglomerate had its origins in 1919 when Joseph P. Porcheddu and his brother Paul Porcheddu, both Italian emigrants, founded the Illiana Fireworks Company. Dissension between these two men caused them to dissolve Illiana. Joseph P. Porcheddu established the Illinois Fireworks Company, while Paul Porcheddu founded the World Fireworks Company.

The present owners of Illinois Fireworks, Liberty Fireworks and World Fireworks are Joseph W. Porcheddu, 10 Carriage Lane, Danville, and Frederick C. Porcheddu, 84 Country Club Drive, Danville, the children of Joseph P. Porcheddu, one of the two original founders.

During the 1930's and 1940's Joseph P. Porcheddu and Paul Porcheddu were each operating his own fireworks company, and manufacturing primarily Class B and Class C display type fireworks. Joseph P. Porcheddu's sons, Joseph W. and Frederick C. were learning the necessary skills of the fireworks business from their father, and they eventually took over the operation of Illinois Fireworks Company.

In December, 1940, the Illinois Fireworks Company received one of the first certificates of registration for a fireworks plant from the Illinois Department of Registration and Education, pursuant to a newly enacted law. In 1951 the statutory power to issue these certificates was transferred to the Illinois State Fire Marshal, and in November of that year Illinois Fireworks Company received a certificate of registration from the Fire Marshal.

In 1951, Joseph W. and Frederick C. Porcheddu bought out World Fireworks Company from their uncle, Paul Porcheddu. Their last acquisition was made in 1956 when Joseph W. and

Frederick C. Porcheddu purchased the Liberty Display Fireworks Company of Chicago and moved it to Danville.

When Joseph P. Porcheddu first founded the Illiana Fireworks Company, the plant was located a considerable distance from any populated area. By 1956, however, Danville had grown and the company had become completely surrounded by families that had moved to the area. Therefore, in 1957, Joseph P. Porcheddu purchased a large tract of land formerly owned by the Hegeler Zinc Company, and moved most of their manufacturing operations to that location.

On September 21, 1956 the Liberty Display Fireworks Company received its corporation charter from the Illinois Secretary of State. The officers and directors are Frederick C. Porcheddu, his brother Joseph W. Porcheddu, and Attorney John E. Sebat, 306 Adams Building, Danville, who is the Registered Agent for this and the other two corporations.

The World Fireworks Display Company was incorporated on October 3, 1951 and the Illinois Fireworks Company was incorporated on December 30, 1969 by the Illinois Secretary of State. The officers and directors are the same for these two companies as they are for Liberty.

By 1969 Joseph P. Porcheddu, the original founder, had essentially retired with his two sons having effective operational control of all three companies. They represent the seventh generation of the Porcheddu family engaged in the fireworks business.

The Porcheddu sons have separated the functions of the three fireworks companies. As previously mentioned, only World Fireworks Company is involved in the manufacture of Class B display fireworks, and some Class C fireworks, all of which are sold to Liberty Display and Illinois Fireworks companies. The latter two firms do no manufacturing, but instead wholesale these Class B and Class C fireworks, to other fireworks companies, or they contract directly with civic groups and other organizations for the conduct of fireworks displays. The fireworks are stored primarily at the Hegeler plant but some are also stored at 1706 King Street

in Danville.

Liberty Display Fireworks Company and Illinois Fireworks Company are engaged in four types of operations. First, they import certain types of Class B fireworks which their affiliate World Fireworks Company does not manufacture. Second, they sell their own Class B fireworks, imported Class B fireworks, and their own manufactured Class C fireworks to other United States fireworks companies that do not have manufacturing capabilities. Third, they enter into contracts with civic groups and other organizations to conduct fireworks displays and demonstrations. In the latter case the companies provide the groups with the fireworks, insurance and display crews to conduct the demonstrations. Finally, these two companies sell packaged displays of both Class B and Class C fireworks to individuals or groups who possess the proper permits.

All three companies are properly licensed by the Bureau of Alcohol, Tobacco and Firearms, of the United States Treasury Department.

The Illinois State Fire Marshal's Office claimed that it had performed periodic inspections of this company. However, the only corroborative document supplied to the Commission by the State Fire Marshal was a carbon copy of a letter dated April 10, 1972, addressed by Deputy Fire Marshal Marshall Elson to the then State Fire Marshal, Robert E. May, Springfield, Illinois, purportedly an inspection report, stating as follows:

"As requested, I contacted Harold Huber and we went to Danville, to check on the following: Illinois Fireworks Company, Inc., 1706 King Street, Danville, sales office; and Liberty Display Fireworks Company, Inc., Hegeler Lane, Danville, sales office; and World Fireworks Display Company, Inc., Hegeler Lane, Danville, manufacturing.

"All of these three are owned by J. Warren and Frederick Porcheddu, brothers, and they have approximately 80 small buildings, on 120 acres of land,

scattered out considerably. The work buildings are approximately 50 feet apart. They do not have their license at this time but they have a letter from the Department of Mines and Minerals and were inspected by Donald S. Simpson of the State of Illinois, and have a letter that their license is being sent to them. They do have a 1952 license from the State Fire Marshal, signed by Otto Dahl.

"Your instructions were to have this report in by the 15th, so will mail it separate from my weekly report."

On February 13, 1974, the State Fire Marshal sent us a Conditional Inspection Report, dated February 4, 1974, of the Illinois Fireworks Company, Liberty Display Fireworks Company, and the World Fireworks Display Company and facilities at 1706 King Street, in Danville, and at Hegeler. It is noted that this was subsequent to the December 18, 1973 testimony given by the State Fire Marshal and his staff at the Commission's public hearings in Chicago.

The Inspectional Report is quoted below:

"There are 110 small buildings; therefore I cannot use the conditional form but would like to report as follows:

"22 work buildings, 12 x 24, two people work to each building; all are fifty feet apart. 4 buildings are boiler rooms with steam heat and hot water piped to each small building, vapor proof light fixtures in each.

"12 storage magazine buildings with black powder, (each licensed by State Bureau of Mines and Minerals for 3,000 pounds), buildings are 130 feet apart, and 600 feet away from work area buildings.

"This plant has met O.S.H.A., (U.S. Occupational and Safety Hazards Administration,) inspection, and was approved. No smoking is posted and not permitted

on the grounds. All doors in all buildings swing out.

"Eight pickup trucks in the plant all equipped with ABC all purpose fire extinguishers. 22 employees. Area is completely fenced with night security guard.

"Fire Departments in the area are the Tilton Fire Department and the Westville Fire Department. Other buildings not used for work or powder are for general storage of supplies. The area is an old brick and zinc yard, which is isolated out by itself and there is nothing close to it.

"These three fireworks plants are all owned by the same owner and are operating in the same area.

"I am not writing any orders; it all appears safe to my judgment."

C. Thearle-Duffield Fireworks Company

This fireworks company went out of business some time in 1971 with the death of John M. Duffield, and the purchase of the remaining fireworks stock by Robert Van Schoick, owner of the Worldwide Fireworks Company, McHenry, Illinois.

The company dates back to about the beginning of the twentieth century, according to the few people the Commission interviewed who still remember this company's origin and its principals. There are no surviving principals of the company.

Its sales office was last located at 203 North Wabash Avenue, Chicago, and its manufacturing and storage facilities were in Roby, Indiana.

In the 1930's and 1940's this was the largest fireworks display company in the world. Although it reputedly never engaged directly in the manufacture of fireworks, it did indirectly manufacture when it assembled and produced displays from fireworks it purchased for many years from

the Illinois Fireworks Company in Danville.

Our examination of documents on file with the Illinois Secretary of State indicated that the company was incorporated on May 18, 1932. The stated purpose for which the corporation was formed revealed the scope of its operation, and is quoted as follows:

"To manufacture, buy, sell, produce, exhibit, display and otherwise deal in fireworks of all kinds and character, and any and all materials used or capable of being used in connection therewith; to plan, produce, develop, display, exhibit and exploit pyrotechnic exhibitions of all kinds, pageants, parades, exhibits, productions, panoramas, amusement devices, dramatic, operatic or musical performances, vaudeville, moving pictures and other entertainments of every kind and character; and to carry on the business of theatrical proprietors and caterers for and to public entertainment and amusement."

We can only surmise that the bulk of Thearle-Duffield's business was in Class B fireworks, although it probably also sold Class C fireworks.

The operations of the Thearle-Duffield Fireworks Company were unique from those of any other fireworks company in Illinois. Whereas the business of most Illinois fireworks companies is geared primarily toward sales of fireworks for the celebration of Independence Day on the fourth of July each year, Thearle-Duffield fired shows continuously from late spring to early fall.

The company's crews toured the United States conducting huge extravaganzas involving, at times, hundreds of people and thousands of aerial shells. The company reaped most of its profits from displays fired at State and County fairs, local festivals, and at many other large functions.

Increasing labor costs, declining interest in fireworks displays, and State and federal restrictions reputedly caused this company's business to diminish to a fraction of what it previously enjoyed, especially during the period

from the 1920's through the 1940's. By the time of the 1971 death of John M. Duffield, the last survivor of the family that founded and developed the company, the business had gone steadily downhill.

The company had filed the required annual reports with the Illinois Secretary of State, starting in 1932. When it submitted its last annual report for 1966, it indicated officers and directors as follows: Charles H. Duffield, president; John M. Duffield, Vice President, and A. F. Briese, Secretary and Registered Agent.

On December 19, 1968, after the company's failure to file annual reports for 1967 and 1968, a decree dissolving the corporation was entered by Cook County Circuit Court.

We have been told that the company had never been required to obtain a certificate of registration from the Illinois State Fire Marshal because its plant was in Indiana and it only kept sales offices in Illinois. The company never obtained a federal license from the Alcohol, Tobacco and Firearms Division of the United States Internal Revenue Service because it went out of business prior to the enactment of the licensing law.

D. Carpentersville Fireworks Company

This company was in the fireworks business for about 50 years but is now inactive. It was located on 7½ acres of land situated at the end of Grove Street in a section known as Grafton, in McHenry County township, with a postal address of Huntley, Illinois.

The site was acquired in 1958 by Louis A. Maretti from his brother Armand Maretti and sister-in-law Marian Maretti. Prior to that it was a munitions dump purchased by Marian Maretti's first husband. It has since been referred to as "Powder Park."

When Louis A. Maretti died on September 2, 1972, his widow Barbara E. Maretti ceased operation of Carpentersville Fireworks Company, and the site was used by Anthony T. Cartolano, on a contract sale basis, for the operation of his own

fireworks business which he renamed the New Melrose Fireworks Display Company.

Cartolano had been the owner of the Melrose Display Fireworks Company in Orland Park which had been destroyed by a series of explosions on March 6, 1972. Following that disaster Cartolano stored his fireworks at Maretti's Carpentersville Fireworks Company plant at Huntley, and eventually took over the operation under the new name of New Melrose Fireworks Display Company.

The late Louis A. Maretti's father was another fireworks expert who learned the trade from his Italian forebearers. Maretti set up his operations in McHenry County and began manufacturing Class B and Class C fireworks. The company was moved around to various locations in McHenry County until it finally established its operations at the abandoned munitions dump outside Huntley sometime about 1958.

The Carpentersville Fireworks Company was incorporated by the Illinois Secretary of State on September 20, 1963. At the time Louis A. Maretti was the president, his wife Barbara E. Maretti, the vice president, and Grace Krieger, the registered agent. Following Louis' death, his widow Barbara succeeded him as president.

In an interview with a man who knew the late Louis A. Maretti, we were told that Maretti was one of the few remaining experts in fireworks manufacture left in this country. Maretti had a handful of employees working for him year around. However, about three months each year before Independence Day on July 4, he would hire a large number of inexperienced helpers, mostly Mexicans to manufacture fireworks and displays.

Although the Carpentersville Fireworks Company dealt in relatively small volume, the quality of their products was considered to be very high. It manufactured a wide variety of aerial shells and ground displays of both Class B and Class C varieties. It also entered into contracts with different community groups to put on fireworks demonstrations held primarily at Independence Day celebrations.

On May 27, 1970, while the Carpentersville Fireworks Company was under the ownership of Louis A. Maretti, a fire and explosions inflicted serious damages to the property. The cause of the accident was friction resulting from a heavy drum being rolled on the ground over flammable powder.

On June 12, 1970, Mr. C. K. Anderson, Fire Chief of Huntley, wrote a letter to the Illinois State Fire Marshal, informing him of this accident, his belief that the company was operating in violation of State laws, and suggesting the Fire Marshal make a prompt inspection of the plant.

This was the first time that the Fire Marshal had been apprised of the May 27, 1970 accident, and the first knowledge it ever had of the existence of that company. It was also determined that the Carpentersville Fireworks Company had never applied for, or received, the required Certificate of Registration. It was further determined that neither the State Fire Marshal nor any other governmental agency had ever conducted an inspection of those premises.

In response to Fire Chief Anderson's letter, the Illinois State Marshal conducted its first inspection of the Carpentersville Fireworks Company on June 30, 1970, and discovered eight safety violations. On August 18, 1970, a reinspection was conducted by the Fire Marshal which determined that seven of the violations had been corrected. The uncorrected violation was that the furnace room in the company's office was not "one hour fire resistant in its entirety" and there were no louver ventilations from that room to the exterior of the building.

The files of the State Fire Marshal do not indicate whether or not this latter, uncorrected, violation was ever remedied by the Carpentersville Fireworks Company.

The files of the State Fire Marshal also indicated that on May 4, 1972, another inspection was made of the Carpentersville Fireworks Company while it was still under the control of Louis Maretti. Five violations were reported as follows:

"Failure to remove all combustible materials from three heating areas and from the mill; negligence in the replacing of all ground plates in each of the eight magazines, (there are nine); failure to have the necessary number of fire extinguishers in the places; failure to have a proper sign reading: 'no smoking', 'fireworks', and 'caution' posted; and site located nearer than 500 feet of an inhabited dwelling."

The files of the State Fire Marshal do not indicate what action was taken, if any, by Maretto to correct these violations in the 30 days allotted to him.

It was not until March 27, 1973, that the Illinois Department of Mines and Minerals issued the required permit to store explosives in 8 magazines on the premises of the Carpentersville Fireworks Company.

On July 4, 1972, an aerial shell accidentally exploded while inside a buried mortar tube, killing Edward Bulger and injuring several persons. This occurred during a display that was conducted by Robert Van Schoick, owner of the World-wide Fireworks Company. Van Schoick contended that the aerial shell, one of several he had purchased from the Carpentersville Fireworks Company, was defective. It is noted, however, that the Commission's investigation, as detailed in Chapter 1 of this report, disclosed that more probably the accident was precipitated not so much by allegedly faulty shells but by the fact that the shell had been inserted into a mortar tube into which ground water had seeped.

The New Melrose Fireworks Display Company, now on the site of the former Carpentersville Fireworks Company, will be discussed separately in a subsequent portion of this chapter.

E. Star Fireworks Manufacturing Company

This company exclusively manufactures Class B aerial shell fireworks, and is located at 403 East 14th Street, Danville, Illinois. It is owned and operated by Albert J. Colleen, of 405 East 14th Street, Danville.

Albert B. Colleen started the business in 1946 after having learned the secrets of the trade while working for several fireworks companies throughout the country, including the Illinois Fireworks Company in Danville.

Albert J. Colleen learned the business from his father, from whom he eventually took over operations.

This company does not have any machinery in its plant. The manufacture of Class B fireworks is all done by hand.

Colleen purchases his raw materials to manufacture Class B display fireworks from all over the country, but mostly from companies located in the eastern part of the United States. His annual gross sale of fireworks that he manufactures, totalling \$122,000, are made to various fireworks companies in Illinois, California, Ohio, Kentucky and Maryland. He also has an annual gross of about an additional \$125,000 in displays sold to sponsors of Independence Day demonstrations.

The only fireworks material purchased by this company from abroad is black powder, from Scotland.

The company has 11 full time employees. For Independence Day fireworks demonstrations conducted by the company, the company hires operators on a part time basis to fire the shows, giving these men a commission of about 10 per cent of the cost of the displays.

Most of the fireworks sold wholesale to other fireworks companies are transported in automobiles and trucks engaged by the customers. Star Fireworks Manufacturing Company packages their products in 350 pound boxes bearing red labels marked "Explosives."

When interviewed by a Commission investigator Colleen said that many retail customers to whom he sells fireworks which they intend to fire themselves, do not comply with United States Department of Transportation regulations. They will frequently pick up fireworks deliveries from his company, and place them, unmarked, in a wide variety of vehicles, from Volkswagens to U-Haul trucks.

The Company was incorporated in Illinois on September 12, 1951, and its officers were Albert B. Colleen, his son, Albert J. Colleen, and the registered agent, Walter J. Bord. The company has filed annual reports with the Illinois Secretary of State through 1973. The current officers and directors are: Albert J. Colleen, Antonette J. Colleen, and Maynard DeWitt, Jr.

On January 3, 1952, the Star Fireworks Manufacturing Company received Certificate of Registration No. 3 from State Fire Marshal Otto C. Dahl.

On February 15, 1973, it received explosive licenses for 1973-1974 for eight magazines, for the maximum storage of a total of 18,900 pounds, from the Illinois Department of Mines and Minerals. The company is also in possession of an explosives manufacturing permit from the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department.

The first inspection of the Star Fireworks Manufacturing Company by the Illinois State Fire Marshal, on record with that agency, consists of a letter report dated April 11, 1972, from Deputy Fire Marshal Marshall Elson, as follows:

"Although you did not red line the above company on the list you sent, Deputy Huber and I did contact Albert J. Colleen, President, 403 East 14th Street, in Danville, and inspect same. He has 18 buildings, 9 for storage and 9 for work, all are approximately 75-100 feet apart and there is an alarm system in each building should a door be opened at night a siren sets off.

"He has steam piped to his work building from a boiler room to all work buildings. He has his application in for a license and tells us the federal government is giving him trouble and he has his attorney working on this matter. This is a very neat establishment and he seems to want to cooperate in every way he can. He also has a license from the

State Fire Marshal dated 1952 signed by Otto Dahl. Mr. Simpson of the State of Illinois Department of Mines and Minerals, has also been here. I am sending this report separate from my weekly report so as to reach your office prior to the requested 15th."

The following letter report, dated June 30, 1973, sent by a Deputy Fire Marshal to Fire Marshal Bernard J. Sadowski, purports to be the second inspection report of this company, on file with the State Fire Marshal:

"The Star Manufacturing Company, 403 East 14th Street, Danville, is owned by a Mr. Albert Colleen. The company is about 20 years old and consists of one small office building and three portable buildings described as old semi-truck bodies. These old truck bodies are used to assemble fireworks in and also store these products until time of shipment.

"This company was inspected by the A. T. & F. (Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department,) Agents in Danville, O. S. H. A., (U. S. Occupational Safety and Health Administration,) and by a Deputy State Fire Marshal either last spring or fall. The Federal License Numbers are 101-3000-10, Expiration Date 2-11-74. The State License No. is 2 and this number was issued from the Fire Marshal's office on January 3, 1952. There is no machinery involved in the production of these fireworks. It is all done by hand. This company purchases the black powder they use from a company in Scotland and it is shipped into Danville from Canada by truck which is governed by the F.C.C."

The most recent inspection by the State Fire Marshal's office is dated February 6, 1974, (which followed our completed investigation of fireworks explosions,) entitled "Conditional Inspection Report," submitted by Marshall Elson, Deputy Fire Marshal, as follows:

"There are 32 small buildings; therefore I cannot use the conditional form, but would like to report as follows:

"5 insulated trailer-type buildings with explosives 150 feet apart. One building bunker with black powder 150 feet away from all buildings. Two boiler rooms with steam (low-pressure) piped to 12 work buildings. Twelve work buildings, approximately 8 x 20, no more than two people work in each building, some with only one to a building, all eighty feet apart. Twelve small buildings for supplies.

"NO SMOKING permitted on the grounds. All doors in all buildings swing out. This has been inspected by O.S.H.A. and been approved. All working buildings have vapor proof electric fixtures. Fire extinguishers in each area, no more than fifty feet apart, and a fire extinguisher on both trucks.... all are ABC type.

"Eleven employees. Has water supply of city water, but no fire hydrant. His plant is in Tiltan Fire Department. He is licensed by the Bureau of Mines and Minerals of the State of Illinois....also has a Federal License. Plant is all fenced with high security fence....at night a watch dog is in the area, loose.

"The Star Fireworks Manufacturing Company seems to have a safe operation."

F. New Melrose Fireworks Display Company

1. Introduction

The New Melrose Fireworks Display Company, owned by Anthony T. Cartolano of 13941 Citation Drive, Orland Park, Illinois, is occupying the premises at the end of Grove Street, Huntley, Illinois, formerly the site of the Carpentersville Fireworks Company, once owned by the late Louis A. Maretti who died on September 2, 1972.

The Huntley plant consists of eight bunkers used to store explosives and finished firework products, and four frame buildings, two of which are sheds where fireworks displays are assembled.

Cartolano acquired the Huntley site, known as "Powder Park" in February, 1973, from the heirs of Louis Maretti, former owner of the Carpentersville Fireworks Company, on a contract sale basis. The purchase price is \$60,000 but this transaction was never consummated.

2. Unsuccessful Efforts to Obtain Federal License

Cartolano had a manufacturing license from the Bureau of Alcohol, Tobacco and Firearms, of the United States Treasury Department when he was operating the Melrose Display Fireworks Company in Orland Park. About one year after he moved his operations to Huntley under the new name of New Melrose Fireworks Display Company, specifically on March 13, 1973, he applied for a new federal license under that new name.

Several weeks later agents of the United States Treasury Department's Bureau of Alcohol, Tobacco and Firearms inspected the plant and discovered a few violations, which Cartolano claimed he subsequently corrected. On August 29, 1973, Cartolano's application for a license was denied. Cartolano appealed this denial.

Cartolano claimed that he assumed that pending the outcome of his appeal he could continue to operate his business. However, on February 13, 1974, federal agents visited his premises and seized two truckloads of fireworks. Cartolano closed down the plant, awaiting the outcome of his appeal which was scheduled, after a few postponements, until April 11, 1974.

Cartolano advised the Commission in March, 1974, that if he did not get his license before April 1, 1974, he would have insufficient time to assemble and produce his Class B fireworks displays for the Independence Day celebrations on July 4, 1974.

Cartolano also advised the Commission in March, 1974, that he is considering moving his operations from Huntley to Ottawa, Illinois, but the decision is contingent upon the eventual receipt of a federal license.

3. Acquisition of Carpentersville Fireworks Company Site at Huntley

Cartolano previously owned the Melrose Display Fireworks Company which was located at 160th and 104th Streets, south



Gravity feed gasoline tanks without proper shut-off valves, on the premises of the inoperative New Melrose Fireworks Display Company plant. Photograph courtesy of the Illinois State Fire Marshal's Office.



German Shepherd watch dogs guarding plant of the New Melrose Fireworks Display Company at Huntley, Illinois, which, as of February 24, 1974, was inoperative because of difficulty in obtaining a federal license from the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department. Photograph courtesy of the Illinois State Fire Marshal's Office.

of Orland Park which was almost entirely destroyed by explosions on March 6, 1972. At that time only two of 19 buildings remained after the explosions. One of these buildings contained 6,600 pounds of powder and chemicals, and 6,000 pounds of finished fireworks. Twenty-eight people were employed at the Orland Park site at the time of that explosion.

Following that explosion Cartolano kept some of his fireworks stock on the premises of Maretta's Carpentersville Fireworks Company plant in Huntley. After the September 2, 1972, death of Louis Maretta, Cartolano entered into a sale contract agreement with Maretta's heirs and in February, 1973, he operated his new business from the Huntley plant, but under the new business name of New Melrose Fireworks Display Company.

The late Anthony Guarino started the Melrose Display Fireworks Company many years ago when the firm was in Schiller Park. Anthony Cartolano married Guarino's daughter and worked at the plant. A plant explosion in 1954 killed Guarino, Cartolano's father, and a third man. Cartolano took over the business in 1955 and eventually started operations in Orland Park.

On September 5, 1961, the Melrose Display Fireworks Company was incorporated by the Illinois Secretary of State. The current officers and directors are Anthony T. Cartolano, Rosaria Cartolano and Frank Andreack. On July 31, 1972, the name was changed to Anro Ventures.

4. Cartolano's Manufacturing and Sales Business

When Cartolano was operating Melrose Display Fireworks Company in Orland Park he was manufacturing Class B and Class C fireworks. Chapter 3 of this report concerning fireworks bootlegging reflects several allegations that during that period he was also manufacturing M-80 fire-crackers; and that he sold these M-80's in violation of federal law.

The Commission subpoenaed the records of the New Melrose Fireworks Display Company of Huntley, from which it was determined that he was still involved in the assembling of Class B aerial shell fireworks for resale, and the sale of Class C fireworks which he purchased from American suppliers.

He had been purchasing Class B aerial shells from the Hosoya Fireworks Company, Ltd., of Chuo-Ku, Tokyo, Japan. An invoice of February 5, 1973, indicated he made one purchase from that Japanese company which totalled \$27,461.

From June 28, 1972, through June 27, 1973, he made seven separate purchases of Class B and Class C fireworks from the Tri State Manufacturing Company of Loveland, Ohio. Other suppliers of fireworks were the Russo Fireworks Company, R. D. #1, Edinburg, Pennsylvania, and the Miller Fireworks Company of Holland Ohio, (the latter company is discussed in Chapter 3, fireworks bootlegging.)

In 1972 he received \$12,955.00 from the Chicago White Sox baseball team for the fireworks and the displays he conducted there. His invoices also indicated that he received a total of \$85,110.00 from firing displays he sold to different civic groups in the greater Chicago area. These displays principally involved Class B fireworks.

For the first six months of 1973 Cartolano had received \$8,480.00 from the Chicago White Sox and \$162,657.93 from displays sold to, and fired for, civic groups.

5. State Regulation

On August 17, 1973, the State Fire Marshal gave Certificate of Registration No. 1 to the New Melrose Fireworks Display Company of Huntley, for which he had applied on June 11, 1973. The circumstances were rather unusual.

For the period from 1956 through March 6, 1972, when Cartolano was operating the Melrose Display Fireworks Company in Orland Park, he never applied for a Certificate of Registration. In fact, the State Fire Marshal was unaware of the existence of that fireworks company until after the explosion on March 6, 1972.

On May 15, 1972, the Fire Marshal issued an Order against the Carpentersville Fireworks Company, citing the

following violations:

- "1. Failure to remove all combustible materials from three heating areas, and from the mill;
2. Negligent in the replacing of all ground plates in each of the eight magazines. (There are nine);
3. Failure to have the necessary number of fire extinguishers on the premises;
4. Failure to have proper signs reading, 'No Smoking,' 'Fireworks,' and 'Caution' posted; and
5. Site located nearer than five hundred feet of an inhabited dwelling."

On May 25, 1972, the facilities were reinspected and four of the five items had been corrected.

Deputy Fire Marshal Donald L. Hollinger reported on June 7, 1973, that all items of the May 15, 1972, order had been corrected. A letter, dated June 12, 1973, was prepared for the signature of State Fire Marshal Bernard J. Sadowski, to be sent to Anthony Cartolano, (who had since taken over the Huntley site,) but it was never mailed to Cartolano.

On July 9, 1973, State Fire Marshal Sadowski sent a letter to Cartolano at his New Melrose Fireworks Display Company at Huntley, as follows:

"You are hereby notified that your application for a Certificate of Registration for operation of the above captioned fireworks plant is hereby denied because of the following violations of the Illinois Fireworks Act.

"Factory building must be located at least 100 feet from any fireworks storage.

"Factory building must be located at least 500 feet from any dwelling.

"Trailers are not permitted to be used for storage of fireworks.

"No stoves or exposed flame shall be used in any part of the fireworks plant except in the boiler room or in the buildings where fireworks or chemicals are stored.

"Plant area must be completely enclosed with an industrial type fence with three strands of barbed wire on top and suitable gates to prevent any unauthorized persons from gaining access to the premises.

"If you wish to appeal from this denial, you must notify this office within ten days after receipt of this notice, and a hearing will be scheduled to permit you to be heard in this matter."

On August 17, 1973, the State Fire Marshal issued a Certificate of Registration to Cartolano's New Melrose Fireworks Display Company, in spite of the July 9, 1973, letter which cited specific violations.

Apparently Cartolano had applied for and had received a hearing on the violations cited in the July 9, 1973, letter, but the Fire Marshal had no written record of that hearing.

On October 29, 1973, Cartolano's attorney, Harry Shriman, 111 West Washington Street, Chicago, Illinois, sent a letter to Mr. Harry G. Hughes, Assistant State Marshal, 160 North La Salle Street, Chicago, (before whom a prior hearing had apparently taken place,) as follows:

"I am enclosing a copy of the letter from your office dated July 9, 1973. On October 12, at our meeting, you suggested a written response to the matters referred to in the letter. I trust that the following data will be in conformity

with your suggestion.

"1. There is no structure on the premises used for fireworks storage which is less than 100 feet from a factory building. This was to be verified by physical inspection by your office.

"2. The only dwelling referred to was a nearby trailer. We are informed (a) that the trailer has been there about 10 years, and that it was placed there after the construction of all of the structures now on the premises; (b) the trailer is parked there illegally and has been recently red-tagged for violation of zoning.

"3. No trailers are used for storage of fireworks. This was likewise to be verified by physical inspection by your office.

"4. The only possible equipment referred to is in the office building, where no fireworks or chemicals are stored.

"5. This item relates to the fence. While a mild argument might be made that the existing fence does not violate the Statute, we are not relying on that. Because of the present owner's title difficulties, we have been greatly delayed in consummating the contract under which Mr. Cartolano is buying the property. Before the sale is closed, he has no right, nor would it be fair for him to erect an expensive industrial type fence. As I mentioned at the hearing, such a fence would be to the greater benefit of Cartolano than of anyone else. As soon as the sale is consummated, he would then be in a position to put this into effect.

"I wish to take this opportunity to thank you personally for your patience and I trust that the matter can be worked out satisfactorily for all concerned."

In the files of the State Fire Marshal is a Progress Report, (on order of July 9, 1973,) dated November 1, 1973, which contains the following longhand notes, signed by Donald L. Hollinger and Edward J. Driscoll, Deputy Fire Marshals:

"Housekeeping good. Doing a great deal of work. Sup. Dep. Driscoll will submit detailed report."

The Progress Report also indicates compliance for items 1, 3, and 4; noncompliance for item 2; and partial compliance for item 5.*

On February 15, 1974, Mr. Richard Dorband, Coordinator for the State Fire Marshal's Office, Deputy Fire Marshal Harry P. Schaefer and Mr. George Michehl, Supervisor of Services visited the Huntley plant, for the purpose of making an inspection. Following is quoted from a March 4, 1974, report concerning that trip:

"Upon arriving it was obvious that the entire enclosed area was void of personnel and there was an absence of tracking in the snow. The only form of life was two vicious German Shepherd dogs running freely within this enclosure.

"Due to the absence of personnel and the presence of the dogs, Mr. Dorband ordered photos to show that some work is being done on the bunkers and also that the gravity feed gasoline tanks did not contain the proper shut-offs. Mr. Anthony Cartolano, telephone 312--349-6677, will be contacted. Arrangements will be made for an inspection of the fireworks plant under more favorable conditions."

The Illinois Department of Mines and Minerals has conducted periodic inspections of the storage of explosives at the New Melrose Fireworks Display Company at Huntley. The company has received current 1973-1974 licenses for 8 magazines, for an aggregate total of 9,000 pounds.

*On April 23, 1974, State Fire Marshal Bernard J. Sadowski wrote to Mr. Anthony Cartolano that a monthly recheck inspection was made on March 14, 1974, and "Our order of July 9, 1973, listing five violations was checked and we found items No. 1, 3, and 4, complied, item No. 2 not complied and item No. 5 partially complied."

6. State Prosecution

The June, 1972, Cook County Grand Jury indicted Anthony T. Cartolano and the Melrose Display Fireworks Company in connection with the March 6, 1972, explosion of their plant in Orland Park. The company was charged with illegal storage of explosives, failure to obtain a Certificate of Registration from the State Fire Marshal, operating an illegal fireworks factory building, reckless conduct, criminal damage to property, and failure to obtain a Certificate of Compliance from the Illinois Department of Mines and Minerals for storing explosives.

The charges of failure to obtain a Certificate of Registration from the State Fire Marshal and failure to obtain a Certificate of Compliance from the Illinois Department of Mines and Minerals were subsequently nolle prossed.

On March 6, 1974, Cartolano pleaded guilty in Cook County Court to the corporate charges, and he was fined \$4,000. The charges against Cartolano, personally, were dropped.

7. Cartolano's Problems in McHenry County

On June 12, 1973, a complaint was filed with the Sheriff's office of McHenry County that fireworks were being discharged at the Huntley plant of New Melrose Fireworks Display Company. On June 13, 1973, the Sheriff received a Court Order from the Circuit Court to seize all the fireworks in the plant, and enjoin it from making any further sales.

On June 15 and 16, 1973, undercover officers of the McHenry County Sheriff's office purchased fireworks from Cartolano at the Huntley plant. On June 27, 1973, upon a successful motion by Cartolano's lawyer, the seals were removed from Cartolano's buildings and he was allowed to resume business.

On June 28, 1973, a Commission undercover agent purchased fireworks from Cartolano at the Huntley plant. Details are included in Chapter 3 of this report.

A transcript of our public hearings in Woodstock on December 19, 1973, in which testimony was given concerning the June 28, 1973, violation, has been furnished to the State's Attorney of McHenry County.

The prosecution of Cartolano for the June 15 and 16, 1973, violations is still pending in the Circuit Court of McHenry County.

Also pending is a litigation filed by Cartolano, charging that the McHenry County Sheriff and others conspired against Cartolano to cause damages to his reputation and business.

G. Continental Fireworks Company

The Continental Fireworks Company, located six miles southeast of Jacksonville and one mile north of Pisgah, Illinois, went out of business after the explosion of its plant and the death of its owner, Dominick Shalla, and two others, on May 17, 1971.

It had been in operation from 1946, yet it had never obtained a Certificate of Registration from the State Fire Marshal nor had it ever been inspected by that office. In fact, the Fire Marshal was never aware of the existence of this company until after the 1971 explosion.

Dominick Shalla, 75 at the time of his death, originally learned the fireworks trade in Italy. After emigrating to the United States he obtained employment with the Illinois Fireworks Company in Danville, Illinois, owned by the Porcheddu brothers.

In 1946 Shalla left Illinois Fireworks and established the Continental Fireworks Company. He was engaged primarily in the manufacture of Class B fireworks, aerial shells, which he sold to persons and groups for which he conducted displays for Independence Day celebrations.

Including Shalla, there were ten employees in this company, two of whom also died in the May 17, 1971, tragedy. Several of the survivors were interviewed from whom it was learned that apparently Shalla was in sole command of the business. It appears that although Shalla did not import finished fireworks products he did purchase black powder abroad.

The Continental Fireworks Company consisted of eight frame buildings and 13 other structures on six acres of land. Shalla had lived in a house about 500 feet from the main plant, within this compound. From interviews of

former employees it was quite apparent that the company had been operating in violation of safety requirements. Had appropriate inspections been conducted by the Fire Marshal's office, the 1971 tragedy probably would have been averted.

The Illinois Department of Mines and Minerals investigated the May 18, 1971, explosion. Current permits had been issued by that department for the company's explosives magazines. Apparently, that department had never advised the State Fire Marshal of the existence of that company.

The Continental Fireworks Company went out of business before the passage of the federal law requiring fireworks companies to obtain licenses from the Bureau of Alcohol, Tobacco and Firearms, of the United States Treasury Department.

H. Osco Fireworks Company

This company is located in the village of Osco, Henry County where Calvin Vinstrand, the owner, operates his principal business of repairing pumps. It consists of two frame buildings, one of which contains his pump repair equipment and his office for both businesses, and another frame building which houses Class B ground display fireworks and Class C fireworks.

The company also has six bunkers in which it stores the more dangerous Class B aerial display fireworks. They are constructed with the required layers of wood, metal and concrete.

Calvin Vinstrand has operated his fireworks business since the late 1960's as a sideline to his pump repair business. In the past he has not been engaged in the manufacture of finished fireworks products from raw materials. However, since he has assembled different fireworks into displays, he has been actually engaged in a manufacturing process.

In 1973 Vinstrand was visited by a representative of the Illinois State Fire Marshal who conducted a cursory

examination of the premises. He was told by that official that since he was not engaged in the direct manufacture of fireworks, he was not required to obtain a Certificate of Registration. The Commission believes that the Fire Marshal was in error and that the company does require certification. The Fire Marshal did not prepare or maintain any record of this alleged inspection.

From an examination of the records of the Osco Fireworks Company it was disclosed that within the past few years it purchased fireworks from Carpentersville Fireworks Company in Huntley, (before the explosion there on May 27, 1970,) the Star Fireworks Manufacturing Company of Danville, and the Schneitter Fireworks and Importing Company, 409-411 South 4th Street, St. Joseph, Missouri. Osco Fireworks Company does not import fireworks from abroad.

Osco Fireworks Company was incorporated by the Illinois Secretary of State on February 9, 1970, for the stated purpose: "Retail sale of fireworks to persons or organizations holding permits for supervised public displays of fireworks in accordance with Chapter 127½, Section 128, Illinois Revised Statutes, 1967." The officers and directors are Calvin Vinstrand and his wife Marilyn Vinstrand. The corporation has filed annual reports for 1970, 1971, and 1972.

On August 28, 1973, a Commission investigator visited the premises. The six bunkers, in which Class B display fireworks are stored, are several hundred feet from any inhabited dwelling. The area is bounded on three sides by corn fields. Two of the bunkers were recently strengthened. The outside of the bunkers were covered with steel sheets to protect against fire. All four walls of these two bunkers were reinforced with six inches of concrete, and the bunkers were further equipped with steel doors. Calvin Vinstrand said that he intended to similarly reinforce the other four bunkers which would then legally entitle him to store any type of explosive therein, including dynamite.

Vinstrand plans in the future to manufacture fireworks. For the present he buys completed products from

manufacturers and then assembles some of them, all of which he sells to other companies and/or individuals and groups for display purposes. He said that when he starts a complete manufacturing process he will build dirt-covered bunkers to store raw explosive material. He will then use the above-ground bunkers for temporary storage of fireworks that are in various stages of construction, and completed fireworks will be stored in dirt-covered bunkers.

At the present time Vinstrand contracts with various civic organizations in western Illinois, eastern Iowa and northeastern Missouri to whom he sells fireworks and for whom he conducts display demonstrations.

In addition to Calvin Vinstrand, the only other persons working in his fireworks business are his wife, Marilyn, his son, Brad, and Vernon Vinstrand, his cousin. He also hires temporary persons to fire displays for some groups to whom he sells fireworks.

In September, 1973, Calvin Vinstrand advised the Commission he was earning about \$4,000 a year from his fireworks business but he expects to expand his operations. Eventually he hopes that he can cease his pump repair work and devote his time exclusively to the production of fireworks.

He recently obtained a license as a fireworks manufacturer from the United States Treasury Department's Bureau of Alcohol, Tobacco and Firearms. The license expires on August 28, 1974, but Vinstrand expects to obtain annual renewals.

The Osco Fireworks Company also obtained 1973-1974 Explosive Licenses for three magazines, for an aggregate total of 700 pounds.

The Commission has suggested to the Illinois State Fire Marshal that Osco Fireworks Company be required as promptly as possible to obtain the appropriate Certificate of Registration.

I. Worldwide Fireworks Company

1. Introduction

The Worldwide Fireworks Company, at 4004 McCullom Lake Road, McHenry, Illinois, is inactive because its facilities were destroyed by a series of explosions on June 9, 1973.

Mr. Robert Van Schoick, the operator of the company, formerly resided in a dwelling on the 22 acre plant, but is now temporarily residing at 16 West 571 Honeysuckle, Hinsdale, Illinois. He told the Commission he intends to remain in the fireworks business. His base of operations will be somewhere in Missouri but he will maintain a sales office in Illinois.

Van Schoick is still recovering from a serious accident on April 26, 1973, that almost killed him. He was firing a fireworks display on a barge in the Gulf of Mexico at Corpus Christi, Texas and suffered second and third degree burns over 58 per cent of his body. He spent five and one-half months in a hospital, and as of December, 1973, was still taking therapy treatment.

He was still recovering in a Texas hospital when his McHenry plant exploded on June 9, 1973. He escaped injury in another fireworks accident when an aerial shell misfired inside a mortar tube in a display he was conducting at Bangs Lake Park, Wauconda on July 4, 1972, which killed Edward Bulger and injured eight other persons.

At our December 19, 1973, public hearings in Woodstock, Illinois, Van Schoick was asked why he intended to remain in the dangerous fireworks business in spite of these accidents. He replied "the best way to explain it is that if fireworks are in your blood, they are in your blood."

2. Incorporation

Unlike most other owners of fireworks companies in Illinois, Van Schoick had no prior extensive experience in that area. For many years prior to the establishment of his company in 1970 he was intrigued by fireworks and dabbled in them as a hobby. He stated that he had always dreamed of owning his own fireworks company and traveling around the country conducting fireworks demonstrations. His principal business was the sale of food shortening products.

The Worldwide Fireworks Company was incorporated by the Illinois Secretary of State on March 30, 1971. The officers are Robert Van Schoick, Louis P. Landerman, 8918 Pottawattami Drive, Skokie, and Lawrence A. Callen, 639 West Sheridan Road, Chicago. Landerman and Callen each own one third of the company but had nothing to do with the operations which were handled entirely by Van Schoick. Landerman and Callen are the owners of the Acme Specialties Company, 2021 West Street, River Grove, Illinois, which will be discussed in the next section of this chapter.

Shortly after commencing operations at his McHenry plant, Van Schoick purchased the remaining fireworks stock of the Thearle-Duffield Fireworks Company of Chicago. He also received that company's customers for fireworks displays.

3. Importations and Volume of Business

Prior to the incorporation of Worldwide Fireworks Company, Van Schoick had made contacts with companies in Europe and South America to purchase Class B and Class C fireworks, and had toured the facilities of several companies there. He managed to get exclusive importing rights from one company in Brazil.

The Worldwide Fireworks Company plant was importing about \$150,000 of fireworks a year, principally Class B type, from companies in Brazil, Red China, Japan, Spain, France, Germany, England, and Africa. The bulk of his customers were groups for which he also conducted fireworks displays, one of which was the City of Chicago. He claimed he did an annual gross sales business of \$250,000 in displays. He also sold Class B and Class C fireworks to other fireworks companies in Illinois and elsewhere. His profit margin was about 25 per cent.

Worldwide Fireworks did not engage directly in the manufacture of fireworks but he did assemble components, which he purchased mostly from foreign companies, into displays for group demonstrations. This assembly was performed in a 40 foot x 90 foot metal warehouse. Fireworks products to be assembled, and those already assembled, were kept in 17 semi-trailer vans. Van Schoick used a 12 foot x 65 foot trailer as his office.

4. Fireworks Accidents

Some fireworks experts that the Commission interviewed claimed that Van Schoick was not sufficiently cognizant of

the hazards involved in the fireworks industry, citing the various accidents suffered by Van Schoick in conducting displays, as well as the June 9, 1973, explosion of his McHenry plant.

A case in point was an attempt by Van Schoick's partners, Lawrence A. Callen and Louis P. Landerman, to sell the Worldwide Fireworks Company to Patrick Moriarity, President of the Pyrotronics, Inc. fireworks company of Rialto, California, a few months after the April 26, 1973, accident Van Schoick suffered in Texas. Callen and Landerman thought that Van Schoick would not survive. Mr. Moriarity's representative visited the Worldwide Fireworks plant in McHenry where he discovered the dangerous storage situation whereby the semi-trailers used for storage were too close together. Moriarity declined to buy Worldwide and cautioned Callen and Landerman that unless something was done to correct that problem, dangerous consequences would result. Two weeks later the McHenry plant exploded.

5. State Law Violations

Worldwide's disregard for State law and safety regulations had its origin from the inception of the corporation. It never applied for a Certificate of Registration from the Illinois State Fire Marshal. Early in 1972, Mr. Glenn E. Peterson, Fire Chief, McHenry notified the State Fire Marshal that Worldwide was operating under unsafe conditions, and suggested that a prompt inspection be made by the Fire Marshal.

On April 14, 1972, a State Fire Marshal inspection was conducted in the presence of Fire Chief Peterson. On April 24, 1972, State Fire Marshal Robert E. May issued an order against Worldwide, sending it to Robert Van Schoick, notifying him that:

"Pursuant to law, an inspection was made of the above captioned premises on April 14, 1972, by the State of Illinois, Department of Law Enforcement, Division of Fire Prevention.

"This inspection revealed the following dangerous conditions and/or fire hazards as indicated in violation of law.

"1. Each unit must have two means of egress, directly to the outside, remote from each

other. Doors shall open in the direction of exit travel and be equipped with panic hardware.

"2. At least 36 inch aisles shall be maintained in each unit.

"3. Install at least three pressurized water type fire extinguishers.

"4. Obtain Certificate of Registration from Department of Law Enforcement in accordance with Fireworks Regulation Act.

"You are hereby ordered to remove or remedy said dangerous conditions and/or fire hazards not later than thirty (30) days after service of this Order.

"Appeal from this Order may be made before ten (10) days from the date of service. Direct such appeal to the State Fire Marshal, Department of Law Enforcement, Division of Fire Prevention, 160 North LaSalle Street, Chicago, Illinois 60601."

Worldwide did not file any notice of appeal with the State Fire Marshal nor was there any notation in the files of that office that any of the above cited violations were corrected.

In the files of the State Fire Marshal there was a Supplemental Order to the Order of April 24, 1972, dated June 7, 1973, (two days prior to the June 9, 1973, explosion) on a mimeographed "Conditional Inspection Report." It indicated that Fire Chief Glenn Peterson had accompanied the Deputy Fire Marshal on an inspection made of the McHenry plant on June 4, 1973.

An accompanying longhand memorandum dated June 7, 1973, from Deputy Fire Marshal Hollinger, indicated the following violations:

"1. Install underpinning on mobile home used for office.

"2. Remove all combustibles and trash on premises.

"3. Buildings and trailers containing fireworks must be at least 50 feet apart.

"4. Fireworks storage buildings shall be at least 500 feet from inhabited dwellings."

That same June 7, 1973, memorandum to Assistant Fire Marshal Hughes also suggested that Lawrence Callen and Louis Landerman of Acme Specialties, and corporate officers of Worldwide, be contacted for a hearing. However, there was nothing in the Fire Marshal's files to indicate that anybody representing Worldwide had ever asked for a hearing. Furthermore, the Fire Marshal's files do not indicate that any notification, written or otherwise, was ever sent to Worldwide concerning the June 7, 1973, Supplemental Order to the Order of April 24, 1972.

A "Progress Report" dated June 7, 1973, was in the files of the Fire Marshal, which stated in longhand:

"Mr. Lawrence A. Callen, Mr. Pat Landerman June 14th visited this office for a hearing before Chief Hughes. There will be a certified letter closing building."

This was a strange action because a hearing on the violations was scheduled for June 14, 1973, five days after the plant exploded. Why the necessity to send a letter to "close the building" when the plant had already been demolished by explosions?

The Worldwide Fireworks Company also violated the Explosives laws of Illinois. Prior to the June 9, 1973, explosion of its McHenry plant it had received Explosive Licenses for five trailers, four to hold a maximum of 300 pounds of explosives each, and the fifth trailer to hold a maximum of 200 pounds. At the time of the explosion it was discovered he had a total of 12 trailers containing fireworks explosives. Van Schoick had apparently hauled in the extra seven trailers without due notice to the Illinois Department of Mines and Minerals. Subsequently, the five licenses were revoked.

6. Federal Licensing

The situation is unclear with respect to Worldwide Fireworks Company's compliance with federal law. It

appears that a few months after Van Schoick started his fireworks operation he applied with the Bureau of Alcohol, Tobacco and Firearms, of the United States Treasury Department for a license to manufacture and import fireworks.

At that time Van Schoick was only storing a few fireworks items and had not yet started to import or assemble products. He was told that until such time as he did get into importation and assembling, a temporary 30 day license would suffice. He received continuous extensions up until the time of the June 9, 1973, explosion. Apparently he never apprised the Bureau of Alcohol, Tobacco and Firearms that he had, since their first inspection, enlarged his operations to the point where he was manufacturing and importing fireworks on a wide scale. It is also apparent that the federal authorities never did obtain independent knowledge of that situation, otherwise he would have been required to obtain full licensure as a manufacturer and importer.

7. Zoning Violation

During the Commission's December 19, 1973, public hearings in Woodstock evidence was adduced that Van Schoick was also in violation of McHenry County zoning ordinances. He had obtained permission to store a few fireworks on his property, claiming that his principal business was the sale of food shortening. This zoning variation had been granted to Van Schoick personally and not to his Worldwide Fireworks Company. It has been contended that the zoning variation did not apply to his fireworks company. This matter is currently the subject of further consideration by McHenry County authorities.

J. Acme Specialties Company

1. Introduction

This company is the largest manufacturer of sparklers in Illinois and one of the largest in the United States. It also deals in other Class C fireworks. It does not manufacture or deal in any Class B fireworks.

It was incorporated in Illinois on March 21, 1939, under the name of Acme Fireworks Corporation, by Harry Cohen, and Charles K. Levey. Cohen later changed his name to Callen. On May 24, 1955, it filed a change of corporate name to Acme Specialties Corporation, with the Illinois Secretary of

State. It is a closed corporation with all the stock being owned by its two owners Louis P. Landerman, 8918 Pottawattami Drive, Skokie, Illinois, and Lawrence A. Callen, (Harry Callen's son), 639 West Sheridan Road, Chicago, Illinois. The officers and directors are Landerman, Callen and Marjorie Callen.

The company is located in a one story brick and masonry building, at 2021 West Street, River Grove, Illinois, constructed in 1964, which houses the office and manufacturing plant, on a three acre plot, in an industrial park. Forty five persons are employed by the company.

Since Acme Specialties does not manufacture or otherwise store any explosives, licenses from the Illinois Department of Mines and Minerals are not required. Since the company does not manufacture or otherwise deal in Class B fireworks, a license is not required from the United States Treasury Department's Bureau of Alcohol, Tobacco and Firearms.

The only government license held by Acme is a Certificate of Registration from the Illinois State Fire Marshal.

2. Bootlegging Activities

Two admitted fireworks bootleggers told the Commission that during the past few years they have purchased Class C fireworks from Louis P. Landerman on the premises of Acme Specialties Company. The Commission also has information in its files concerning additional bootleggers who have also made illicit purchases of Class C fireworks from Landerman; and that the other corporate partner, Lawrence A. Callen, is fully aware of these illicit transactions.

Invoices are not supplied by Acme Specialties for fireworks which are sold to bootleg customers. The customers pay for their purchases in cash.

When Landerman was questioned by Commission staff members, in the presence of his lawyer, on November 13, 1973, he denied making retail sales of fireworks to any person who did not display a permit to display fireworks. When Landerman was advised that the Commission was in possession of evidence that his company had sold fireworks to persons without permits and who were not legitimate wholesalers, he refused to answer any further questions in that regard,

upon advice from his counsel.

Lawrence A. Callen, the Vice President of Acme Specialties, was interviewed by a Commission investigator at the company's office on August 22, 1973. He claimed that the company only sold retail to those persons in possession of display permits, and to wholesalers. Callen pointed out that the current Illinois fireworks law permits a company to sell fireworks to wholesalers.

The Commission believes that Acme has used the device of selling to a "wholesaler" as an excuse to circumvent the law. In fact, the law specifically does state that fireworks can be sold to wholesalers who are not now required to receive a Certificate of Registration from the State Fire Marshal. (In the law which this Commission will propose, there will be a requirement for licensure of wholesalers.)

Acme claims that whenever a customer claims to be a wholesaler, Acme will check with Dunn & Bradstreet to determine "for certain" that the person is an established wholesaler. Acme has not, however, checked with the Illinois Department of Revenue, the only medium through which it can be authoritatively established that a person or a company is actually a wholesaler.

Both Callen and Landerman were subpoenaed to testify at our public hearings in Chicago on December 17, 1973. Their attorney would not allow his clients to testify on the grounds that House Resolution 414 called for the Commission to submit its findings to the General Assembly on November 1, 1973, and therefore, our investigation had terminated. The Commission advised the attorney that the reporting date was not a substantive phase of our investigation, and that they would be notified when next to appear at our hearings.

On January 9, 1974, the Illinois General Assembly extended the reporting date to April 30, 1974. Accordingly, Callen and Landerman were notified to appear again before the Commission on February 20, 1974. On that occasion Callen and Landerman did not appear but their attorney did, claiming that the extension of the reporting date was invalid and his clients would not appear. The Commission did not accept that contention.

The Commission will petition the Cook County Circuit Court to compel their appearance before the Commission.

At that time they will be questioned concerning allegations of fireworks bootlegging.

3. Scope of Business

Lawrence A. Callen, the Vice President of Acme Specialties, handles the administrative matters for the company while Louis P. Landerman, the President, handles the operations.

The only direct manufacturing process in which the company engages is the production of sparklers. All other Class C fireworks are purchased by Acme principally from manufacturers and wholesalers in Taiwan, Hong Kong, Macau and Japan, and also from manufacturers in other states in this country.

Most of the company's legitimate sales are to other manufacturers and wholesalers in the United States, with a much smaller volume sold retail to persons with display permits. Acme Specialties does not construct displays or fire any shows for civic groups.

The Commission will attempt to elicit more information concerning Acme's legitimate business activities when Callen and Landerman are next called to appear before the Commission, following the successful pursuit of our petition to the Cook County Circuit Court to compel their appearance.

4. State Regulation

In 1965, Acme Specialties received a Certificate of Registration to do business as a fireworks manufacturer from the State Fire Marshal.

Acme Specialties claims that they have been inspected by the State Fire Marshal from three to four times each year, for the past several years. However, the only records on file with the State Fire Marshal reflect just two inspections, one on November 15, 1965, and one on February 1, 1974. Apparently, no written record was ever submitted and kept on file by the State Fire Marshal concerning any other inspections, if, in fact, they ever were conducted.

The Commission was furnished a copy of an Order, dated December 7, 1965, sent to the Acme Specialties Corporation, by former State Fire Marshal William J. Cowhey, as follows:

"An inspection of the above premises by Deputy Lopardo on November 15, 1965, as authorized under the State Fire Marshal Act, as amended and in force June 4, 1964, indicates that the following corrections should be made:

"1. Fire extinguishers shall be tested and recharged each year, and attach tag showing date of recharging.

"2. Provide metal rubbish cans with covers.

"3. Keep exit areas clear at all times; remove all obstructions.

"4. Paints and flammable liquids shall be kept in metal cabinets having tight closing doors.

"5. Good housekeeping shall be maintained throughout the building.

"6. Keep all stock piled so as to provide at least an 18 inch clearance to the ceiling or to the automatic sprinklers.

"7. Discontinue the practice of burning rubbish in the lot, or provide an approved rubbish burner so constructed as to prevent the escape of sparks or burning material.

"8. Electrical drop cords and hot plates shall be removed. No drop cords shall be permitted for permanent wiring.

"9. Notify the Chicago Office of the State Fire Marshal when the above corrections have been made (FI 6-2000, Ext. 819).

"You are hereby requested to give the above violations your immediate attention.

"Appeal from this request may be made before the date of December 18, 1965. Address such appeal to the State Fire Marshal, Department of Public Safety, Division of Fire Prevention, 160 North LaSalle Street, Chicago 1, Illinois."

There is no written record of compliance on file with the State Fire Marshal but we were advised by that office that Acme Specialties made oral, telephonic notice that the violations were corrected.

The Fire Marshal supplied the Commission with a copy of a letter dated October 25, 1967, sent by former State Fire Marshal William J. Cowhey to Mr. Harry Stavrides, architect, 7847 South Shore Drive, Chicago, concerning a "Warehouse Addition, Acme Specialties Company, 2001 West Street, River Grove, Illinois," as follows:

"On October 25, 1967, plans for the above named warehouse addition were checked and approved by this office.

"Drawings appear to make showings in accord with the rules of this Department and on that basis are approved, subject to full compliance with all the Illinois Rules and Regulations for Fire Prevention and Safety, adopted June 4, 1964, and all amendments thereto, and any valid local ordinances which may apply.

"Plans were approved with the understanding that the following requirements would be complied with:

"1. Building must be completely protected with automatic sprinklers.

"2. Provide automatic vents or plastic sky domes in roof to vent heat in event of fire.

"3. All electrical equipment and lighting shall be explosion proof.

"4. Travel distance from any point to nearest exit shall not exceed 150 feet.

"5. All exit doors shall swing in direction of exit travel.

"6. Provide approved illuminated exit signs.

"7. Provide approved fire extinguishers.

"Please notify the Chicago Office of the State Fire Marshal (FI 6-2000, Ext. 818) when work is completed in order that a deputy may be assigned to make an appropriate inspection."

There is no record on file with the Fire Marshal that compliance was ever made with the items contained in that Order.

On February 5, 1974, State Fire Marshal Bernard J. Sadowski sent an Order to Larry A. Callen, Acme Specialties Corporation as follows:

"An inspection of the above captioned premises was made on the last day of February, 1974, by Deputy George Michehl. This inspection disclosed a fire hazard condition as hereinafter set forth, prohibited by Section 9 of an Act in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures, approved June 15, 1909, as amended, and as prohibited by the Illinois Rules and Regulations for Fire Prevention and Safety, promulgated pursuant to said Act by the Division of Fire Prevention, Department of Law Enforcement, State of Illinois.

"This inspection revealed the following dangerous conditions and/or fire hazards as indicated in violation of law.

"1. Remove all combustible storage found in main boiler room.

"2. Install a self-closing device on employee's lunch room door (Factory Section).

"You are hereby ordered to remove or remedy said dangerous conditions and/or fire hazards not later than thirty (30) days after service of this Order.

"When violations have been corrected, please notify the Chicago Office of the State Fire Marshal (312-793-2694) for inspection.

"Appeal from this Order may be made before

ten (10) days from the date of service. Appeal hearings will be held the first and fourth Monday of each month, please submit a letter for your appointment. Direct such appeal to the State Fire Marshal, Department of Law Enforcement, Division of Fire Prevention, 160 North LaSalle Street, Room 1722, Chicago, Illinois 60601."

On February 13, 1974, Lawrence A. Callen wrote to Fire Marshal Sadowski, as follows:

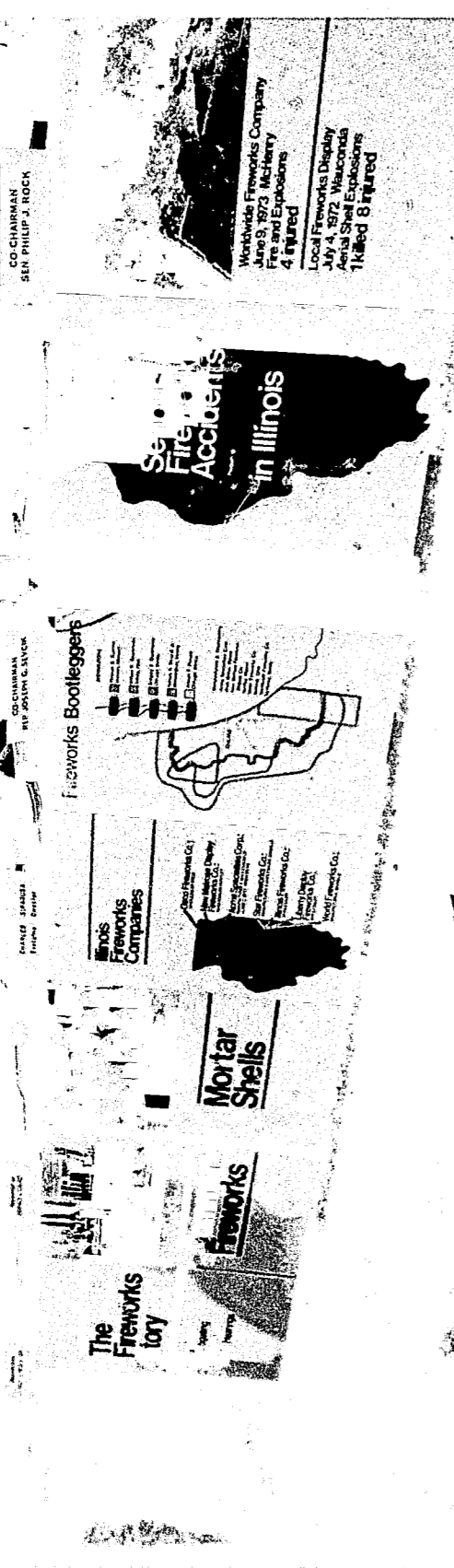
"With reference to your letter and Order of February 5th, please be advised that the conditions have been corrected."

On March 6, 1974, State Fire Marshal Sadowski wrote Acme Specialties, as follows:

"Deputy George Michehl reports as of March 6, 1974, all items listed in our Order dated February 5, 1974, have been completed and complied with in full, at this time."

On March 6, 1974, the State Fire Marshal's Office advised the Commission:

"Every thing in order at this inspection. Acme carrying a very heavy inventory of Class C fireworks."



In two days of public hearings on December 17-18, 1973, at the Board Room of the Chicago Metropolitan Sanitary Board, the Commission received testimony from various State officials, fireworks plant owners, fireworks bootleggers, and Commission undercover investigators. From left to right, Rep. George H. Ryan, Sr., Rep. Horace L. Calvo, Executive Director Charles Siragusa, Rep. Joseph G. Sevcik, (Co-Chairman), and Senator Philip J. Rock, (Co-Chairman). Other attending Commissioners not shown in the photograph were Senator Daniel Dougherty, Senator John B. Roe, Senator Frank D. Savickas, Rep. Peter P. Peters and Rep. W. Timothy Simms.

Chapter 5

PUBLIC HEARINGS: CHICAGO
DECEMBER 17 and 18, 1973

A. Introduction

On December 17 and 18, 1973, the Commission conducted its first set of public hearings in connection with House Resolution 414 concerning the importation, manufacturing, transportation, distribution, and ignition of fireworks within the State of Illinois.

At these hearings, the Commission heard testimony from the State Fire Marshal, representatives of the Illinois Department of Mines and Minerals, fireworks plant owners and employees, various fireworks bootleggers, Commission undercover agents, and other interested individuals.

The following is a summary of the testimony heard at these hearings.

B. Mr. Thomas R. Hampson

Mr. Hampson has been an investigator for the Commission since June 15, 1973.

Agent Hampson testified that there has been an explosion at a fireworks plant in each of the last four years. Pursuant to the mandates of House Resolution 414, he was instructed by Executive Director Charles Siragusa to investigate the circumstances surrounding the explosion of various fireworks companies located in Illinois, including those occurring at the Carpentersville Fireworks Company at Huntley, Illinois, on May 27, 1970; the Melrose Display Fireworks Company at Orland Park, Illinois, on March 6, 1973; the Worldwide Fireworks Company near McHenry, Illinois, on June 9, 1973; and the Continental Fireworks Company in Pisgah, Illinois, on May 17, 1971. Agent Hampson was also directed to investigate the death of

Edward Bulger during the 1972 Independence Day celebration in Wauconda, Illinois, using fireworks supplied by the Worldwide Fireworks Company, and an accident which severely injured Gary and Dana Eicholtz near the New Melrose Fireworks Display Company in Huntley on May 30, 1973. The results of these investigations are discussed in detail in Chapter 1.

Upon inquiry by Co-Chairman Joseph G. Sevcik, Agent Hampson testified that there are presently seven companies engaged in the manufacturing and wholesaling of fireworks in Illinois. They are the Osco Fireworks Company in Osco and the New Melrose Fireworks Display Company in Huntley, which wholesale fireworks and contract to put on fireworks displays; the Acme Specialties Corporation in River Grove which manufactures and sells Class C fireworks only; the Star Fireworks Company in Danville, which manufactures and wholesales fireworks and contracts to fire displays; and three other fireworks companies located in Danville--World Fireworks, Illinois Fireworks and Liberty Display Fireworks, which are controlled by the same individuals and which manufacture, wholesale, and display fireworks interdependently.

Agent Hampson, upon questioning by Co-Chairman Philip J. Rock, explained that "bootlegging" of fireworks exists in Illinois and involves hundreds of individuals and several million dollars annually. This term applies to the illicit trafficking of fireworks, primarily those of Class C type which are legal in some states, as well as M-80's, which are more destructive firecrackers and which have been recently banned by the federal government. The major bootleg distributors of fireworks purchase Class C fireworks from fireworks companies who sell fireworks legitimately and also purchase cases of M-80's containing approximately 1,400 M-80's per case from clandestine manufacturers.

According to Agent Hampson, when major bootleg distributors sell fireworks to minor distributors, the M-80's are used as an inducement for them to purchase more Class C fireworks. The reason for this is that M-80's are scarce but in great demand. To illustrate the huge profits derived in the bootlegging of M-80's, Agent Hampson stated that \$10,000 of M-80's sold by the manufacturer are eventually sold on the street at retail for approximately \$75,000. Further, he indicated that through bootlegging, inexperienced persons, including juveniles, are buying these

dangerous commodities, the use of which has resulted in deaths and serious injuries.

Agent Hampson also testified in regard to the Illinois and federal laws applicable to the fireworks industry. These include the examination and licensing of fireworks companies by the State Fire Marshal; the manufacture, possession, storage, and transportation of explosives in general, which is regulated by the Illinois Department of Mines and Minerals; the retailing and wholesaling of fireworks and the limitations imposed thereon by the State of Illinois; and various federal statutes and regulations concerning the classification, transportation, sale, and use of various types of explosive materials as well as requirements which fireworks plants must meet in order to insure maximum safety. A review of these pertinent statutes is discussed in Chapter 8.

Agent Hampson also noted that the powers of the Department of Mines and Minerals in relation to the fireworks industry are limited to inspecting the storage facilities of a company's explosives and issuing a license therefor. The main responsibility for the regulation of the industry within Illinois lies with the State Fire Marshal's Office. Officials of that office are required to inspect fireworks companies to insure that they are in compliance with current Illinois law as well as to issue a certificate of registration for each new fireworks company.

It appears from the Commission's investigation that the State Fire Marshal has been derelict in his responsibilities for several reasons: interpreting the term "fireworks plants", as set forth in the Illinois Fireworks Regulation Act, to include only those plants which currently manufacture fireworks; failing to inspect existent fireworks companies with any regularity; keeping inadequate and disorganized files regarding fireworks companies, failing to promulgate rules and regulations concerning fireworks as required by statute; and inefficiently registering or neglecting to register new fireworks companies.

In his opinion, State enforcement of the fireworks industry is divided between the Fire Marshal's Office and the Bureau of Mines and Minerals, both of which have been

ineffective in regulating the industry. The laws pertaining to the manufacture, storage, transportation, and sale of fireworks within Illinois are antiquated and in desperate need of revision.

In response to Executive Director Siragusa's question as to whether the explosions and accidents which were subject to the Commission's investigation were the result of negligence by the display operators or by plant owners or employees, Agent Hampson concluded his testimony by stating that his investigation disclosed intentional disregard for the law as well as instances of negligence.

C. Mr. James E. Cantwell

Mr. Cantwell is a Deputy State Fire Marshal; and at the time of the hearings, he was on special assignment with the Commission in connection with its fireworks investigation.

Mr. Cantwell testified that it was his responsibility to interview home owners living near the former Worldwide Fireworks Company in McHenry, Illinois.

On August 11, 1973, Mr. Cantwell met with Messrs. Kenneth Petersen and his son, Robert Petersen, who live about 400 yards from Worldwide Fireworks Company. He further indicated that Mr. Robert Petersen had taken movies of the explosions at Worldwide while they were occurring. In order that the severity of the explosion be shown, while he was filming the explosion Mr. Petersen stood in an open field where heavy chunks of metal, partial sides of trailers, and unexploded missiles fell around him.

Mr. Cantwell displayed fragments of shrapnel which were found on the Worldwide property on August 11, 1973, almost two months after the explosion. The pieces of shrapnel which Mr. Cantwell showed to the Commission were picked up approximately 300 yards from the site of the explosion. Among the debris were sides of a trailer and the back part of a lock on a trailer's sliding door. The lock weighed approximately twenty pounds.

Mr. Cantwell stated that Mr. Kenneth Petersen explained to him that Worldwide consistently "shot off" fireworks

during all hours of the day and not much note was taken of the initial explosions which occurred on June 9, 1973. However, while they were taking their heifers to pasture about three o'clock in the afternoon, they heard an exceptionally loud explosion. Approximately fifteen minutes later, Mr. Robert Petersen arrived at the Worldwide property. At that time, the trailers had been destroyed and massive explosions were taking place near the main buildings.

After this brief explanation, the movies that Mr. Robert Petersen took were shown to the Commission. Mr. Cantwell explained the relative positions of Worldwide's trailers and buildings and Mr. Robert Van Schoick's home, which was situated nearby and which had suffered extensive damage from the explosion.

Mr. Cantwell also testified that he interviewed several other individuals who own homes near the Worldwide property. They expressed discontent with Worldwide's operations. It was the consensus that Worldwide was consistently displaying fireworks and disrupting the tranquility of the neighborhood.

Mr. Cantwell also indicated that Worldwide Fireworks had been inspected by the State Fire Marshal's Office approximately a year before the explosion on June 9, 1973; and the company was charged with violations at that time. To the best of his knowledge, he also stated that a registered letter had been sent to Worldwide indicating that the company was in violation of the Illinois statutes regarding fireworks; but he did not know what disposition was made of the matter.

He further stated that although there was a reinspection several months later which revealed the same inadequacies as the first inspection he did not know if any subsequent action had been taken to rectify the situation. He also was not aware of whether or not there were any proceedings commenced for prosecution, which is mandated when there is violation of the applicable fireworks law.

Representative W. Timothy Simms commented that the Fire Marshal's Office is under a duty to forward information regarding a particular fireworks company to the State's Attorney's Office in the county where the company is located for prosecution.

In response to Representative Peter P. Peters inquiry as to what recommendation Mr. Cantwell had in regard to preventing severe injury or death when an explosion occurs, he stated that his organization is not involved with fire-fighting; therefore, he did not know what could be done during an actual fire.

Mr. Cantwell also testified that the Fire Chief in Huntley, Illinois, told him that it was exceptionally difficult to do anything when an explosion of this nature occurs.

In conclusion, upon inquiry by Representative Peters, Mr. Cantwell stated that he does not know of any priorities followed by the State Fire Marshal's Office in investigating the various types of explosions. Representative Peters commented that when a dangerous facility exists, such as a fireworks plant, and there is nothing one can do in terms of saving lives and property except wait until an explosion has occurred, the State Fire Marshal's Office should give precedence to the licensing and inspections of fireworks plants, over the licensing and inspections of other less dangerous facilities.

D. Mr. Leslie Steineke

Mr. Steineke is retired and was previously employed as a fireworks display operator for 50 years. He testified that he had been employed by the Thearle Duffield Fireworks Company and, on one occasion, for the New Melrose Fireworks Company.

Mr. Steineke indicated, upon questioning by Representative W. Timothy Simms in regard to criticisms Mr. Steineke had of the display operations of fireworks companies in Illinois, that inexperienced men are now handling display operations.

He further stated that when Duffield was in business only experienced crews would be allowed to set off the fireworks. It was his opinion that there are too many amateurs in the business who are receiving no supervision. According to Mr. Steineke, "anybody who knows fireworks has got to



Mr. Leslie Steineke, with more than 50 years experience as a fireworks display operator, testified concerning the dangerous situation whereby teenagers are employed to assist in conducting fireworks demonstrations.

"Anybody who knows fireworks has got to respect it. When you give a man a torch who never saw fireworks before, there is something wrong, and this is what has been happening," according to Mr. Steineke.

respect it. When you give a man a torch who never saw fireworks before, there is something wrong. This is what has been happening."

He also stated that he did not know specifically of any fireworks companies that did not take certain safety precautions or were intentionally negligent. In his opinion, certain precautions must be taken in putting on the display. For instance, if the displays are in a city park or other public area, mortars have to be put in locations where there is no possibility of injury to any of the spectators.

Mr. Steineke stated that he never used juveniles to ignite fireworks and was not aware of any youngster being used except at the display the New Melrose Display Fireworks Company put on in Evanston, Illinois, for the 1973 Independence Day celebration. He further indicated that the City of Chicago must issue a certificate of fitness to a display operator; however, he stated that the City is very lax and will "give anybody a torch and tell them to light it." He further believed that it was a necessity that display operators be licensed.

He stated that local fire departments should be equipped with a manual on the proper way for presenting a display and should also issue a certificate of fitness. It should be incumbent upon the local fire department to inspect the display area and to have personal knowledge of the individual who will be igniting the fireworks. He also believed that the State Fire Marshal's Office should issue a handbook to these local fire chiefs which would indicate the necessary safety precautions that should be taken when putting on a display.

Upon questioning by Executive Director Charles Siragusa as to whether or not he had any prior discussions with any owners of Illinois fireworks companies about hiring inexperienced operators, Mr. Steineke stated that he had not; however, since this is a seasonal business, he could understand why it is difficult to get experienced individuals. But it is imperative that this caliber of individual be obtained.

Mr. Steineke also stated that fireworks companies who contract to supply the fireworks for the show should also

supply the crew to ignite the displays. It was pointed out in his testimony that if a fireworks company receives a contract to put on many displays for the Fourth of July the problem arises as to where that company is going to get all the men necessary to supervise these displays. Mr. Steineke believed the person "buying the show" should be guaranteed a man capable of handling it; unfortunately, this situation does not exist at present.

Mr. Steineke had no information regarding bootlegging operations within Illinois.

Co-chairman Philip J. Rock asked Mr. Steineke questions regarding the insurance that the fireworks companies should have when firing a show. In response, Mr. Steineke stated that the companies usually would provide the necessary insurance.

In response to Representative Peter P. Peters' question regarding firing tubes in relation to various sizes of mortars, Mr. Steineke stated that the fireworks company should provide the exact size tube necessary for the shell to be fired. Specifically, Representative Peters was referring to the accidents which occurred at Crystal Lake, Illinois, where the tube was larger than the shell put into it. Mr. Steineke indicated that each firework should be labeled as to what type of tube should be used for firing. The fireworks company does give certain instructions as to how far to bore the tube into the ground. They also provide a manual for display operators other than their employees, who are supposed to be given prior training.

According to Mr. Steineke, fireworks companies are in the habit of sending out "ship shows." A company sends out all the materials necessary to put on displays and a manual on how to operate them. They do not send out experienced individuals to ignite the fireworks.

Mr. Steineke stated that foreign fireworks are poorly made because they are not made for American type of displays. The shells are more elaborate and spread over a greater area than that which is customarily allotted for a display. For instance, a shell is made which, when fired, throws out burning material called stars. Some foreign shells contain stars that carry a burning "trailer" all the way to the ground, which could cause injury to spectators.

In response to Representative George H. Ryan's question as to the amount of fireworks imported, Mr. Steineke indicated that many fireworks manufacturers purchase these foreign fireworks. He also stated that any manufacturer who was competent in this area would not send fireworks, which he previously described, in a "ship show" package.

Mr. Steineke testified that when he was putting on displays certain fire protection procedures were followed. For instance, there were always fire trucks available; and firemen were instructed as to what precautions to take in order that maximum safety could be exercised. Further, an ambulance was normally available when there were large celebrations.

Mr. Steineke testified that prior to purchasing fireworks from a company it is necessary to have a permit executed by a local fire chief; however, the fireworks companies do not check to see whether or not the signature of the fire chief is authentic. In Mr. Steineke's opinion, a copy of the permit should be registered with the State.

He also suggested that the importing of fireworks from foreign countries should be restricted to importing shells that are less than eight inches in diameter. He stated that if anything above that size were to explode in the mortar there could be fifteen or twenty people killed.

E. Mr. Robert Deland

~~Mr. Deland~~ was subpoenaed to testify before the Commission in regard to his activities in the illegal trafficking of fireworks within Illinois. He was accompanied by his attorney, Mr. Thomas F. Dwyer.

To each question propounded, Mr. Deland, acting on the advice of his attorney, refused to testify and invoked his privilege against self-incrimination.

He was questioned concerning the following matters: the awareness of his present employer of the fact that he was arrested by the Chicago Police Department on June 22, 1972, for the possession of fireworks; the amount of money

CONTINUED

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he has earned through the illegal sale of fireworks; the purchases of fireworks from Miller Fireworks Company in Holland, Ohio, and Acme Specialties Company in River Grove, Illinois, and Worldwide Fireworks Company in McHenry, Illinois, with the intent of reselling them; his purchasing of fireworks from Mr. Thomas S. Scaman and Mr. William Szustowski, known fireworks bootleggers; whether or not he has ever obtained any type of governmental license for the sale of his fireworks; whether or not any of the profit he made from the sale of these fireworks was reported on his federal and state income tax returns; the volume and sources of his purchases of M-80's; and whether or not he had contacted John F. Miller of Miller Fireworks Company to purchase a thousand cases of M-80's.

F. Mr. Lawrence A. Callen and
Mr. Louis P. Landerman

Messrs. Callen and Landerman own the Acme Specialties Company and also have an interest in the Worldwide Fireworks Company. Accompanying them was their attorney, Mr. Harry J. Busch.

Mr. Busch noted that House Resolution 414 directed the Commission to report its findings and recommendations on or before November 1, 1973. Since these hearings were taking place after that date, he questioned whether or not the Commission had the capacity to conduct these hearings and indicated that his clients would not testify unless it could be shown by the Commission that a report was made to the General Assembly.

Executive Director Charles Siragusa stated that the proper procedure for Mr. Busch to follow was to petition the court. Mr. Louis R. Fine, Chief Counsel to the Commission, advised Mr. Busch that the Commission would petition a circuit court for an Order directing them to reappear before the Commission to testify in this matter.

In response to Mr. Siragusa's statement that this was a mere delaying tactic, Mr. Busch stated that "when there is an enactment by statute or when there is a committee or commission form, there is no such thing as a technicality."

On January 9, 1974, the reporting date for House Resolution 414, which mandated the Commission's investigation, was extended from November 1, 1973, to April 30, 1974.

On February 20, 1974, Messrs. Callen and Landerman were directed to appear and testify before the Commission at its resumption of public hearings concerning the importing, manufacturing, transporting, distributing, and igniting of fireworks and the illegal trafficking thereof. However, their attorney, Mr. Sherman C. Magidson, appearing for Mr. Busch, stated that since the extension for the reporting date was extended after the original reporting date expired the subpoena was still void. Therefore, Messrs. Callen and Landerman would not appear and testify.

Mr. Magidson was advised by Chief Counsel Louis R. Fine that the Commission would petition the circuit court for an Order directing that Messrs. Callen and Landerman to appear before the Commission on another date.

G. Mr. Howard O. Roos

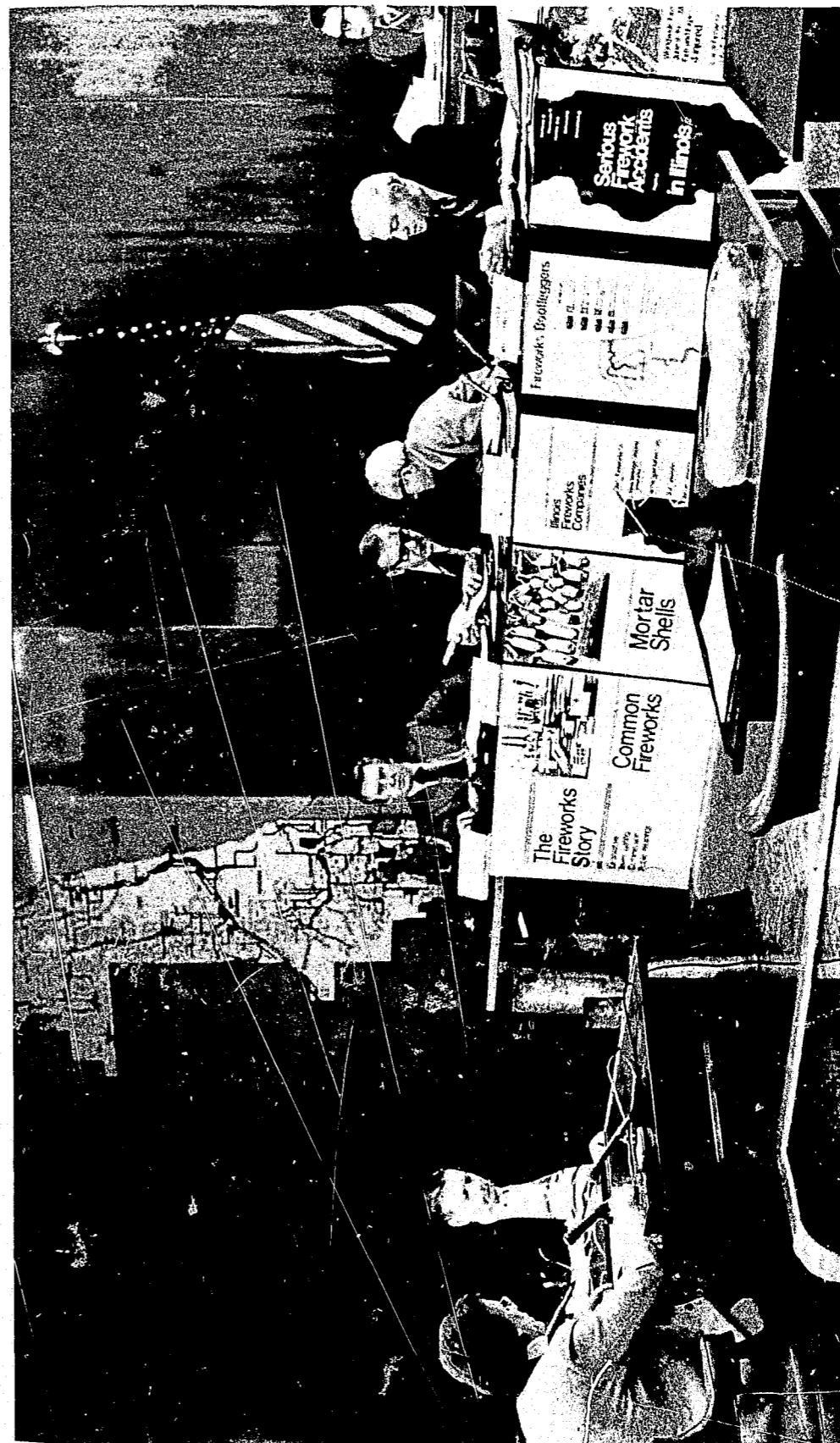
Mr. Roos has been the Chief Investigator for the Commission since 1967.

He testified that House Resolution 414 mandated the Commission to conduct a survey to monitor all patriotic fireworks displays in celebration of Independence Day, July 4, 1973.

In order to fulfill this obligation, a questionnaire was drafted and forwarded to all fire departments in Illinois. There were 1,164 questionnaires mailed. The questionnaire was designed to achieve the Commission's monitoring objective, with the assistance of the participating fire departments throughout the State.

The questionnaire further requested pertinent information to be given by the participating fire department relative to:

- (1) the location of the fireworks display;



The Commission's Chief Investigator, Howard O. Roos, testifying concerning the monitoring of fireworks displays on Independence Day, 1973, in Illinois. Senator Frank D. Savickas and Representative Joseph G. Sevcik, Co-Chairman, are at either end of the table, while Executive Director Charles Siragusa, white hair, is conferring with Representative George H. Ryan, Sr.

- (2) the designated official to monitor the display;
- (3) the sponsor of the display;
- (4) the individual department's inspection and approval of the proposed site;
- (5) verification of an operator's permit being obtained from the local authorities; and
- (6) the dealer who supplied the fireworks and the quantity being supplied.

Additional information was requested at the conclusion of the display concerning any accidents that occurred during the display, a description of any city and/or county code ordinance violations, and the details of all persons arrested or cited during the display.

According to Mr. Roos, these fire departments would have at least one man to attend each fireworks display for that department's respective area. In order that proper safety precautions be observed, the men assigned were encouraged to exercise their authority to take all actions necessary to correct any hazardous conditions that existed.

Mr. Roos testified that the Commission received a total of 516 returns, or approximately 43 per cent, of all fire departments originally contacted. Of those 516 departments that returned the questionnaires, 257 indicated that displays were, in fact, held. The remaining 259 held no such fireworks displays.

Mr. Roos then gave a synopsis of the results of those questionnaires. Among those departments in which displays were held, 18 were staged without a permit being obtained from the local authorities. Further, in 10 cases the proposed display sites were not inspected by the area fire departments.

In regard to injuries resulting from fireworks displays, only two departments recorded such incidents, with a total of six persons incurring superficial injuries. In one instance, the Fire Department of Elmhurst, Illinois, stopped their display because of falling debris. Prior to continuing, test firings were made to bring it into safety limits.

However, because of strong winds, debris still fell into the spectators' area; and the remaining portion of the display was cancelled.

In order that firsthand knowledge of these displays could be obtained, various Commission investigators were assigned to personally monitor three shows.

Investigator Thomas R. Hampson viewed the display held in Park Ridge, Illinois, which lasted for approximately one hour and was also monitored by several members of the Park Ridge Fire Department. While the display was ignited without incident or injury, Agent Hampson noted some debris from the exploded material drifting back into the spectator area.

Mr. Roger Sutton, an Investigator with the State Fire Marshal's Office assigned to the staff pursuant to the Commission's investigation, viewed the display held in Tower Lake, Illinois. Similarly, there were no incidents or injuries during this time. Normal safety precautions were observed and the required permit was obtained prior to the firing of the show. The only problem noted was an absence of police control to contain the crowd. This resulted in a few persons approaching the firing area and being too close to where the shells were being launched.

Mr. Roos testified that the third display was viewed by both Investigator John W. Baylor and himself. This show was shot off at Dyche Stadium in Evanston, Illinois, and was monitored by the Evanston Fire Prevention Bureau.

According to Mr. Roos, one skyrocket partially detonated only 50 feet above the launch area. The shell fell back into the launch area and exploded only 20 to 30 feet from two workers. They were knocked to the ground from the concussion of the explosion. After the show, they were taken to the Evanston hospital for possible injuries but were later released.

There were four boys assisting the adult display operators. These juveniles ranged in age from 14 to 19 years. In Mr. Roos's opinion, it was appalling that young boys should be hired to undertake such a dangerous job without the expertise that should be required.

All of the foregoing displays had the required permits and were properly monitored by appropriate fire department personnel; however, Mr. Roos indicated in his testimony that in contrast to the aforementioned displays one display was held for approximately an hour and a half in an unincorporated area on the east edge of the Downers Grove Estate Fire Protection District. This area is served by the Downer's Grove Estates Fire Department and the Du Page County Sheriff's Police Department. Both departments had no prior knowledge of such a display nor was a permit to hold such a display requested.

Mr. Roos stated that it was revealed that Mr. Joseph M. Waz had set up and ignited the display. In checking Mr. Waz's background, the Commission's investigation revealed that he had an extensive criminal record dating back to 1946, which included an arrest for robbery, armed robbery, and burglary.

It was also revealed that two volunteer firemen from Downers Grove, who had no prior knowledge of the display, were in attendance. They had arrived at the scene by chance, and they gave assistance to Mr. Waz in setting off the display and controlling the crowd. However, they made no inquiry as to whether or not a permit had first been obtained; and in fact, they had no knowledge that one was necessary.

When Mr. Waz was interviewed by the Commission, he stated that he had been an honorary fireman for the Downers Grove Fire Department and that he had been setting off shows at that location for the past four years. He openly admitted that he had several boxes of M-80's, which are prohibited by federal and State law, and that he had made no attempt to obtain a permit for the display.

According to Mr. Roos, Mr. Waz stated that he received contributions from local people to put on the show. Further investigation by Commission investigators revealed that the M-80's "shot off" by Mr. Waz were obtained through Mr. William "Wild Bill" Szustowski, who is a known fireworks bootlegger.

In conclusion, Mr. Roos testified that the survey conducted by the Commission was significant for several



Senator Frank D. Savickas, examining witness Leonard Heise, Executive Director of the Illinois Society for the Prevention of Blindness, who testified concerning serious eye injuries and blindness caused by fireworks accidents.

reasons. Unfortunately, however, many fire districts refused to cooperate by not responding to the first or second questionnaire. However, it was determined from those who did reply that inexperienced juveniles were used at many displays throughout the State. Further, it was evident that there may have been many unreported injuries to these juveniles as well as adults who handled fireworks explosives without having thorough training. In Mr. Roos's opinion, the law should be amended to correct these serious situations.

H. Mr. Leonard Heise

Mr. Heise is the Executive Director of the Illinois Society for the Prevention of Blindness.

Upon inquiry by Senator Frank D. Savickas, Mr. Heise testified that the Society for the Prevention of Blindness is a voluntary health organization whose duties include investigations into fireworks accidents which result in serious eye injury or blindness.

He stated that each year the Society determines a number of eye injuries due to fireworks explosions. In order to determine this, all hospitals within the State are contacted as well as the physicians who have treated individuals who undergone these injuries.

Upon questioning by Representative Peter P. Peters, Mr. Heise stated that the Society requested information from these hospitals and physicians. The Society indicated to them that such information would be publicized in the news media, but the names of the victims would not be given unless written approval was first obtained.

In conclusion, Mr. Heise stated that although approximately only one-third of those hospitals and physicians contacted responded to the questionnaire, it was his opinion that there were many hospitals and physicians to which these questionnaires were sent who did not treat this type of injury. For instance, many of the physicians treat industrial eye injury but would not be involved in fireworks accidents.

I. Mr. Albert Jason

Mr. Jason is a self-employed maintenance operator, who resides at 4024 West McCullom Lake Road, McHenry, Illinois.

Mr. Jason testified that his home is located 400 to 500 feet from the site of the Worldwide Fireworks Company. On June 9, 1973, the date of the explosion, he was in the hospital; however, upon hearing loud noises and seeing smoke, he immediately telephoned his wife, who was in the house at the time. She described the explosion as an "atomic blast."

Mr. Jason testified that the Worldwide explosion caused damages to his home of over \$50,000, and it had to be completely demolished. His insurance company settled his claim for \$46,000 although his coverage on the dwelling was only \$34,000.

Mr. Jason stated, upon inquiry by Executive Director Charles Siragusa, that prior to the explosion he had not made any formal complaints to the police or sheriff about the existence of the fireworks plant and the possibility of injuries which could result to residents in the area if an explosion occurred. He stated that the fireworks company was there when he moved in; and although his home was completely demolished, he intended to build a new home on the same site. He further stated that other homes within the area were severely damaged.

Co-chairman Joseph G. Sevcik commented on the fact that Worldwide Fireworks Company was operating prior to Mr. Jason or his neighbors moving into the area. Mr. Jason indicated he was not aware of the fireworks company prior to his purchasing the property, yet he did not inquire as to what safety precautions were taken by the company to protect the residents after he moved in. Mr. Jason did suggest that if a fireworks company were to be rebuilt in the area it should be surrounded by bunkers.

Upon questioning by Chief Counsel Louis R. Fine, Mr. Jason indicated that Worldwide set off fireworks at all times of the day and night. He indicated that sometimes

the company would receive new materials and would "shoot them off" to see how well they worked. He further testified that although the fireworks annoyed his dogs it neither bothered him nor his wife.

Mr. Jason also testified that on several occasions he had helped Mr. Robert Van Schoick, one of the owners of the Worldwide Fireworks Company, unload crates containing fireworks from Europe or South America; however, he would not ignite fireworks or actively engage in firing displays.

Representative W. Timothy Simms inquired as to whether or not Mr. Van Schoick carried insurance on his plant. According to Mr. Jason, it was his understanding that no such insurance existed.

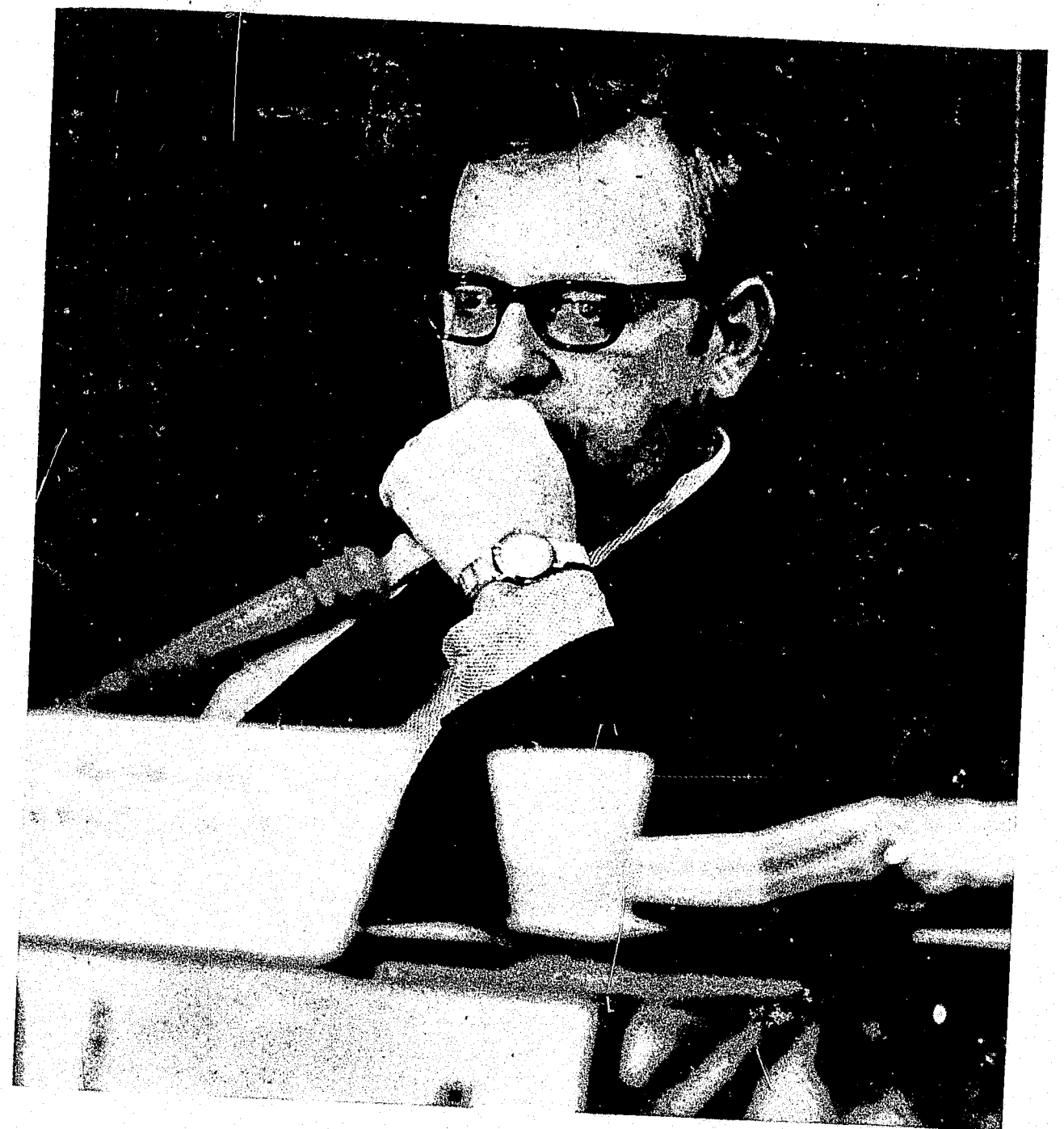
J. Mr. Kurt H. Johnson

Mr. Johnson resides at 372 Bode Road, Hoffman Estates, Illinois, and has been active in various facets of the fireworks industry. He is currently employed as a computer operator for the National Cash Register Corporation, located in Rolling Meadows, Illinois.

Mr. Johnson, who is approximately 21 years of age, testified that since he was a teen-ager he was interested in manufacturing and igniting fireworks. He stated that he would order chemicals through advertisements in magazines, which represented that the chemicals were suitable for making fireworks. Such chemical companies no longer advertise in this manner.

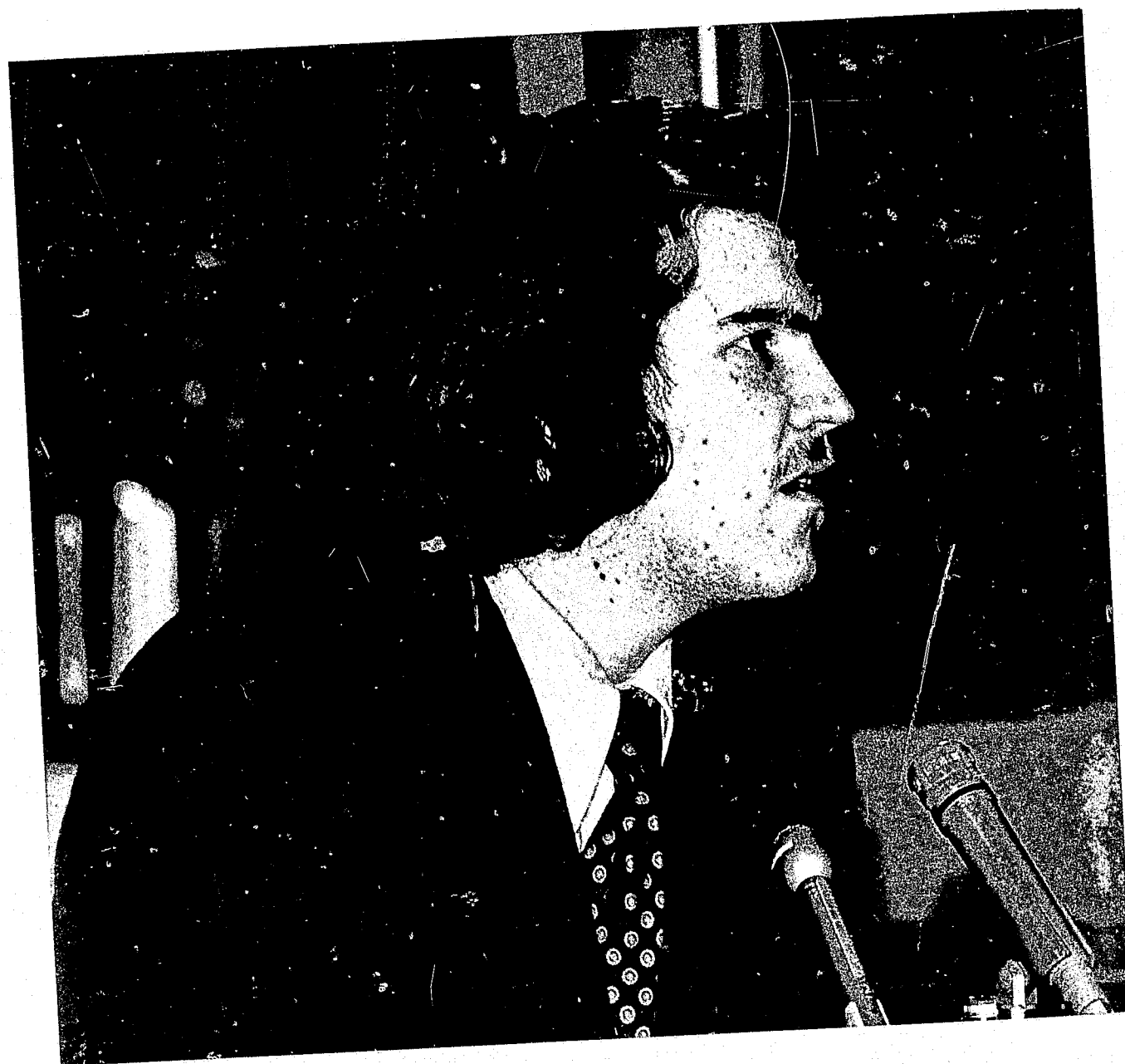
He further stated that in 1969 he was working for the Melrose Display Fireworks Company in Orland Park, which was operated by Mr. Anthony T. Cartolano. At that time, he did general factory work and assisted in fireworks displays. He was never told nor was he aware of the manufacturing of M-80's by Mr. Cartolano or by any of his employees.

In 1970, Mr. Johnson indicated he worked for the Carpentersville Fireworks Company in Huntley, Illinois. While he was working for that company, he was injured in an explosion which caused second degree burns to his body.



Representative George H. Ryan, Sr., whose examination of witness Kurt H. Johnson, 21, elicited the fact that this young man had worked for three different fireworks plants in the greater Chicago area.

Johnson was working for Worldwide Fireworks Company at McHenry, Illinois when it was devastated by explosions on June 9, 1973.



Mr. Kurt H. Johnson, who testified that he was injured in the explosions of two fireworks plants where he had been employed.

In 1970 he sustained second degree burns at the Carpentersville Fireworks Company plant at Huntley, Illinois.

As to the 1973 explosion at Worldwide Fireworks Company plant in McHenry, Mr. Johnson said "I heard a loud whooshing noise..the explosion knocked me to the ground.. I ran..another explosion knocked me down again..I ran as fast as I could as hard as I could."



Representative Peter P. Peters questioning Kurt H. Johnson concerning the negligent circumstances that precipitated the explosion of the Worldwide Fireworks Company plant in McHenry, Illinois, on June 9, 1973.

However, when his injuries had healed, he returned to the company and continued working until the end of the fireworks season, which was approximately late August. Again, he did not know whether or not the company engaged in the manufacture of M-80's.

Throughout the greater part of 1971 and 1972 and a portion of 1973, Mr. Johnson testified that he had worked for Worldwide Fireworks Company in McHenry, Illinois. He had stopped working at Worldwide in June of 1973 when that company was demolished by an explosion.

Mr. Johnson stated that at Worldwide he did general work, including picking up merchandise, driving a truck, and making deliveries. He stated that when notice would be received of a foreign shipment he would drive to the airport or the harbor in a small Chevrolet van.

Mr. Johnson testified that Mr. Gregory F. Gorzelanny, another witness at these hearings known to be involved in the bootlegging of fireworks, purchased several kinds of commercial-type fireworks from him; however, he had never purchased any M-80's. Mr. Gorzelanny always picked up the fireworks himself and never asked that they be delivered to him. In his opinion, Mr. Gorzelanny was a regular customer.

At the time of the explosion at Worldwide, Mr. Johnson related that he was in the company office conversing with Mr. Michael Rowe, who was a supervisor, and customers Thomas and Robert Scaman. He stated that fireworks had been set off earlier that day prior to the explosion in order to demonstrate them to Thomas Scaman.

Upon questioning by Representative Peter P. Peters as to the regularity of igniting fireworks, Mr. Johnson testified that it was not a regular practice to get samples of fireworks and then test them to see whether or not a customer wanted that particular type. He further stated that he was generally opposed to this type of activity as it

created obvious dangers.

Mr. Johnson further stated that when there was a customer who was known to be a large purchaser, occasionally that individual would choose two or three types of fireworks and have them ignited to determine which one he wanted.

On the day of the explosion, Mr. Johnson stated that all the trailers containing fireworks were locked and further indicated that the fireworks that were set off that day were launched in the direction the wind was blowing, which was toward an open field and which was approximately 40 yards away from the trailers.

Representative George H. Ryan pointed out that the possibility existed that if the trailer doors had, for some reason, become unlocked and a particle of the exploded fireworks entered the trailer it could have ignited the fireworks in the trailer causing the devastating explosion which occurred later that day. However, Mr. Johnson disagreed with this concept.

Shortly before the explosion occurred, Mr. Johnson was calculating a bill for Mr. Scaman. He indicated that six or seven trailers had been left open or unlocked during the time that Mr. Scaman had removed his fireworks. However, he emphatically stated that just prior to the explosion no trailers were left unlocked; and the last time fireworks were ignited was at least one hour prior to the explosion.

Mr. Johnson explored the possibility that the explosion could have been caused by spontaneous combustion. He noted that June 9, 1973, was a warm day and that much heat emanated from the trailers when he opened the doors. He further indicated that Brazilian fireworks are more susceptible to spontaneous combustion because of their chemical composition.

According to Mr. Johnson he was not sure of what other conditions existing at Worldwide could have contributed to

the explosion. He did state that one or two trailers were in poor condition; however, these trailers were used for the storage of paper tubes, cardboard boxes, and supplies. None of these trailers contained explosives. He further indicated that Mr. Michael Rowe and he were at all times in possession of the keys for the trailers and that no one else had access to them.

Mr. Johnson further stated that in order to determine whether or not spontaneous combustion caused the explosion many factors must be taken into consideration--the chemical composition of the fireworks involved, the proximity of the fireworks storage boxes to the metal sides of the trailer, the humidity, and the extreme heat. The owners of the company should have had the knowledge of what could happen under these conditions; however, in his opinion, no precautions to prevent such an explosion were taken. Mr. Johnson modified his statement by indicating that there are many other conditions to be taken into consideration before one can determine that the explosion occurring at Worldwide was actually caused by spontaneous combustion.

Mr. Johnson, upon questioning by Representative Frank D. Savickas, indicated that on occasion he would hold training courses for the customers of the company who were putting on display shows. This training session would occur each year around the middle of June whereby he would demonstrate the different facets of operating fireworks displays; for instance, how to prepare fireworks for ignition and what to do in case a bad shell is fired. He further indicated, however, that he and Mr. Rowe were the only ones who had access to the trailers during any training course and were aware of the dangerous conditions that existed and observed the necessary safety precautions.

Representative Savickas indicated that these people for whom training sessions were conducted were only purchasers of fireworks and not trained fireworks display operators. In response thereto, Mr. Johnson responded that anyone with "good common sense who takes the proper safety precautions" can display their fireworks and can do it at much less cost than for what a company charges.

In regard to the inspection of Worldwide by the State Fire Marshal's Office or local fire department, Mr. Johnson indicated that inspections were made three or four times in a period of over two-and-a-half years; however, he was not aware of any violations.

Mr. Johnson stated that at the time the explosion occurred he heard a loud "whooshing" noise. He arose from his chair; however, an explosion immediately knocked him to the ground. "From then it was just running, and another explosion or two knocked me to the ground. Again I ran as fast as I could as hard as I could."

He indicated that the first explosion came from the trailer area; specifically, from the middle section of the trailers. The center trailer contained rockets that were mostly of Spanish and French origin. Brazilian fireworks were also stored in the same area.

He testified, upon Representative Peters' inquiry, that the sound of the explosion which he heard was different than that which he heard at the time of the Carpentersville Fireworks Company explosion. The explosion at the Carpentersville company was due to the negligence of an employee, who swept up a pile of very volatile powders inside a powder mixing room and then rolled a metallic chemical drum through the pile on a concrete floor.

After the initial explosion at the Worldwide plant, Mr. Johnson was preoccupied with his own safety. He did not know what happened to the Scaman brothers or to Mr. Rowe; however, when he had escaped from the trailer, he thought that the rest of the people inside the trailer had been killed. He said there was no way he could have attempted to assist any of the other men as he was blown away from the trailer. After a short period of time had elapsed, he saw Mr. Rowe running in the same direction as himself.

Mr. Johnson testified that prior to his employment at Worldwide Fireworks Company he had worked for Mr. Thomas S. Scaman, a known fireworks bootlegger and manufacturer, at his plant in Missouri. Mr. Scaman, whom he has not seen since the time of the Worldwide explosion, had produced M-80 salutes.

When questioned as to the illegality of the manufacturing of M-80 explosives, Mr. Johnson stated that at the time he was employed by Mr. Scaman, Mr. Scaman indicated that he had the applicable state and federal licenses to manufacture fireworks, including M-80's. Mr. Johnson did not know at the time he was employed by Mr. Scaman that it was illegal to sell M-80's.

He further testified that Mr. Scaman had purchased some of his chemical supplies from Mr. John F. Miller of Miller Fireworks Company in Holland, Ohio; however, he did not know whether or not Miller Fireworks Company was purchasing any M-80's from Mr. Scaman. Mr. Johnson stated that he had made deliveries to Mr. Miller.

Executive Director Charles Siragusa stated that Miller Fireworks Company was involved in the manufacturing of M-80's. However, after Mr. Miller was arrested by federal agents because of this activity, Mr. Miller made arrangements to buy M-80's from Mr. Scaman. Mr. Johnson was not sure whether or not this was a fact.

Mr. Johnson testified that an employee had told him that Mr. Miller's employees could switch from manufacturing illegal explosives, including M-80 salutes, to manufacturing legal M-80 smoke devices in a time period of only three minutes when any suspected federal or police agents would approach the property.

He testified that he delivered M-80 salutes to various customers who purchased fireworks from Mr. Scaman. He was not sure whether or not Mr. Joseph Pavone of Chicago, one of Mr. Scaman's customers, received any of the M-80's he delivered. He did notice that when he made his delivery to Mr. Pavone there were fifty or more unmarked cases in his possession; however, he did not know whether or not those cases contained M-80's.

Mr. Johnson indicated that when he would transport explosives his truck was never marked "Danger - Explosives"; hence, another driver would not be aware of the fact that a truck carrying explosives was in front or in back of him. He did indicate, however, that the truck was equipped with

a fire extinguisher. He did not know of any federal or state regulations regarding the transportation of explosives.

Mr. Johnson indicated that he had never collected any money from Mr. Scaman for fireworks and was not aware of what Mr. Scaman charged for a case of M-80's. He further testified that at the time he delivered fifty cases to Mr. Pavone he collected approximately \$2,000; however, he again indicated he had no idea as for what he was collecting the money.

He was not sure how much a case of M-80 salutes would sell for. He had been told that a case of M-80 salutes, which consisted of 20 bags containing 1/2 gross per bag, ranged anywhere from \$35 to \$90 a case. On the street, a half gross can be sold for between \$15 to \$20.

Mr. Johnson testified that Mr. Scaman also had customers in Kentucky and Alabama. He further indicated that chemical supplies were sold to other fireworks manufacturers by Mr. Scaman, but he was not aware of whether or not these chemicals were used in the manufacture of M-80's. To his knowledge, however, he thought that Mr. Scaman never sold all the ingredients needed for manufacturing M-80's to any one person.

Mr. Johnson stated that the fireworks industry within the State is in poor condition. Fireworks factories are located in "shanty towns."

In conclusion, Mr. Johnson testified that on July 2, 1973, he was arrested for the unlawful sale of fireworks. At the time of these hearings, he was currently awaiting trial; however, he stated that he was not guilty of that crime.

K. Mr. Bernard J. Sadowski

The Office of the State Fire Marshal is a division of the Department of Law Enforcement. Mr. Sadowski is the State Fire Marshal, having occupied this position since March 1, 1973. He was assisted at the hearings by Assistant State Fire Marshals Harry Hughes and Joseph Patton; Administrative Assistant Stanley Morton; and Chief Arson Investigator Gus Mazzone, all of whom provided testimony.

A statement prepared by Sadowski was entered in the record. In the statement, he described the manner in which jurisdiction over fireworks is possessed by both the Department of Law Enforcement and the Department of Mines and Minerals.

The statement also noted that the Illinois Fireworks Act requires that fireworks companies established after August 2, 1951, must possess a certificate of registration from the Department of Law Enforcement. Such certificates are issued if a company's facilities are constructed and maintained in conformance with the Fireworks Act. He also noted that the Fireworks Act exempts fireworks companies in existence on or before August 2, 1951, from satisfying the statutory minimum distance requirements between fireworks factory buildings and other structures or roads. In order to ensure compliance with the Fireworks Act, Mr. Sadowski believed that the Department of Law Enforcement had the authority to inspect fireworks companies even though such inspections are not explicitly directed in the Fireworks Act.

In his statement, Mr. Sadowski also noted that virtually all fireworks companies are also subject to inspections by the Department of Mines and Minerals because the Mines and Miners Act requires the Department to periodically inspect places where explosives are stored. He added that the duty of the Department of Mines and Minerals to make inspections supercedes the implied authority of the Department of Law Enforcement to make such inspections.

Mr. Sadowski indicated that there is a conflict between the provisions of the Fireworks Act and the Explosives Act, which specify the minimum distance requirements between fireworks factory buildings and other structures and roads. The requirements of the Explosives Act are much more severe since they cover all types of explosives, including dynamite and other high explosives.

Mr. Sadowski emphasized that the definition in the Explosives Act of a "magazine" is unsatisfactory and suggested stiffer requirements which would prevent an explosion in

one magazine from being communicated to another magazine. He also suggested that the exemptions granted in the Fireworks Act to fireworks companies in existence on or before August 2, 1951, should be terminated.

As a final comment in his prepared statement, Mr. Sadowski stated that if the General Assembly vests complete authority over fireworks companies and displays in the Department of Law Enforcement, he and his staff would draft new regulations patterned after National Fire Protection Association recommendations and other model codes.

A series of questions was posed to Mr. Sadowski and the members of his staff. The Commission requested information not only about the State Fire Marshal's duties in regard to fireworks control, but also as to the entire scope of the State Fire Marshal's responsibilities.

Mr. Sadowski explained that the duty of his office is to inspect all State institutions, all facilities licensed by the State, and all facilities against which a complaint has been filed. Although he has a staff of 57 deputies to make the necessary inspections, Mr. Sadowski indicated that this number of inspectors is insufficient to meet the Fire Marshal's responsibilities. Therefore, a great deal of discretion had been placed in Assistant State Fire Marshals Hughes, who handles northern Illinois, and Patton, who supervises southern Illinois, as to which types of facilities are inspected.

Mr. Morton explained that the Fireworks Act does not require fireworks companies in existence on or prior to August 2, 1951, to obtain a certificate of registration issued by the State Fire Marshal. Even so, it was conceded by members of the Fire Marshal's staff that while at least eight fireworks companies have begun operations subsequent to August 2, 1951, only one registration certificate had been issued.

The staff of the State Fire Marshal excused the insufficiency of registration to its having been unaware of the existence of many firework companies. Mr. Sadowski stated



Illinois State Fire Marshal Bernard J. Sadowski, left, and Assistant State Fire Marshal Harry Hughes, testifying that their office had been unaware of the existence of certain fireworks plants until after they had been devastated by explosions.



Senator Philip J. Rock (Co-Chairman), left, and Rep. W. Timothy Simms question Illinois State Fire Marshal Bernard J. Sadowski concerning the fact that only one, of the eight fireworks companies in Illinois, had ever applied for a Certificate of Registration, and had operated illegally for many years.

that his office is the last to learn of the existence of a fireworks company unless his office is so notified by a local fire chief. He asserted that the reason his office is unaware of these companies is because they are located in remote spots in the State. He stated that the Deputy Fire Marshals make a valiant effort in searching for these companies, but they cannot find them until the local fire chief tells them about it.

Executive Director Charles Siragusa suggested to Fire Marshal Sadowski that greater pressure should be put on all local fire chiefs to report the existence of fireworks companies. Co-chairman Joseph G. Sevcik added that, if necessary, legislation would be proposed to assure such action. Executive Director Siragusa also offered Mr. Sadowski information concerning the unregistered fireworks companies established after August 2, 1951, and still in existence. This was done with the hope that registration of these companies would be forthcoming.

Much concern was expressed by Commission members as to the manner in which administrative proceedings are held by the State Fire Marshal's Office. The Commission suggested to Mr. Sadowski and his staff that all subsequent appeals hearings should be conducted by legal counsel and permanently recorded by a court reporter.

It was adduced that the State Fire Marshal has little or no power of enforcement. When violations are detected in the course of an investigation, the State Fire Marshal can only request the violator to correct deficiencies. More severe action against a violation is taken by the agency which licenses the violator. If violations were found at a nursing home, for example, only the Department of Public Health, after having received notification of the violations, could order the closing of the nursing home.

Prosecution for failure to correct violations can be undertaken by the Illinois Attorney General after a hearing has been given to the accused violator. Mr. Sadowski candidly admitted that no such prosecutions have ever occurred. The Commission strongly suggested that the Fire Marshal's

policy of not permanently recording all hearings has made it difficult for the Attorney General to act and therefore warrants immediate correction.

L. Mr. Donald C. Simpson and Mr. Lester W. Glynn

Mr. Simpson is the Explosives Administrator for the Illinois Department of Mines and Minerals. Mr. Glynn is an Explosives Inspector for the same department.

They initially were asked by Co-chairman Philip J. Rock to explain the significance of the Explosives Licensing Act, which was passed in 1971. Mr. Simpson indicated that the Act prescribes licensing requirements for individuals who wish to possess explosives but does not cover the storage of explosives, including fireworks.

Mr. Simpson explained that a "magazine" is a building or other structure used to store explosives. He indicated that in Illinois there are approximately 900 magazines in 300 separate locations. The magazines are licensed by the Department of Mines and Minerals upon receipt of an application reflecting the distance of the magazine from public facilities, buildings, roads, and highways. He also indicated that the Department has jurisdiction over the manner in which magazines are constructed.

Mr. Simpson admitted, however, that until the explosion at the Worldwide Fireworks Company, no magazine license had ever been suspended or revoked and that no fines for non-compliance with licensing provisions had ever been levied.

Mr. Simpson mentioned that in 1972 the Department of Mines and Minerals proposed a law which would have placed fireworks manufacturing, storage, and transportation under the control of the Department of Mines and Minerals. He could offer no explanation, however, as to why the bill was defeated.

Mr. Simpson asserted that control over manufacturing, storage, transportation, etc., should be under the jurisdiction of both the Department of Mines and Minerals and the State Fire Marshal. He believes that the duties of



Mr. Donald C. Simpson (left); Explosives Administrator for the Illinois Department of Mines and Minerals, and Mr. Lester W. Glynn, Explosives Inspector for that department, conducted investigations after the destruction by explosions of the Continental Fireworks Company in Jacksonville, the Melrose Display Fireworks Company in Orland Park, and the Worldwide Fireworks Company in McHenry.

In response to a question posed by Senator Daniel Dougherty, Messrs. Donald C. Simpson and Lester W. Glynn of the Illinois Department of Mines and Minerals answered that there are about 900 magazines containing explosives, including those used to store fireworks with explosive components, at 300 separate locations, in Illinois.



supervision can be better performed by the use of both agencies.

In response to a question by Co-chairman Rock, Mr. Simpson stated that the Department of Mines and Minerals investigated the explosions at the Continental Fireworks Company in Jacksonville, Illinois; the Melrose Display Fireworks Company in Orland Park, Illinois; and the Worldwide Fireworks Company in McHenry, Illinois. He indicated that the explosions had destroyed all of the buildings at each company.

Mr. Simpson admitted that there is no uniform State standard of how fireworks are to be stored. Mr. Glynn added, however, that prior to the explosion at the Worldwide Fireworks Company, he indicated to the owners of the company that it would be advantageous to store fireworks in trailers rather than in a garage. This would lessen the chance of total destruction of the company if an explosion occurred. In fact, Mr. Glynn thereafter approved the licensing of five storage trailers for the company. After the explosion occurred, however, he discovered that more than five trailers had been located on the premises of the company. It was for this reason that Mr. Simpson subsequently revoked the company's license to store fireworks.

Although he approved the use of concrete bunkers as storage facilities, Mr. Simpson suggested that storage of fireworks in trailers is quite satisfactory. He added that when fireworks are transported to or from storage facilities, the means of transport should clearly indicate that fireworks are contained within the vehicle, as well as containing fire extinguishers.

Co-chairman Rock observed that neither the State Fire Marshal nor the Department of Mines and Minerals has definitive authority of this area. He suggested that it would be better to give comprehensive authority to one of these agencies, thereby eliminating any authority of the other agency.

Senator Daniel L. Dougherty asked Mr. Simpson how frequently inspections are made of magazines. He stated that

inspections are made three times a year. Mr. Simpson noted that the largest number of magazines are licensed to the mining and quarry industries.

In response to a question from Co-chairman Sevcik, Mr. Simpson stated that the storage of fireworks in underground bunkers would not have prevented the fireworks company explosions that have occurred in recent years. He attributed the explosions to the manner in which the fireworks were manufactured and not to the means used for storage. Upon further questioning by Executive Director Siragusa, Mr. Simpson admitted that although the condition of the storage facilities did not cause the explosions, less damage would have occurred if the fireworks had been stored in underground bunkers rather than in trailers.

M. Mr. Thomas R. Hampson

Mr. Hampson is on the investigative staff of the Commission. During the course of his second appearance at the Commission hearings, he explained how bootleg fireworks are trafficked and identified some of the manufacturers, wholesalers, and distributors involved in this traffic.

Much of Agent Hampson's testimony was detailed at length in previous chapters of this report. In summary, he told the Commission that the major manufacturers and/or wholesalers of bootleg fireworks for the Chicagoland area are: (1) the Miller Fireworks Company of Holland, Ohio, which is owned by Mr. John F. Miller; (2) the New Melrose Fireworks Display Company in Huntley, Illinois, which is owned by Mr. Anthony T. Cartolano; (3) the Worldwide Fireworks Company in McHenry, Illinois, which is owned by Mr. Robert Van Schoick, Mr. Louis P. Landerman, and Mr. Lawrence A. Callen; and (4) the Acme Specialties Corporation in River Grove, Illinois, which is owned by Mr. Louis P. Landerman and Mr. Lawrence A. Callen.

Investigator Hampson identified the five major bootleg fireworks distributors in the Chicagoland area as William R. Szustowski, alias "Wild Bill," Thomas S. Scaman, Gregory F. Gorzelanny, Joseph F. Pavone, and Robert A. Deland, Jr. Agent Hampson indicated that these five major illicit

distributors receive most of their fireworks from the four aforementioned major manufacturers and/or wholesalers.

N. Mr. Gregory F. Gorzelanny

Mr. Gorzelanny appeared and testified under a grant of immunity by Judge Joseph Powers, presiding Judge of the Circuit Court of Cook County, Criminal Division, for all matters upon which he was questioned.

Mr. Gorzelanny stated that while he did not currently have a full-time job, he did odd jobs and his wife was employed. He admitted that since his graduation from high school, which was approximately seven years ago, he has supplemented his income through the illegal sale of fireworks.

Mr. Gorzelanny indicated that during those seven years he had made repeated purchases of fireworks from the Miller Fireworks Company of Holland, Ohio. He bought M-80 salutes, cherry bombs, firecrackers, skyrockets, Roman candles, fountains, and various types of displays from this company. He obtained the fireworks by either taking possession of them at the company or by taking delivery of them at his home. He admitted, however, that he had not possessed a federal license to transport fireworks into Illinois.

Mr. Gorzelanny was reluctant to discuss the amount or percentage of profit that he made on the sale of fireworks. After persistent questioning, however, he stated that the amount of profit that he made on the sale of a case of M-80 salutes, that cost him approximately \$80.00, was from \$7.00 to \$10.00. He asserted that he had not made more than \$10,000.00 in any year from the sale of fireworks.

A series of questions were directed at Mr. Gorzelanny for the purpose of determining who were his sources of fireworks. The first company from which he admitted having bought fireworks was the Sunset Fireworks Company in Toledo, Ohio. He had difficulty remembering the approximate quantity of fireworks which he had purchased from this company but asserted that it was a minor amount.

Mr. Gorzelanny admitted that he purchased substantial amounts of fireworks from Mr. William R. Szustowski, who is commonly known as "Wild Bill." He indicated that he placed orders for fireworks with persons who were apparently acting as agents for Szustowski. Two of these persons were subsequently identified as Bessie M. Lombardo and Thomas S. Scaman. Mr. Gorzelanny terminated his relationship with Szustowski after having determined that he made very little profit on the fireworks he purchased from him. He explained that due to the necessity of having the fireworks he bought from Szustowski delivered from Ohio, Szustowski's prices were too high for him to have made much profit on their resale.

After his relationship with Szustowski ended, Mr. Gorzelanny purchased fireworks from the Worldwide Fireworks Company of McHenry, Illinois. He bought substantial amounts of fireworks from this company but asserted that the purchases were for others as well as himself.

During the time he was purchasing from the Worldwide Fireworks Company, Mr. Gorzelanny was contacted by Mr. Anthony Cartolano, owner of the New Melrose Fireworks Display Company, in an effort to sell him fireworks. Mr. Gorzelanny gave no indication as to whether he eventually made purchases from this company.

While dealing with the Worldwide Fireworks Company, Mr. Gorzelanny also purchased fireworks from the Acme Specialties Company of River Grove, Illinois. He explained that the only fireworks he purchased from the Acme Specialties Company were those with which he could not be supplied by the Worldwide Fireworks Company.

At the Acme Specialties Company, he dealt with either Mr. Lawrence A. Callen or Mr. Louis P. Landerman. He asserted that they cautioned him not to tell anyone that he had been purchasing fireworks from them because his actions were illegal. He added that they told him that they had numerous other customers who also purchased fireworks illegally.

Mr. Gorzelanny was arrested on June 26, 1973, for the

illegal possession and sale of fireworks. He told the Commission that after his arrest he received threats against his life and the lives of the members of his family. In the course of these threats, he was cautioned not to reveal any information about his knowledge of the illegal traffic in fireworks.

Mr. Gorzelanny revealed that among the merchandise confiscated from him at the time of his arrest was the unsold portion of 40 cases of M-80 salutes that he had purchased shortly before the arrest. The purchase of these M-80's had been made on June 9, 1973, the very same day that the explosion at the Worldwide Fireworks Company occurred. The purchase was made from Messrs. Thomas and Robert Scaman, who, shortly afterward, were present at the time of the Worldwide Fireworks Company explosion. Mr. Gorzelanny indicated that Mr. Thomas Scaman told him that, prior to the explosion, fireworks had been set off within the confines of the company.

Mr. Gorzelanny stated that at one time he had as many as 80 customers. Since his arrest, however, he has refrained from the illegal sale of fireworks.

Mr. Gorzelanny could offer no suggestions for remedial legislation. He suggested that if fireworks were not available in Illinois, potential buyers would simply travel to a neighboring state to make purchases.

As a final comment, Mr. Gorzelanny noted that although there is very little profit in the wholesale sale of M-80 salutes, retail sales of this type of firework can bring a profit margin of up to 300 per cent of cost.

O. Mr. John W. Baylor

A statement prepared by Commission Investigator John W. Baylor was entered into the record. It contained a capsule of a three-week undercover investigation of an illegal interstate bootleg fireworks operation.

Investigator Baylor's statement indicated that the

Commission's purpose had been to demonstrate how easily high explosive fireworks may be bootlegged and sold on an interstate basis.

The Commission had determined that a primary source of the illegal fireworks that were transported to the Chicago area was the Miller Fireworks and Novelty Company of Toledo, Ohio. Accordingly, Investigator Baylor initially made a personal visit to the company.

While assuming the name of John Newlin, Investigator Baylor approached a man, later identified as Mr. Elmer Lee Smith, for the purpose of purchasing fireworks. He explained to Mr. Smith that he wanted to arrange for a twenty-minute aerial display of multi-colored starburst shells, which would take place in the Chicago area.

Mr. Smith cautioned Investigator Baylor that a local permit for such a display would be necessary as well as compliance with State and Federal laws. Investigator Baylor told Mr. Smith that the local authorities would not interfere and that the State and Federal authorities would have no way of knowing of the transaction.

Approximately one week later, telephonic contact was made with Mr. Smith, who reiterated that a display permit was necessary. Two days later, during the course of another telephone conversation, Investigator Baylor and Mr. Smith agreed upon the arrangements for the display. Investigator Baylor would purchase a quantity of fireworks for \$2,000, which would not include liability insurance or Mr. Smith's firing fee. Mr. Smith initially refused to deliver the fireworks because he would need a federal permit. When questioned by Investigator Baylor as to who would be aware of whether he had a permit, Mr. Smith relented and replied that probably no one would be aware of whether he had a permit. Mr. Smith then agreed to transport the fireworks from Toledo, Ohio, to a warehouse in the Chicago area.

Nearly two weeks passed before a final delivery date was established. Once again, Mr. Smith insisted that if

Investigator Baylor didn't apply for a local permit, he would have to transport the fireworks himself. When told that such an action was impossible, Mr. Smith indicated that the only other way he could protect himself was to forge the name of the purchaser to a User's Permit. Mr. Smith was told to do whatever he had to do; and in reply, he stated that he would make out a phony bill of sale.

The sale was consummated on the afternoon of August 3, 1973, at a warehouse in Willow Springs, Illinois. Investigator Baylor and Chief Investigator Howard O. Roos took possession of the fireworks and used \$2,000 which was supplied by the Illinois Bureau of Investigation, to make payment.

Unknown to Mr. Smith and Mr. Ray Mason, as associate of Mr. Smith's, who had assisted him in making the delivery, agents of the Illinois Bureau of Investigation, and police officers of the Willow Springs Police Department had observed the delivery of the fireworks. In fact, the entire delivery had been videotaped by agents of the I.B.I. Shortly after the delivery and transfer of the fireworks, the law enforcement officers arrested Mr. Smith and Mr. Mason.

P. Mr. Elmer Lee Smith and Mr. Ray Allen Mason

Mr. Smith and Mr. Mason were arrested on August 3, 1973, for the illegal sale of fireworks to two Commission investigators. The charges against them were subsequently withdrawn. Mr. Smith is employed as a truck driver and Mr. Mason is employed as a brick layer.

Commission Investigator John W. Baylor made contact with Mr. Smith on July 14, 1973, for the purpose of purchasing fireworks. Initially, Mr. Smith insisted that Investigator Baylor, who had assumed the name of John Newlin, obtain a permit entitling him to purchase fireworks. He later relented on his insistence that Agent Baylor possess a permit. Delivery of the fireworks was made on August 3, 1973, by Mr. Smith and Mr. Mason, who had brought the fireworks from Toledo, Ohio, to Investigator Baylor and Chief Investigator Howard O. Roos. They were arrested moments after making delivery.

Mr. Smith indicated that he had purchased the fireworks from the Professional Pyrotechnics Company of Toledo, Ohio, and acknowledged that the company is owned by Mr. Thomas Farrow. He stated that he is in debt to the company in the amount of \$1,400 for the purchase price of the fireworks.

Mr. Smith indicated that he had worked for the Miller Fireworks Company of Holland, Ohio, as payment for a debt he owed to Mr. John Miller, owner of the company. He acknowledged the fact that Mr. Miller has been arrested for the illegal manufacture of M-80 salutes.

Although he does not know Mr. Thomas Scaman, Mr. Smith characterized the M-80 salutes manufactured by Mr. Scaman as "leakers." This description refers to the fact that they were inexpertly manufactured with a resultant leaking of powder from the salutes.

Q. Mr. Joseph F. Pavone

Mr. Pavone, a resident of Chicago, Illinois, on advice of his counsel, respectfully declined to answer each question asked of him on the ground that it might tend to incriminate him. He asserted that he was invoking the protection of the Fifth Amendment of the United States Constitution and the applicable provisions of the Constitution of the State of Illinois.

Pavone refused to answer the following questions: whether he was ever employed by Anthony T. Cartolano, owner of the New Melrose Fireworks Display Company; whether he ever made any illicit deliveries of M-80 salutes for Cartolano; whether he was engaged in the manufacture of fireworks and M-80 salutes or the illicit distribution of M-80's in his own behalf; whether he had ever reported earnings on the sale of fireworks on his federal or State income tax returns; whether he has required his customers to possess permits to purchase fireworks; and whether he has received threats against his life because of the methods he has used to sell fireworks.

R. Mr. Robert L. Scaman

Mr. Scaman is a resident of Naperville, Illinois, and is self-employed as a wholesale milk distributor. His brother, Mr. Thomas Scaman, is the owner of a fireworks factory located in Stanton, Missouri.

Mr. Scaman was extensively questioned regarding the explosion at the Worldwide Fireworks Company on June 9, 1973. He indicated that he merely accompanied his brother to the company that day. He stated that his brother wanted to purchase a quantity of Class C fireworks but not to purchase M-80 salutes.

Mr. Scaman and his brother were guided through the grounds of the company and periodically stopped at storage trailers to inspect various types of fireworks from which his brother made a selection. After the selection was completed, the cartons of fireworks were transferred to a pickup truck, which was driven to the company office. In the office, the bill was tabulated.

Mr. Scaman adamantly asserted that no fireworks were set off as a means of demonstration during the period of time that he and his brother were there. He admitted, however, there was a possibility that one or two trailer doors were left open after the fireworks contained in those trailers had been inspected. Interestingly, when asked whether burning papers, (as a by-product of a fireworks demonstration, if there had been such a demonstration), could have blown into one of the open trailers, he replied in the negative.

While the Scaman brothers were engaged in tabulating the bill with Mr. Michael Rowe and Mr. Kurt Johnson, who were employees of the Worldwide Fireworks Company, a hissing noise was heard. Mr. Scaman asserted that this meant that something was wrong. Mr. Rowe and Mr. Johnson immediately ran out of the building. Mr. Scaman, who had a broken leg and, therefore, was using crutches, fell from the impact of the first explosion. His brother aided him in exiting the building. As a result of the fall, Mr. Scaman

suffered a broken arm, which subsequently became infected and for which he underwent extensive medical treatment.

Mr. Scaman was questioned about the physical appearance of his brother Thomas on the day of the explosion. He admitted that prior to the explosion his brother had a severely bruised face. He asserted, however, that his brother's facial injuries were not a result of having been beaten but rather were from having run his motorcycle into a tree.

Mr. Scaman admitted that his brother had manufactured fireworks at his company, Apollo of the Ozarks, in Stanton, Missouri, but denied that such fireworks included M-80 salutes. He also denied having ever taken orders for fireworks to be filled by his brother.

In response to the posing of several names of persons the Commission believed to have been involved in fireworks manufacture and/or sales, Mr. Scaman expressed no recognition.

As a final comment, Mr. Scaman suggested that the Commission consider proposing legislation which would require fireworks companies to be insured for personal liability and property damage.

S. Mr. Reno Carli

Mr. Carli is a resident of Chicago, Illinois, and is employed as an auto mechanic. He admitted to the Commission that he has illegally purchased fireworks, including M-80 salutes, for the purpose of making a profit on their resale.

Mr. Carli stated that he has made purchases of fireworks from Mr. Thomas Scaman and William R. Szustowski, alias "Wild Bill." Szustowski sold him M-80 salutes.

Mr. Carli indicated that the illicit sale of fireworks had not been lucrative for him. He attributed this to having had as customers his friends and relatives from whom little profit had been made.

T. Mr. Carman J. Garozzo

Mr. Garozzo is a resident of Palos Hills, Illinois, and is employed as a printer. He admitted to the illicit sale of fireworks, for profit, a few years ago.

Mr. Garozzo stated that he purchased fireworks, including M-80 salutes, from Mr. William R. Szustowski, alias "Wild Bill." He asserted that one of Szustowski's suppliers of fireworks was the Miller Fireworks Company of Holland, Ohio. Mr. Garozzo purchased no more than \$300 to \$400 worth of fireworks in any given year from Szustowski. He indicated that his profit margin was 100 per cent of his cost.

Mr. Garozzo declared that he stopped selling fireworks after \$175 was successfully extorted from him by three persons who told him that they were policemen. The alleged police officers indicated to him that they were seeking Szustowski. Shortly before their arrival, Szustowski had consummated a sale of fireworks that he had stored in Mr. Garozzo's garage. The person who had purchased the fireworks was apparently apprehended by the alleged policemen and told them where the sale had occurred. He apparently neglected to mention that although Szustowski had made the sale, the fireworks had been stored at a home that did not belong to Szustowski. Therefore, when the alleged policemen arrived at Mr. Garozzo's home, they expected to find Szustowski. Although it appears that they realized that Mr. Garozzo was not Szustowski, he was forced to make the \$175 payment to these men.

Chapter 6

PUBLIC HEARINGS: WOODSTOCK
DECEMBER 19, 1973

A. Introduction

On December 19, 1973, the Commission conducted its public hearings, which had commenced in Chicago on December 17 and 18, 1973, in regard to its investigation into the importation, manufacture, transportation, distribution, and ignition of fireworks within the State of Illinois and the illegal trafficking thereof.

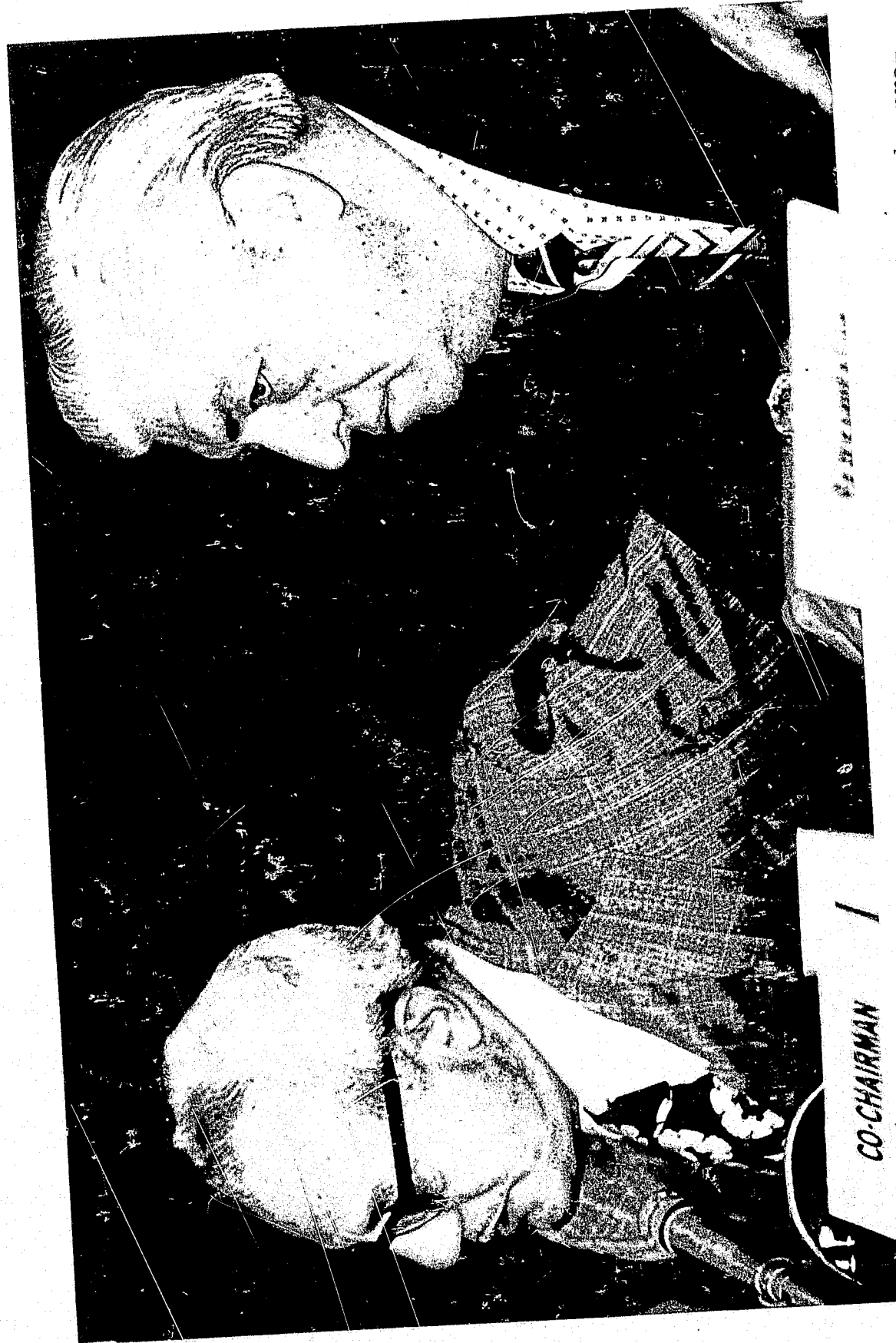
The first set of public hearings inquired into certain aspects of the fireworks industry, including responsibilities of the State Fire Marshal's Office and the Illinois Department of Mines and Minerals, the extent and nature of illegal trafficking of fireworks within the State of Illinois, the results of monitoring various fireworks displays held in commemoration of Independence Day, July 4, 1973, as well as various accounts of explosions occurring at Worldwide Fireworks Company in McHenry, Illinois.

The hearings held on December 19, 1973, made further inquiries into the foregoing subjects. The following is a summary of the testimony heard at this hearing.

B. Sheriff Arthur Tyrrell and
Detective George Voska

Sheriff Tyrrell is the Chief Law Enforcement Agent for the McHenry County Sheriff's Department in Woodstock, Illinois. Detective Voska is affiliated with the Sheriff's office and was directed by Sheriff Tyrrell to effectuate an undercover purchase of fireworks from the New Melrose Fireworks Display Company, in Huntley, owned by Mr. Anthony T. Cartolano.

Detective Voska testified that, prior to Sheriff Tyrrell's direction, Judge Thomas Baker of the McHenry County Circuit Court entered an Order authorizing the seizure of a quantity of fireworks from the New Melrose Fireworks Display Company. He further stated that this Order was issued pursuant to a



Rep. Joseph G. Sevcik (on the right), Co-Chairman of the Commission, who presided at the Commission's public hearings in Woodstock, Illinois, on December 19, 1973, and the Commission's Executive Director, Charles Siragusa.

complaint filed alleging violations of various Illinois statutes and that the New Melrose Fireworks Display Company did not have a permit to "shoot off" fireworks, which it had been doing. He further stated that this Order prohibited Mr. Cartolano from selling any of his inventory until June 19, 1973, the date set for a hearing on this matter. Subsequent to the hearing which was continued until June 27, 1973, the fireworks were released.

Detective Voska stated that on June 15, 1973, in an attempt to make an undercover purchase, he arrived at the New Melrose Fireworks Display Company, approached Mr. Cartolano, and stated that he wished to buy fireworks from him. Mr. Cartolano asked him whether or not he had a permit; and Detective Voska replied that he was purchasing such fireworks for his uncle who did not have such a permit. Mr. Cartolano directed Detective Voska to one of his employees, Steve Curtis, who then sold him \$46 worth of fireworks, which consisted of sky-rockets, Roman candles, and firecrackers.

Upon examination by Executive Director Charles Siragusa, Detective Voska indicated that he could have purchased as much fireworks as he wanted. Further, the only instructions on handling these fireworks were given to Detective Voska as he was leaving New Melrose. Mr. Cartolano simply stated that he was not to worry about the heat and to make certain that the fireworks remained dry.

On June 16, 1973, Detective Voska purchased an additional \$12 worth of fireworks from the New Melrose Fireworks Display Company. Both purchases were in violation of the Order entered by Judge Balser. On his second buy, Deputy Merrill Dunivan accompanied Detective Voska.

Sheriff Tyrrell testified that subsequent to Detective Voska's purchase, he had made arrangements with Commission Investigator Thomas R. Hampson to make an undercover purchase from Mr. Cartolano. Through his assistance, Agent Hampson was able to make another undercover purchase from New Melrose.

Sheriff Tyrrell also testified that his Department had several complaints by residents in the area where Mr. Cartolano's New Melrose Fireworks Display Company was located in regard to his "shooting off" of fireworks. He further stated



McHenry County Sheriff Arthur Tyrrell, the first witness at the Commission's hearings in Woodstock, Illinois, who testified concerning the New Melrose Fireworks Display Company of Huntley, Illinois and its owner Anthony T. Cartolano.

that he had had occasion to inspect the premises where the fireworks were located but could not recall whether or not there was any notice which indicated to the public that a fireworks company was located there.

He further testified, upon questioning by Co-chairman Joseph G. Sevcik, that the New Melrose Fireworks Display Company supplies the County with the fireworks display for the Independence Day celebration. He further stated that he did not know whether or not Mr. Cartolano had a permit to conduct these display.

Sheriff Tyrrell stated that the operation of fireworks companies, such as the New Melrose Fireworks Display Company and the Worldwide Fireworks Company, Mc Henry, are a hazard to their communities. When Worldwide Fireworks exploded in June, 1973, it caused extensive property damage. He stated he did not know whether or not the McHenry County zoning laws permitted fireworks companies to be established in this area. He further indicated he had asked the McHenry County Board to inquire into this problem.

Sheriff Tyrrell testified that after the explosion of the Worldwide Fireworks Company, his Department was contacted by the Illinois Department of Mines and Minerals and the State Fire Marshal's Office; however, he could not give details of their respective investigations.

Executive Director Siragusa stated that testimony had been given at the Chicago hearings by representatives of the State Fire Marshal's Office indicating that the office was not aware of the existence of many of the fireworks plants located in Illinois.

Mr. Siragusa further stated that since the local fire districts evidently are lax in reporting the existence of fireworks companies to the State Fire Marshal's Office, he inquired as to whether Sheriff Tyrrell would make such a report to that office when the existence of a fireworks company comes to his attention, even though this is not his specific duty. Sheriff Tyrrell stated that he would do so.

Mr. Siragusa stated that testimony given by the State Fire Marshal's Office also indicated that there were eight

companies in Illinois which either manufacture or wholesale fireworks.

Further, a certificate of registration is to be filed with the State Fire Marshal's Office. This law was passed in 1951; and since that time, seven of these companies have never been registered nor have applied for registration.

It is apparent that there is some laxity in the State Fire Marshal's Office in requiring these companies to register with that office. Senator Roe added that two Assistant Fire Marshals and the Fire Marshal himself knew nothing about the existence of many of these companies.

Sheriff Tyrrell offered a copy of the McHenry County Ordinance variation dated May 11, 1971, regarding the World-wide Fireworks Company for the Commission's perusal. This document contained information which indicated that the World-wide Fireworks Company might have been in violation of various zoning laws. Senator Roe suggested that this information be forwarded to the State's Attorney's Office for investigation and possible prosecution. The variation did not indicate that fireworks were to be sold on the premises.

C. Mr. Joseph W. Porcheddu

Mr. Porcheddu is the President of the Illinois Fireworks Company and World Fireworks Company and Vice President of the Liberty Fireworks Company, all of which are located in Danville, Illinois.

Mr. Porcheddu testified that all three companies are licensed by the federal government, but only Illinois and World Fireworks Companies hold state licenses. He believed that Liberty Fireworks Company was not licensed due to an oversight by his attorney.

According to Mr. Porcheddu, Illinois Fireworks Company also has a certificate of registration from the Department of Registration and Education and the Department of Public Safety, Division of Fire Prevention. A certificate issued to a company is entitled Certificate Number 1. If a company has another location, a second certificate is issued and is



Mr. Joseph W. Porcheddu, President of the Illinois Fireworks Company and World Fireworks Company and Vice President of the Liberty Fireworks Company, all of Danville, Illinois.

entitled Certificate Number 2, and so on for each separate location. Executive Director Charles Siragusa advised Mr. Porcheddu to forward a copy of the certificates which had been issued to the Illinois Fireworks Company in 1940 to the State Fire Marshal's Office, who was not aware of the existence of the certificate of registration for the company.

Mr. Porcheddu stated that Liberty Fireworks Company and Illinois Fireworks Company were involved in the sale of fireworks but not the manufacturing aspects and World Fireworks Company manufactures and wholesales fireworks. He stated that World Fireworks Company manufactures Class B fireworks and has never made any M-80 salutes.

He described World Fireworks, which is his manufacturing plant, as follows: "It is situated on approximately 130 acres of land, which is surrounded by debris from an old zinc plant that used to be there. This debris creates a series of barricades around the plant."

He further has a magazine area that contains ten magazines, all of which are licensed by the Illinois Department of Mines and Minerals and the United States Treasury Department, Bureau of Alcohol, Tobacco, and Firearms. He indicated that there are approximately a dozen buildings within the plant that are devoted to the manufacturing of fireworks, and these buildings are located fifty to sixty feet apart. The buildings which store the fireworks are located away from the manufacturing area. These buildings are one hundred feet or more apart.

It was suggested by Executive Director Siragusa that if the fireworks law is revised a provision would be included that bunkers rather than trailers would be used for the storage of fireworks. Mr. Porcheddu commented that the imposition of a provision of this nature would not be feasible economically as the estimated cost for such bunkers would be \$250,000. To go to such an expense to build a building of this nature would be an exorbitant and unnecessary expense.

Further, if all fireworks were stored in such a bunker and there was an explosion, rather than having a series of small explosions there would be one large explosion.

Upon inquiry by Co-chairman Joseph G. Sevcik as to why trailers are used, Mr. Porcheddu stated that mobile trailers are suitable for storage of fireworks because they are less costly and are adequate for the type of storage and protection needed for fireworks.

When recommended by Senator John B. Roe that quonset huts may be more effective in storing fireworks, Mr. Porcheddu stated that there was no difference in the type of protection afforded by a quonset hut and a trailer. Further, he stated that the Department of Mines and Minerals had inspected his plant in early August, 1973; and the difference in temperature of the outside air and the temperature inside the trailers was negligible.

Mr. Porcheddu testified, upon inquiry by Co-chairman Sevcik, that the majority of his sales are within the State. He sells package displays and fires approximately thirty to forty per cent of them. On those displays he or someone in his employ does not fire, a book on how to properly ignite these fireworks is given to the operator. The veterans organizations, Kiwanis Clubs, and county and state fairs are the type of customers for whom he provides services.

Mr. Porcheddu stated that there is no liability insurance available during the manufacturing process of fireworks; however, when the firework itself is completed, his companies have insurance which covers product liability. He also indicated that when a display is put on he is insured for any injuries or damages that occur.

He further indicated that if there were an explosion it would be easy to determine in which area the explosion occurred as the manufacturing area is completely separate from the storage area. If the explosion occurred in the storage area, there would be liability insurance to cover any injury or damage that may occur. If the explosion occurred in the manufacturing area, however, there is no insurance available.

In regard to purchasing fireworks from foreign sources, Mr. Porcheddu testified that they do make purchases from a



Senator John B. Roe, asking questions of witness Joseph W. Porcheddu which elicited responses that no liability insurance was available on his Liberty Fireworks Company because of the high manufacturing risks involved.

Japanese company. Fireworks that he had seen manufactured in South America were of poor quality and not suitable for safe use in the United States.

Further, Chinese fireworks are shaped like bowling balls but are irregular in form and difficult to place in a mortar. The probability of accidents would be much greater than the fireworks manufactured in the United States or in Japan.

It was Mr. Porcheddu's opinion that the Worldwide Fireworks Company was one of the companies that would purchase explosives from the foreign countries he previously discussed, and in his estimation, dealt in inferior types of fireworks.

Upon suggestion by Executive Director Siragusa, Mr. Porcheddu stated that he had no objection to a provision in the revised fireworks law stipulating that mortar shells should be no more than eight inches in diameter.

A mock fireworks display was manufactured by Mr. Porcheddu for these hearings. Mr. Porcheddu explained the various differences in these fireworks and their use.

He further testified that before an employee is allowed to put on a display he had to accompany one of his experienced operators for at least ten shows. In the manufacturing process, a novice employee works with a man who has had at least ten years experience for a month prior to his starting his own production. Mr. Porcheddu stated that at the present time he has 140 employees who are trained to shoot fireworks.

He commented that when he receives an order for a "ship show" sale he requires that the purchaser produce a display permit. This permit is mailed to him prior to the shipment of fireworks. Upon request, he would supply the permit blank to the purchaser. Mr. Porcheddu indicated, however, that he did not know whether or not the individual purchasing the fireworks or the local fire chief signed the permit. Mr. Porcheddu also stated that he would have no objection to an employee of the purchaser being required to have a State license prior to putting on a display.

In response to a question regarding juveniles shooting off fireworks, Mr. Porcheddu stated that whenever possible he will not allow anyone under the age of 21 to handle fireworks. Mr. Porcheddu stated that he advises in his manual not to use individuals under 21 years of age, whom he believes may not have the necessary expertise. Mr. Porcheddu further testified that his business is seasonal; however, he operates year-round and that his customers are nationwide.

In regard to transporting fireworks, he indicated that his trucks are marked according to the regulations of the Department of Transportation. He further stated that federal law requires two fire extinguishers in each truck, the engine periodically steam cleaned, all lights and wiring in operating condition, and a tire check every one hundred miles.

In conclusion, he firmly stated that he has never engaged in the illicit trafficking of fireworks in this State or any other; and to the best of his knowledge, he thought most of the bootlegging was done near Nashville, Tennessee.

D. Mr. Martin Stoffel

Mr. Stoffel was not scheduled to testify at these public hearings; however, he requested to do so since his property was adjacent to the defunct Worldwide Fireworks Company. Mr. Stoffel testified that his home had been completely demolished by the explosion at Worldwide.

He indicated that when Mr. Van Schoick petitioned the McHenry County Zoning Board regarding storing fireworks, he as well as other residents in the area were under the impression that only small fireworks would be stored on the Van Schoick property. At the time, Mr. Van Schoick was selling bakery goods in approximately a five-state area. To the best of Mr. Stoffel's knowledge, fireworks were only going to be stored in Mr. Van Schoick's garage. It was his opinion that since the operations were so limited the probability of damage would be slight.

Originally the petition was in the name of Robert and Patricia Van Schoick, who were the owners of the land.

Mr. Stoffel stated that the petition for it specified that the permission to store fireworks on their land could not be conveyed to any other individual or corporation. Originally the land was to be used for farming purposes, and variation from this original zoning purpose was for Robert and Patricia Van Schoick personally. However, in derogation of this permit, Mr. Van Schoick conveyed his property to Worldwide Fireworks Company.

According to Mr. Stoffel, Mr. Van Schoick had a permit to build only one building for storage. It was his opinion that the zoning authority, although being made aware, failed to investigate the possible violation of this variation.

In conclusion, Co-chairman Joseph G. Sevcik inquired as to why Mr. Stoffel stated on Mr. Van Schoick's petition to obtain a zoning variation that he had no objection whatsoever to this variation (his bedroom was within one hundred feet of Worldwide), and he felt the fireworks buildings would be an asset to the area. Mr. Stoffel did not give an adequate explanation, although he agreed that he made that statement. He further stated that he did not file any complaints with the Zoning Board regarding any possible violations as he did not wish to have any difficulties with his neighbors.

E. Mr. Thomas R. Hampson

Mr. Hampson is an investigator for the Commission and had previously testified at the Chicago hearings on his responsibilities concerning the investigation into the importing, manufacture, transportation, distribution, and ignition of fireworks and the illegal trafficking thereof.

Agent Hampson testified that on June 28, 1973, Commission Chief Investigator Howard O. Roos and he culminated an undercover investigation of the New Melrose Fireworks Display Company in Huntley, Illinois, by purchasing \$115 worth of fireworks from Mr. Anthony T. Cartolano, the owner of the company, without a legitimate permit to display fireworks, which is required by law. A detailed account of this portion of the Commission's investigation is fully set forth in Chapter 3 of this report.



Miss Charlene Olsen, who was 17 years of age, and who was employed in the manufacture of M-80 firecrackers at the Melrose Display Fireworks Company at Orland Park, Illinois, when explosions on March 6, 1972, completely destroyed the plant.

Her brother Marty, 18, also employed at the plant, was killed while putting flash powder in the M-80's as were two other employees, Richard Serafin and Robert Trindal. It was Trindal's first and last day on the job.

Agent Hampson stated that Mr. Cartolano had been involved in the illegal trafficking of M-80's. He further stated that although federal and state law prohibits the sale of M-80's they are not illegal to manufacture. It was Agent Hampson's opinion that Mr. Cartolano was a major fireworks bootlegger within Illinois.

In conclusion, he then stated that the Melrose Display Fireworks Company had been cited by the United States Occupational Safety Health Review Commission for 36 violations after the company exploded in 1972.

F. Miss Charlene Olsen

Miss Olsen is a resident of Orland Park, Illinois, and was employed by the Melrose Display Fireworks Company at Orland Park, Illinois, until March 6, 1972. Her brother Marty, who was also employed by Mr. Anthony T. Cartolano at the Melrose Display Fireworks Company, was killed in the explosion that occurred on March 6, 1972. Her sister Tylenne had also been employed there.

She testified that she had been employed by that company approximately from the end of January, 1972. At that time, she was eighteen. Miss Olsen testified that her duties involved the manufacture of M-80's. It was her specific duty to place wicks into the M-80 tubes. She indicated that prior to her employment she had no experience in handling fireworks.

Upon questioning by Co-chairman Joseph G. Sevcik, Miss Olsen stated that she affixed the wicks after the flash powder was put into the tube. According to Miss Olsen, Miss Suzanne Lowell, who was also employed at the same time, gave her instructions. Miss Lowell was her forewoman. She indicated her brother had filled M-80's with powder in Building No. 6; however, she was not sure of what her sister had done.

According to Miss Olsen, there were no safety precautions specifically taken which she could recall, nor was she instructed on evacuation procedures in case of an explosion.

She further testified that besides her brother, Richard Serafin and Robert Trindal were also killed in the explosion. She indicated that Mr. Serafin was a very careless individual; however, her opinion was based on something she had heard from other people. She did not know whether or not complaints against him were made to Mr. Cartolano.

According to Miss Olsen, after the M-80's were manufactured in Building No. 1, which she indicated was similar to an office building, the exterior of which was wood, they were stored in an area not immediately accessible to the employees. She was not sure as to exactly where the M-80's were kept prior to their sale or delivery.

She testified that at the time the explosion occurred her brother was putting powder in the M-80's. She was on a coffee break in Building No. 1. To the best of her knowledge, the windows were blown out and a few boards had fallen from the ceiling.

Miss Olsen further stated that she did not know of any customers or see anyone purchase or pick up M-80's. In her opinion, she thought they were sold with displays to be used at such places as the White Sox Park.

G. Miss Suzanne Lowell

Miss Lowell is a resident of Orland Park, Illinois, and was also employed by Mr. Anthony T. Cartolano, owner of the Melrose Display Fireworks Company.

Miss Lowell testified that she had worked for the company for approximately eighteen months; and prior to the time of her employment, she had not had any experience in handling fireworks or explosives. She stated that she was in charge of approximately fifteen employees who were involved in the manufacturing of fireworks, including M-80's. She indicated that as of January, 1972, her duties were devoted entirely to supervising employees making M-80's. Ten employees were hired specifically to manufacture M-80's.

According to Miss Lowell, at the time the explosion occurred, she was on her coffee break with some other girls

in the "break house." She testified that the M-80's were not stored in that building.

At the time the explosion occurred, the ceiling within the "break house" collapsed. She stated that the initial sound of the explosion came from either Building No. 6 or Building No. 7, which is approximately one hundred yards from where she was located.

H. Miss Sharon Sturmen

Miss Sturmen was also a resident of Orland Park, Illinois, and an employee of the Melrose Display Fireworks Company for approximately eighteen months. She testified that at the time of the explosion on March 6, 1972, she was one of the girls in the "break house."

Her duties included the manufacturing of shells to be used with fireworks; however, she was not involved in the production of M-80's. She claimed she had never come in contact with M-80's nor did she know how they were made.

She further stated that she was paid approximately \$2.10 per hour and that there were safety instructions posted on the door of the building in which she was working. These rules pertained to precautions to be exercised in performing her task; however, Miss Sturmen did not explain what evacuation procedures were to be followed in case of an explosion.

Miss Sturmen indicated that when she was first employed she obtained training from Mr. James Delaney, another employee. Miss Sturmen's testimony in regard to her lack of knowledge of how M-80's were assembled was contrary to testimony given to Commission Investigator William P. White, who interviewed her on September 18, 1973.

Executive Director Charles Siragusa produced a copy of a report of an interview written by Investigator White after his interview with Miss Sturmen. He stated that she had given a detailed description of the M-80 production; however, at the hearings Miss Sturmen still refused to comment on any aspect of M-80 operations.



Thomas Stevenson, 22, another of the four former employees of the Melrose Display Fireworks Company, who testified on December 19, 1973, at the Commission's public hearings in Woodstock, Illinois.

He had been engaged in the mixing of explosive powders and chemicals and inserting fuses into M-80 firecrackers at the time of the March 6, 1972, explosion.

Martin Stoffel, with hands clasped, at right, who resides in the neighborhood of the Worldwide Fireworks Company at McHenry, Illinois, testified earlier that day that at the time that plant was devastated by a series of explosions on June 9, 1973, the company was in violation of the county zoning laws.

In conclusion, she indicated that neither Mr. Cartolano nor anyone else had approached her prior to these hearings to tell her to what she should or should not testify.

I. Mr. Thomas Stevenson

Mr. Stevenson is presently employed with International Harvester Corporation and was a former employee of the Melrose Display Fireworks Company. At the time he was employed at Melrose Display Fireworks Company, he was nineteen years of age.

He testified that while he was working for Mr. Anthony T. Cartolano he was mixing various explosive powders and received on-the-job training from someone named "Jack." Mr. Stevenson explained his duties as scooping aluminum powder, sulfur, and potassium perchlorate in proportionate amounts. Each chemical was contained in a separate 55-gallon drum. He also stated that he also put the fuses into M-80's and removed sawdust from tubes.

He further testified that he believed Joseph Pavone to be a friend of Mr. Cartolano's. However, he didn't know whether or not Pavone had purchased cartons of fireworks containing M-80's from Cartolano.

Upon questioning by Co-chairman Joseph G. Sevcik, Mr. Stevenson testified that the foreman would supervise his weighing of chemicals so that the exact amount of each chemical would be used in the manufacturing of a particular type of firework.

In conclusion, Mr. Stevenson further stated that at the time of the explosion he was not injured, but only shaken up.

J. Miss Darlene L. Panek

Miss Panek, at the time of these hearings, was managing a bar in Calumet City, Illinois. Prior to its explosion, she had also been employed at the Melrose Display Fireworks Company in Orland Park, Illinois.

Miss Panek testified that she had never worked for a fireworks company prior to her employment at Melrose Display Fireworks Company; and while she was there, she was responsible for sealing the ends of M-80 tubes. She couldn't remember how many M-80's were manufactured on a daily or weekly basis.

She indicated that no evacuation procedures in case of an explosion were ever discussed nor was she told where the fire extinguishers or exits were located.

Miss Panek testified that she was slightly injured in the explosion, but Mr. Cartolano assumed the medical bills. She concluded her testimony by stating that Mr. Cartolano had not contacted her prior to her appearance before the Commission.

K. Mrs. Mae King

Mrs. King was not scheduled to testify at the hearings held in Woodstock; however, the Commission afforded her an opportunity to do so since her residence was located near the Worldwide Fireworks plant, which exploded on June 9, 1973.

Mrs. King testified that the Worldwide site was located approximately 300 yards behind her barn. She indicated that when the first explosion occurred extensive damage was done to both farm buildings, including the barn and chicken coop. The ceilings and windows in her home also collapsed.

She indicated that she and her husband were aware that fireworks were to be stored on the Worldwide property, but they were not cognizant of the fact that fireworks were being manufactured.

Upon questioning by Executive Director Charles Siragusa, Mrs. King indicated that there may have been traffic going onto the Worldwide property in order to pick up and deliver fireworks; however, the family's barn is situated in such a position as to obstruct a full view from the house.

Mrs. King concluded her testimony by stating that at various times Mr. Van Schoick or his employees would "shoot

off" fireworks. She explained, however, that she had never complained about the noise; but when she heard the explosion, she knew something was wrong.

L. Mrs. Rita Jason

Mrs. Jason was not scheduled to testify at these hearings; however, her husband, Mr. Albert Jason, had testified at the Chicago hearings on December 17, 1973, and she wished an opportunity to state the effects of the Worldwide Fireworks Company explosion upon her home, which was situated near the Worldwide plant.

Mrs. Jason testified that when the blast occurred at approximately 3:00 p.m. the force was so strong she was knocked to the floor and was unable to pick herself up. She felt she had experienced an atomic blast. Her body had incurred several abrasions and lacerations; and of course, she indicated she was extremely shaken up from the incident.

According to Mrs. Jason, her home is located approximately 600 feet from where the fireworks buildings were situated. Mrs. Jason indicated that she and her husband were aware (after they purchased their home) that fireworks were located on the premises; however, they never realized nor knew the extent of the fireworks operations.

Mrs. Jason described Worldwide as a large compound consisting of a number of trailers and what looked like prefabricated buildings. The compound was surrounded by a heavy wire fence.

The foundation of her home, according to Mrs. Jason, was so badly damaged by the explosion that the entire house had to be demolished. The ceilings had come down in both bedrooms. Large plate glass windows in the living room were broken, the kitchen cabinets were completely torn away from the walls, and the insulation protruded through the plaster.

At the time of the explosion, there were three people inside and three people outside her home. Two individuals

inside the home were knocked to the floor but were not seriously injured. She fervently stated that she would not like to see the Worldwide Fireworks Company commence its operations again in the same location.

Co-chairman Joseph G. Sevcik commented that pursuant to these hearings the Commission would introduce legislation which would regulate more stringently the activities of fireworks companies within the State of Illinois so that the injuries and damages that occurred due to explosions, such as those at the Worldwide Fireworks Company, would not happen again.

In conclusion, Mrs. Jasin stated that the property where the explosions occurred has not been properly cleared by the County Health Department. She stated that all summer long "we lived with a mess, the stink, the bugs, the rats-- everything--with garbage and everything laying around; and we're living with that now."

It was indicated by a prior witness, Mr. Martin Stoffel, that although he had requested the McHenry County Health Department to remove the debris it had not as yet been done.

M. Mrs. Virginia Ogden

Mrs. Ogden is a resident of McHenry, Illinois. Her home was situated near the site where the Worldwide Fireworks Company explosion had occurred. She was not scheduled to testify; however, the Commission permitted her to give testimony in regard to her knowledge of the Worldwide explosion.

Mrs. Ogden stated that illicit bootlegging of fireworks should not be permitted within the State. In response to this comment, Executive Director Charles Siragusa stated that the local authorities must be notified that such conditions exist.

She further stated that extensive damage was done to her home and that she had not received adequate compensation from her insurance company.

Mrs. Ogden stated that it was in the best interest of the public that these hearings be conducted. In her opinion, it shows the dangers that exist when fireworks plants are allowed to operate near residential areas.

In conclusion, Co-chairman Joseph G. Sevcik stated that he agreed with Executive Director Siragusa that the State laws regarding fireworks are ambiguous and in desperate need of revision.

N. Mr. Walter Dean

Mr. Dean is the Co-chairman of the McHenry County Board and is also the Supervisor of the McHenry Township where the Worldwide Fireworks Company explosion occurred.

Mr. Dean was not scheduled to testify; however, the Commission was very interested in noting his impressions of the explosion.

Mr. Dean indicated that he was able to view the explosion from his office. He immediately went to the site, but the State Police tried to keep him out. He told them he was Chairman of the County Board and felt it was his duty to be there and see what could be done to avoid any bodily harm or injury.

The explosion occurred on a Saturday; and on the following Tuesday at a County Board meeting, Mr. Dean stated that he issued an order to the McHenry Zoning Department that no building permits were to be issued to the owner of the Worldwide property until a complete investigation of the explosion had been made. He stated that he can assure the residents of McHenry County that there will not be another fireworks company located in McHenry County or McHenry Township so long as he is Chairman of the County Board.

In regard to Mr. Anthony T. Cartolano, owner of the New Melrose Display Fireworks Company, Mr. Dean testified that no building permits were issued to Mr. Cartolano for the structures that they erected. They have been cited for

violations of the McHenry County Zoning Code.

In response to the allegation that the property had not been properly cleared of debris after the explosion, Mr. Dean indicated that steps had been taken for such clearance.

Upon inquiry by Executive Director Charles Siragusa as to whether or not the New Melrose Fireworks Display Company could still continue its operations, Mr. Dean indicated that since they were in violation of McHenry County Zoning Ordinances they could not continue operations until after a hearing on the matter.

In conclusion, Co-chairman Joseph G. Sevcik stated that the Commission will recommend in its legislation that upon registration of a fireworks company by the State Fire Marshal's Office it will be incumbent upon the Deputy State Fire Marshal of the community where the fireworks company is located to notify the local law enforcement authorities that a potentially dangerous condition exists.

In response to this comment, Mr. Dean stated that the State, before issuing a certificate of registration, should contact the local County Board to determine whether or not the property upon which the fireworks plant is located is zoned for that type of business.

O. Mr. Robert H. Van Schoick

Mr. Van Schoick is the President of the Worldwide Fireworks Company, which exploded on June 9, 1973. He is currently convalescing from a serious injury which he incurred in Corpus Christi, Texas, as a result of an accident which occurred during a fireworks display which he was operating.

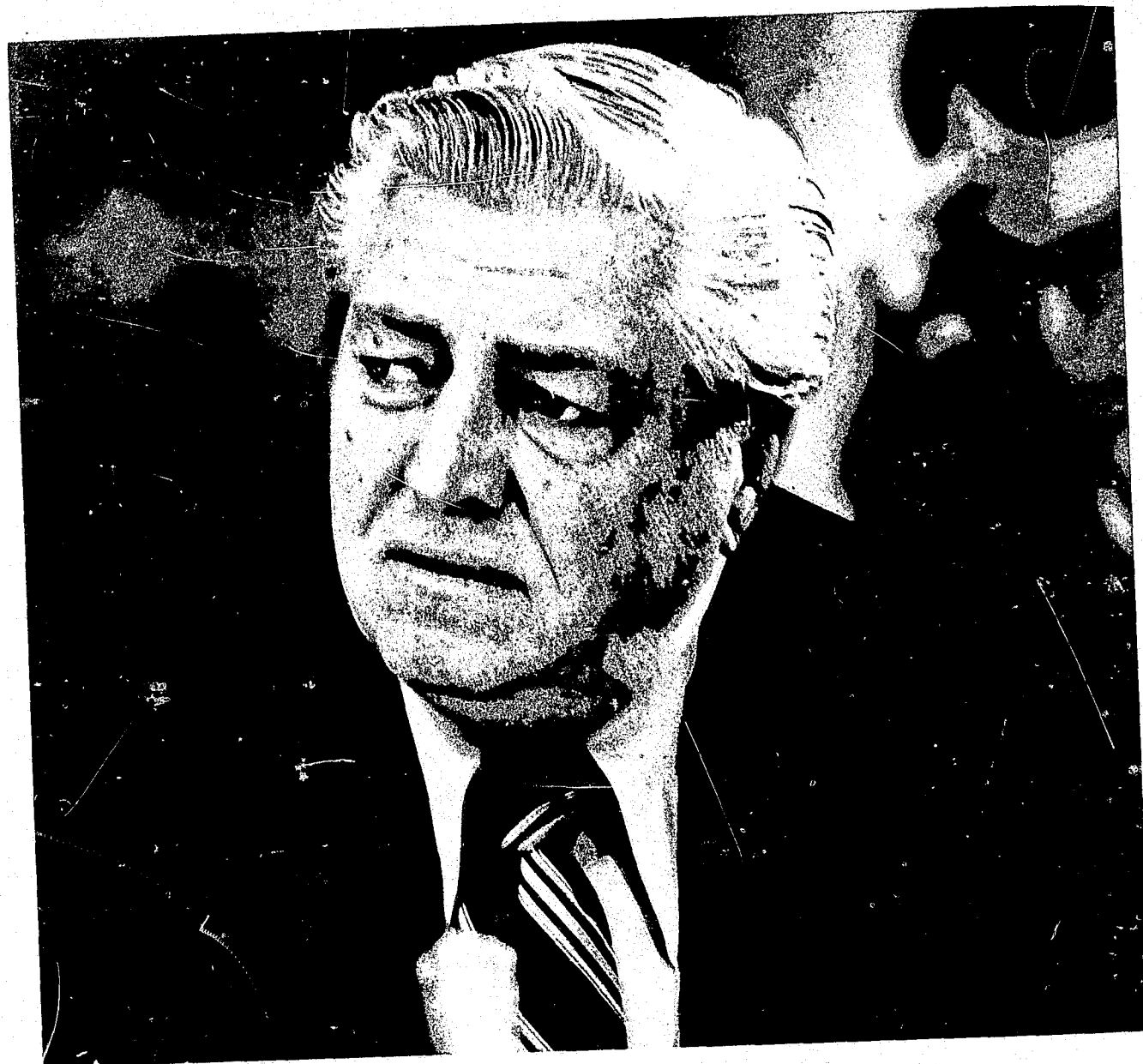
Mr. Van Schoick testified that he has been interested in fireworks for many years. "I guess the best way to explain it is if they [fireworks] are in your blood, they are in your blood." He had previously purchased the Thearle-Duffield Company and eventually organized the Worldwide Fireworks Company in McHenry, Illinois, in 1971.



Mr. Robert H. Van Schoick, principal owner of Worldwide Fireworks Company, McHenry, Illinois, manufacturer of Class B and C fireworks, which was devastated on June 9, 1973, by a series of explosions, which occurred while he was in Corpus Christi, Texas.

The Illinois State Fire Marshal had reinspected his McHenry plant just two days earlier and had discovered that four safety violations for which the company had been cited on April 24, 1972, had never been rectified.

When Van Schoick testified at our public hearings in Woodstock, Illinois, on December 19, 1973, he was still recovering from extensive injuries he suffered from an accidental fireworks explosion in Texas on April 26, 1973, where he had conducted a display, and which almost killed him.



Rep. Joseph G. Sevcik, Co-Chairman of the Commission, listening to Robert Van Schoick testify that in spite of a fireworks explosion in Texas that almost cost him his life, and the explosion of his Worldwide Fireworks Company plant in McHenry, Illinois that wrecked him financially, he eventually expects to resume his fireworks manufacturing business in Missouri, with a sales distribution office in Chicago, because of his "love" for the industry.

Mr. Van Schoick indicated that Worldwide did not manufacture fireworks but imported them from Spain, Germany, France, Japan, Red China, Africa, and South America. After he received shipments, he would then set up displays using various types of fireworks from each country.

He disagreed with the concept that foreign fireworks are inferior and of a dangerous quality. In his opinion, that illusion is conceived by the American manufacturer, who is able to obtain more money for his fireworks if foreign fireworks are kept off the market. He indicated that foreign fireworks displays win prizes throughout the world, and there are less accidents in Spain, Africa, and Brazil than in the United States.

Co-chairman Joseph G. Sevcik and Executive Director Charles Siragusa indicated that the reason for fewer accidents in foreign displays is not that those fireworks are safer but that displays are put on in larger areas where the audience is farther away from the ignition site. Further, these displays are more carefully supervised.

It was Mr. Van Schoick's opinion that the quality and composition of foreign-made materials in regard to fireworks is far superior to that manufactured in the United States. For example, in Brazil you may employ five hundred people to do intricate work at much less expense than one-tenth of that amount of people hired here to do the same type of job. Since the fireworks are hand-made, they are better.

He also indicated that he has traveled abroad and believes himself to be very familiar with foreign companies and fireworks. He stated that people such as Mr. Patrick Moriarty, who is President of the American Pyrotechnics Association, should be contacted for opinions on this subject.

According to Mr. Van Schoick, Mr. Moriarty is now entering into agreements with Brazilian companies to export fireworks to the United States. It is Mr. Van Schoick's contention that the imported fireworks are safer, but what safety precautions are taken in the operation of a display is a completely different matter. Although the fireworks may be safe, the individuals putting on the displays may not be exercising the necessary precautions.

In response to Mr. Siragusa's questions regarding the zoning of Mr. Van Schoick's property for the storage of fireworks, Mr. Van Schoick stated that he had obtained a zoning variation so that package fireworks could be stored on the property. Although he could not remember the specific details, he stated that there was a hearing before the McHenry County Zoning Board.

He further stated that when he and his wife had moved to McHenry the zoning variation was in his name; however, at that time he was in the process of incorporating Worldwide Fireworks.

He did not notify the Zoning Board after the company was incorporated in order to transfer the variation from him personally to the company. He further claimed that the variation stated that he was able to sell fireworks at wholesale.

Executive Director Siragusa commented that the composing of a display by taking fireworks from one carton and mixing them with fireworks from other cartons is technically a manufacturing process. Further, "storage" of fireworks would merely mean storing and not manufacturing. Mr. Van Schoick took exception to this comment.

Upon inquiry regarding the April 24, 1973, Order by the State Fire Marshal indicating dangerous conditions and fire hazards, including insufficient exits and fire hazards, Mr. Van Schoick responded by stating that there is conflicting state and federal laws, which makes it impossible for him to meet the standards of the state and still be in compliance with federal statutes.

For instance, the State Fire Marshal's Code calls for fire extinguishers to be placed inside the building. The federal law prohibits placing any metal fire extinguishers in any structure where fireworks are manufactured or stored.

Mr. Van Schoick indicated that he attempted to comply with some of the violations cited by the State Fire Marshal's Office; however, because of the conflicting federal, state, and local laws, it was difficult to make all the corrections.

He further stated that when Fire Chief Glenn Peterson inspected his plant on June 7, 1973, and cited various violations, he was in the hospital recovering from the Corpus Christi explosion. He stated that he could not explain to the Commission what was done or what was the cause of the explosion which occurred on June 9, 1973, because he did not know that the explosion occurred until after July 4, 1974, at which time he was informed. The doctors felt that it was in his best interest not to inform him of the explosion because of his injuries sustained in the Corpus Christi incident.

Mr. Van Schoick testified that Mr. Lawrence A. Callen and Mr. Louis P. Landerman were also affiliated with Worldwide. Their interest was strictly financial, and the actual operation of the business was under Mr. Van Schoick's control.

He indicated that while he was in the hospital he was unaware of who was in charge of the plant. He further stated it was his impression that Messrs. Callen and Landerman were at the plant on the weekends; however, he could not state for certain whether or not that was a fact.

He emphatically stated, upon questioning by Executive Director Siragusa, that while he was in the hospital it was impossible to communicate with him as much of the time he was in delerium. He stated that for three and one-half to four months he was incoherent and unable to conduct any business or personal affairs.

Mr. Van Schoick stated that when M-80's were classified by the federal government as Class C explosives, he purchased fifty cases. This was approximately in 1970. However, because they were not giving the effect that he wanted for a display, they were returned to the manufacturing plant where he had purchased them.

Upon inquiry by Executive Director Siragusa, Mr. Van Schoick stated that he has not purchased any M-80's, which are now illegal, during the period of time he was in business in McHenry, Illinois.

According to Mr. Van Schoick, he currently has exclusive rights to the importation of fireworks from certain companies

in Brazil. Previously, he had such contracts with companies located in South Africa, Brazil, and Spain. He further indicated that these fireworks are transported in sealed, locked containers aboard an ocean vessel and picked up in Chicago after they have cleared customs.

He was exceptionally sympathetic to the injuries and damages caused by the explosion of the Worldwide Fireworks Company; however, he could not "talk intelligently about it" since he was not there. He stated that at the time he was injured Messrs. Callen and Landerman obtained his wife's signature to turn over the company's assets to a trustee for the benefit of creditors. He was not aware of her action until a later date.

Mr. Van Schoick testified that up until the time of the explosion he had purchased approximately \$150,000 worth of foreign fireworks. He was unable to give the amount of profit that was made on that \$150,000 for the reason that he was attempting to build up a large inventory and many of the fireworks had not as yet been sold. Again, he qualified his opinion as he did not know what occurred after he was in the hospital. He did indicate, however, that on the fireworks displays he operated he would incur a 20 per cent profit.

He further testified that his company, up until the time of the explosion, was in sound financial condition.

He further stated that after the explosion he did not have insurance that covered the inventory as the rate was prohibitive. He was not certain whether or not his company carried liability and property damage insurance. He testified that he had insurance sufficient to cover that portion of the property where his home was located; however, no fireworks were stored in his home. He claimed that fireworks were stored in trailers on the Worldwide property, and his company did not have liability insurance on them.

Mr. Van Schoick was asked questions regarding the death of Edward Bulger which occurred on July 4, 1972. This death was the result of an alleged shell being misfired from a wet mortar tube in a display operated by Mr. Van Schoick.

Mr. Van Schoick indicated that the shell had been manufactured by the Carpentersville Fireworks Company, located in Huntley, Illinois. He did not believe the firing tube to be wet.

According to information which the Commission had received, water had been seeping into the firing tubes; and other shells had been bursting too low or not at all. In response to this comment made by Mr. Siragusa, Mr. Van Schoick stated that if he thought anything was wrong with either the tube or the shell he never would have ignited it.

Mr. Siragusa asked Mr. Van Schoick why he told Fire Chief Edward McGill of Wauconda on the night of July 4, 1972, that if there was water in the tubes it would not hurt anything. Chief McGill made this comment at the Coroner's inquest into the death of Edward Bulgar. However, Mr. Van Schoick denied making any comment of that nature.

He further admitted the show at Wauconda should not have been fired because adequate crowd control procedures were not taken.

It was indicated by Mr. Siragusa that the fireworks business in general is analogous to playing Russian roulette. In response, Mr. Van Schoick stated that it is exceptionally difficult to get qualified people to operate shows. There are many individuals who have an intrinsic interest and desire to ignite fireworks; however, the number of people so inclined are far too few.

In his opinion, the operation of displays in foreign countries is superior to those conducted in the United States because one can get qualified people at lower salaries. Mr. Van Schoick stated he had fired displays many, many times, including personally operating fireworks displays in the City of Chicago.

Mr. Van Schoick denied knowing Mr. Gregory F. Gorzelanny, a known fireworks bootlegger within the Chicago area. He also denied ever selling fireworks to anyone who could not produce a permit.

If an individual attempts to purchase fireworks and presents a signed permit form that indicates a Sheriff of a certain county has signed the form, then one is obliged to accept it unless one can determine that it is not the actual signature of the Sheriff of that county. However, it is very difficult to verify the permit that is presented, especially during the Independence Day celebrations when large numbers of people put on displays.

In an interview with Commission Investigator Thomas R. Hampson on August 2, 1972, Mr. Van Schoick made the statement, "The fireworks industry is like the bootleg whiskey industry during the prohibition period." In explaining this statement, he stated that by prohibiting the sale of fireworks in the State of Illinois one is encouraging bootlegging. If the State allows safe and sane fireworks, it could eliminate this problem.

He further indicated he has not become actively involved in bootlegging; however, he did indicate that there may have been times since he has been in the business that he did sell fireworks to individuals who had a questionable permit. Mr. Van Schoick stated that once merchandise leaves the premises it is sold legally for the most part to other people in the fireworks business.

However, he admitted he also knew when there was bootlegging activity because an individual who had never purchased from him directly would call him and state that he wanted to buy a certain quantity of fireworks and that he had bought from "Mr. X", who claimed to have made purchase from Worldwide. Mr. Van Schoick knew he had no customer by the name of "Mr. X".

Mr. Van Schoick indicated that after he totally recovers from his injuries he is going to continue in the fireworks industry and is hopefully going to manufacture certain items purchased from Brazil.

Executive Director Siragusa indicated that it was his opinion that Mr. Van Schoick was in the business for his personal pleasure. In response, Mr. Van Schoick stated that he derives the same satisfaction from operating displays as a lawyer would in winning a case in court.

Mr. Van Schoick inquired as to how the State was going to curtail the flow of fireworks into Illinois when all the neighboring states allow fireworks. In response, Co-chairman Joseph G. Sevcik stated that the federal authorities would be contacted and appropriate action would be taken in order to eliminate bootlegging within Illinois.

Mr. Van Schoick testified he knew Mr. Thomas S. Scaman, who is a fireworks bootlegger from Missouri. He stated he had met Scama once and that Scaman had purchased fireworks from him. According to Mr. Van Schoick, Mr. Scaman had not tried to purchase M-80's from him. He indicated that if he wanted M-80's manufactured he could have them done overseas for half the price; however, he did not want to become involved with federal and state authorities.

Mr. Siragusa inquired into the remark made by Mr. Van Schoick to Agent Thomas Hampson in regard to Mr. Anthony Cartolano's possible Syndicate connections. Mr. Van Schoick indicated that it was a rumor that he had heard based on the fact that Mr. Cartolano returned to full operations so quickly after his fireworks company exploded.

He also indicated upon inquiry that Mr. Louis Maretti, owner of the Carpentersville Fireworks Company, as well as others had told him not to push Mr. Cartolano too far.

Mr. Van Schoick indicated that prior to the explosion of the Melrose Display Fireworks Company Mr. Cartolano purchased between \$10,000 to \$15,000 worth of materials from Worldwide.

Mr. Van Schoick stated that he had heard many rumors as to the cause of the explosion at Worldwide. One of them was that a bullet, which was fired by one of his competitors, ignited the fireworks. He stated he didn't believe that because anyone with common sense would know that his wife and children were living on the property and would be injured or killed by such an explosion. In his opinion, competition in the fireworks industry is not that bitter.

He further does not believe that the Worldwide explosion was caused by spontaneous combustion. It was his opinion

that it was some act of carelessness by one of the employees; however, he took responsibility for the accident even though he was not present at the time.

Mr. Van Schoick was asked several questions regarding additional unlicensed trailers on his property after the Illinois Department of Mines and Minerals had inspected Worldwide and licensed those trailers which were there at the time of the inspection.

It was his impression that there may have been new trailers located on the property after the inspection and that the Department of Mines and Minerals had not made a reinspection. He further stated he did not know whether or not it was his responsibility to advise the Department of Mines and Minerals that additional trailers were placed on the property and needed to be licensed. He also indicated some of these trailers did not store fireworks but had non-explosive materials located therein; therefore, not all of them had to be licensed.

In conclusion, Mr. Van Schoick stated that after he goes back into the business he will maintain a Chicago office and store his fireworks in the State of Missouri. Executive Director Siragusa stated that the storage of fireworks outside the State of Illinois was a very good idea.

P. Anthony T. Cartolano

Mr. Cartolano was the former owner of the Melrose Display Fireworks Company, which was located in Orland Park, Illinois, and which exploded on March 6, 1972. He is currently the owner of the New Melrose Fireworks Display Company located in Huntley, Illinois. He was subpoenaed to appear and testify before the Commission's public hearings on December 19, 1973, in regard to his involvement in the fireworks industry. However, because of illness his appearance was postponed until the resumption of our public hearings on February 20, 1974. At that time Mr. Cartolano appeared at the Commission's Chicago office with his attorney, Mr. Simon Stickgold.

To all questions propounded to him, Mr. Cartolano, on

the advice of his attorney, refused to testify and invoked his Fifth Amendment privilege. Some of the matters about which he was interrogated involved the following: the circumstances surrounding the explosion of the Melrose Display Fireworks Company on March 6, 1972, which caused several injuries and deaths to several of his employees; the injuries of Dana and Gary Eicholtz, resulting from an alleged "dud" aerial shell which had been discarded by employees in a water hole on New Melrose property; the federal and state licensing of the New Melrose Fireworks Company; various 1973 undercover purchases of fireworks by McHenry County Sheriff's Police and Commission agents, in direct violation of a court order prohibiting any sales of fireworks by Mr. Cartolano or employees of New Melrose; the sale of such fireworks without a proper permit from purchasers; the manufacture of M-80's, the sale of which is banned by federal law; the disposition of 2,597,000 tubes, (used to encase M-80's,) that were purchased by him during the period from December 13, 1971, to January 26, 1972; and his involvement in the illegal sale of M-80's and illicit trafficking of fireworks within Illinois.

Chapter 7

FIREWORKS LEGISLATION

A. Introduction

Illinois laws pertaining to the licit and illicit traffic in fireworks are inadequate and archaic and generally unenforced by the Fire Marshal of the Department of Law Enforcement. The level of enforcement was better by the Department of Mines and Minerals in relation to storage of fireworks explosives.

The Commission researched the fireworks laws of all the other states in this country. Some of them are just as ineffective as Illinois laws. California unquestionably has the best state fireworks laws. We also examined the Federal laws, and the National Fire Prevention Association's 1972 Model State Fireworks Law and the 1973 Code for the Manufacture, Transportation and Storage of Fireworks.

The Commission proposes a new Illinois fireworks law based on the findings of our investigation, borrowing from the more important provisions of existing California and Federal laws, and the National Fire Prevention Association's two proposals.

B. Illinois Fireworks Laws

1. Introduction

There are five separate laws that pertain to the regulation of fireworks in Illinois. The Illinois Fireworks Regulation Act, Chapter 127½, Sections 101 and 131, is the basic law. The other one contains Explosives in General provisions, Sections 143 to 156, of the Illinois Mines and Miners Act, Chapter 93, which regulates fireworks under the title of explosives. Further details concerning these two laws will be furnished in this chapter.

The other laws that deal with fireworks, which are self-explanatory, will not be detailed. Chapter 24, Section 11-9-4 empowers municipal authorities to regulate fireworks in accordance with the Illinois Fireworks Act found in Chapter 127½. Chapter 48, Section 252D prohibits the manufacture of fireworks in the home. Chapter 53, Section 35

establishes the fee charged for fireworks permits at \$2.

2. Illinois Fireworks Act

Chapter 127½, Sections 101 to 131, includes two Acts relating to fireworks. The first was enacted in 1935, the second took effect in 1941. Both of these Acts are administered by the State Fire Marshal of the Illinois Department of Law Enforcement.

The First Act concerns the manufacture, possession, storage, transportation sale, and use of fireworks in Illinois. Under that Act, officials of the State Fire Marshal's Office are required to inspect fireworks companies to insure that they are in compliance with the Act, and adopt rules and regulations accordingly. Additionally, each new fireworks company is required to hold a certificate of registration issued by the Fire Marshal's Office. The Fire Marshal may revoke this certificate if the holder is in violation of any provisions of the Act.

This Act also gives the Fire Marshal the authority to hold a hearing in order that an applicant or holder of a certificate may appeal a denial or suspension of a certificate. The Commission determined that most of these hearings have unfortunately been conducted by one official, with no court reporter present and no written records of these proceedings.

The second Act, approved July 1, 1941, prohibited the sale of fireworks. Formerly, this Act was part of Chapter 38, but was transferred to Chapter 127½ in 1961. This Act defines fireworks, outlines the procedures for legally obtaining fireworks in Illinois, and prohibits the retail sale of fireworks. This latter provision allows the granting of permits for supervised public fireworks displays put on by various civic and community organizations after obtaining a permit from the proper authorities. Permits may also be obtained by a group of three or more adults wishing to conduct a private display.

We discovered that all the fireworks companies stock permit forms which they themselves print. Persons or groups wishing to conduct displays then get the Fire Chief of the district in which they are located to sign the permit forms. The fireworks companies may or may not retain a copy of that permit for their files, and the originals are given to the person or group who purchases the fireworks.

No effort is made to verify the authenticity of the person who signs the authority for the permit, or even his signature. Copies of these permits are not required to be sent to the Fire Marshal or any other State or local government authority.

No permit or license is required of any person who ignites the fireworks or who otherwise participates in the conduct of fireworks displays.

Unfortunately, there is no statutory limit on the amount of fireworks products that can be used in either public or private displays.

It appears that the Fire Marshal has not adequately enforced the Fireworks Act, for several reasons. First of all, there has been some confusion in the Fire Marshal's Office as to what constitutes a fireworks plant because until recently this was interpreted to mean those companies that actually manufacture fireworks. Therefore, the companies that have been wholesaling fireworks have not been required to obtain a certificate of compliance.

Secondly, one of the fireworks companies falls under the "grandfather clause" which stated that only new companies must have a certificate of compliance. We discovered that only four fireworks companies (part of one conglomerate) had ever applied for and received these certificates. The other seven companies, up until the time of our public hearings, had never applied for certificates nor did the Fire Marshal ever take any action to enforce compliance.

Thirdly, there has been irregular inspection of the fireworks companies, and the Fire Marshal's files in that regard were incomplete. Finally, no rules and regulations were ever promulgated by the Fire Marshal with regard to this Act.

There are many examples of other existing inadequacies in Illinois law. Although the Illinois law defines fireworks it does not distinguish important differences concerning Class B, Class C fireworks, "dangerous fireworks" and "safe and sane" fireworks."

There are only two provisions which substantively discuss the storage of fireworks. The first provision states that fireworks are prohibited where (1) paints, oils, or varnishes are manufactured or kept for use or sale unless they are contained in their original or unbroken con-

tainers, or (2) rosin, turpentine, or gasoline, or other flammable substances which may generate vapors are used, stored, or offered for sale, or (3) there are not two chemical fire extinguishers or six pails of water readily available and equipped for use in extinguishing fires.

The other provision of substance regarding the storage of fireworks is that when fireworks are sold at wholesale they are to be kept in a room for storage only and that there be a sign at the entrance of such room stating "CAUTION - FIREWORKS - NO SMOKING."

As to the manufacture of fireworks, the Act prescribes the following: the distance which must separate a fireworks factory from an inhabited dwelling, buildings used for the storage of explosives or fireworks, or other factory buildings; the requirement that a fence and suitable gates surround the fireworks plant and that a watchman be on duty when the gates are unlocked; the prohibition of (1) the use of stoves in any part of a fireworks plant, (2) fireworks being stored in buildings where manufacturing occurs, and (3) employees entering a fireworks plant with narcotics, liquor, or lit cigarette matches, etc.

The Act also prescribes that a certificate of registration must be issued by the State Fire Marshal of the Department of Law Enforcement prior to the commencement of operations. The Act also specifies the amount of the application fee and the actions which must be taken if a certificate is denied or revoked. There are no provisions for periodic inspection of fireworks plants by the State Fire Marshal's Office.

There are no provisions in the law for the importation or intrastate transportation of fireworks.

Although the State Fire Marshal is charged with enforcing this Act, the Department of Mines and Minerals also has some authority to regulate fireworks. Unfortunately, there is no clear definition of duties for either agency in regard to enforcement, and consequently this vagueness has contributed to inadequate and inefficient enforcement.

The Act does not address itself adequately to sanctions against illicit fireworks bootlegging.

3. Explosives Section of Illinois Mines and Miners Act

Chapter 93, Sections 143 to 156, regulates the manufacture, possession, storage, transportation, use, and

sale of explosives in general. The Department of Mines and Minerals is charged with the responsibility to administer this Act. Additionally, all law enforcement officers in the State are also responsible for the enforcement of this Act.

The term, explosives, as defined in this Act, includes display fireworks at the very least, and could be interpreted to include the more powerful fireworks such as M-80's, silver salutes, and cherry bombs. The Act, then, places the responsibility of supervising the manufacture, storage, transportation, sale, and use of such fireworks as well as other explosives on the Department of Mines and Minerals. Furthermore, the Act clearly outlines the requirements for storing and transporting the explosives; the licensing of magazines and individuals; the possession of and commerce in explosives. It also provides the penalties for non-compliance.

However, even though fireworks are explosives, the Department of Mines and Minerals has not, until recently, exercised any of their authority over fireworks manufacturers or wholesalers. According to an official of the Department of Mines and Minerals, they did not begin issuing even the licenses for magazines, as required under the Act, until 1972 after an explosion had leveled the Melrose Display Fireworks Company in Orland Park.

After that explosion, according to the official, members of the Department of Mines and Minerals held a meeting and decided that they did have the authority to license magazines used to hold fireworks. However, they did not believe, at that time, that they had any other authority over the manufacturing operations of fireworks companies.

Currently, the only thing that the Department of Mines and Minerals does in relation to fireworks companies, is inspect the magazines of these companies and issue licenses for the storage of their explosives.

C. Federal Laws

In addition to these State laws, there are several Federal laws which apply to fireworks manufacturing, transportation, possession, storage, sale, and use of fireworks in the State of Illinois. There are at least four Federal agencies which have some control over fireworks.

Perhaps the earliest agency that became involved in

fireworks was the Federal Department of Transportation. This agency established voluminous rules and regulations governing the interstate transportation of various hazardous materials, which includes explosives, and, therefore, fireworks. Several sections of these regulations promulgated by the Department of Transportation pertain to the classification of various kinds of explosive materials. These categories of explosives are Class A, B, and C.

Fireworks fall under the categories of Class B and Class C explosives as defined by the Transportation Department. Black powder, used in the manufacture of fireworks is considered by the Department of Transportation as a Class A explosive.

Insofar as fireworks are concerned, Class C fireworks are such items as small Roman candles, bottle rockets, sparklers, and firecrackers with less than two grains of powder. For each different type of these Class C fireworks, there is an upper limit placed on the amount of pyrotechnic composition within the firework.

The Class B fireworks include all firecrackers with more than two grains of powder and other special fireworks such as those used in fireworks displays.

According to these regulations there are no fireworks that are considered to be Class A explosives. However, as mentioned before, the black powder which fireworks manufacturers use and store at their facilities, is considered a Class A explosive.

All three classes of explosives must be transported in accordance with the Department of Transportation regulations governing the specific class. However, the Department's authority is limited to those explosives transported interstate, or within a State by an interstate carrier. It has no jurisdiction over explosives transported within a State by an intrastate carrier or by private individuals.

Another Federal agency enforcing fireworks laws is the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department. On October 15, 1970, the Organized Crime Control Act became effective. This Act was intended to place tighter controls over all explosive material in the United States. As the Act reads, it is applicable to all explosive materials--Class A, B, and C.

However, in the Code of Federal regulations which were written by A. T. & F. and became effective on February 12, 1971, the scope of Federal control over explosive materials was delimited. The regulations excluded Federal control over finished fireworks that are "commonly sold at retail for personal use in compliance with State laws and local ordinances." Because this wording was somewhat ambiguous, A. T. and F. issued instructions spelling out exactly what they meant by, "common fireworks." These instructions were distributed in an industry circular dated January 18, 1972, and stated that the common fireworks referred to in the regulations meant Class C fireworks as defined by the Department of Transportation.

These regulations, then, apply to all Class A and Class B explosives. They include instructions for granting licenses and permits, for issuing reports, for keeping records, for constructing storage facilities, and for the conduct of business operations of explosives manufacturers, dealers, importers, and users. These regulations, therefore, also apply to any fireworks manufacturer or dealer whose operation involves these categories of explosives.

Another Federal agency which recently became involved in fireworks enforcement is the Occupational Safety and Health Administration of the United States Department of Labor, or "OSHA" as it is commonly called. This agency inspects all facilities where there is an employer - employee relationship, in order to insure that the safety precautions established by OSHA have been complied with.

In the fall of 1973 the Illinois Department of Labor formulated its own regulations consistent with those of OSHA. On November 1, 1973, the Department of Labor began its safety inspections in the company of OSHA inspectors. This program of joint inspections will be pursued until October 31, 1976. At that time, if the Illinois Department of Labor Inspectors perform these inspection functions adequately and to the satisfaction of OSHA, the entire responsibility for inspecting facilities will be turned over entirely to the Illinois Department of Labor. After this is accomplished, OSHA's responsibility will be primarily to oversee the operations of the Illinois Department of Labor with respect to these inspections.

Since the fireworks plants in Illinois all have employer - employee relationships, OSHA does have the responsibility to inspect these facilities at the present time. However, according to an OSHA official, few of the fireworks facilities

in Illinois have been inspected so far. The Official said that the OSHA regulations are so new that they have been unable to inspect all facilities because of a lack of manpower.

The last Federal agency involved in fireworks enforcement is the Food, and Drug Administration. According to the Federal Hazardous Substances Act, the Commissioner of Food and Drugs, through the Secretary of Health, Education, and Welfare, was granted authority to ban the sale of any item considered hazardous. Effective March 22, 1973, the Commissioner banned the sale of all firecrackers containing a pyrotechnic composition exceeding two grains. This ban was limited, however, and does not apply to fireworks which are distributed to farmers, ranchers, and growers entering wild life management programs administered by the United States Department of Interior or by an equivalent local, State, or government agency.

This ban affected such firecrackers as M-80's, silver salutes, and cherry bombs. It did not affect the Class C fireworks. More recently, however, because of injuries sustained from fireworks accidents such as blindness, and burns, the Commissioner has proposed the banning of such firework devices as Class C firecrackers, bottle rockets, and cracker balls, in addition to the M-80's, silver salutes, and cherry bombs. This proposal appeared in the Federal Register of May 16, 1973. Also, the Commissioner has proposed regulations which strictly define how other fireworks such as cone fountains, California candles, Roman candles, wheels, sky rockets, and illuminating torches, etc., are to be constructed and labeled.

D. California Law

In contrast to Illinois law, California has enacted a comprehensive fireworks code. It extensively regulates the manufacturing, wholesaling, importing, exporting, and sale of various prescribed classes of fireworks. It permits retail sales of certain types of fireworks. It specifically states which fireworks are dangerous, which are safe and sane, and which are exempt from regulations promulgated by the State Fire Marshal.

The administration of the fireworks code has been given to the State Fire Marshal, who is empowered to adopt regulations as he may deem necessary for the protection of the lives and property of the citizens of the State of California. He also has the power to grant licenses and permits for the manufacture, wholesale, import, export, sale, and display of all classes of fireworks.

The Fire Marshal, is empowered to examine the books and records of any licensee. He further can promulgate regulations regarding the transportation of all classes of fireworks. He may also examine the books and records of any licensee relative to fireworks and may inspect any building at any time.

The determination of the classification of a particular type of firework is made by the State Fire Marshal.

Licenses must be possessed by manufacturers, wholesalers, importers, exporters, persons selling at retail, individuals putting on public displays, and finally, pyrotechnic operators.

The California Act gives wide discretion to the State Fire Marshal in the issuing, revocation, and renewal of a license. For instance, the State Fire Marshal may deny, without a hearing, an application for a license or renewal thereof, if, within one year prior to the date of application, the State Fire Marshal has denied or revoked a license to the same applicant.

Further, the application for any license shall become void when an applicant fails to appear for an examination or to achieve a passing score on a required examination, or is otherwise unqualified.

A license may be revoked when the licensee has caused a fire nuisance, failed to keep full, complete records, or violated any part of the regulations adopted by the State Fire Marshal.

There are specific procedures to be followed in order to obtain a renewal license. Penalties are imposed for

the late payment of renewal fees. The Act specifies the dates by which certain types of licenses must be renewed.

California also provides that any person applying for a public display license must have public liability and property damage insurance. The insurance policies may not contain "deductible" clauses. The minimum amount of insurance coverage permitted in regard to bodily injury is \$50,000 for one person or \$100,000 for each occurrence annually. In regard to property damage, the minimum amount of insurance coverage permitted is \$25,000 for each occurrence.

There are various license fees enumerated, but the most stringent are those set for the manufacturers and wholesalers, in the amounts of \$500 and \$1,000 respectively.

There are a number of provisions stating that a license must be obtained from the State Fire Marshal. In addition, public agencies having local jurisdiction require possession of permits. Therefore, the licensee may have to possess both a license and a permit.

There are extensive provisions regarding violations of this code. For instance, it is unlawful for any non-licensees to advertise that he is in any business or venture involving fireworks or pyrotechnic devices; it is unlawful for any person to sell, discharge, possess, store, or transport any type of fireworks within the State unless the State Fire Marshal has classified and registered such fireworks. Other violations include (1) the unlawful sale of fireworks to a person who does not possess a valid permit or (2) to sell, store, or discharge fireworks in or within 100 feet of a location where gasoline is stored or dispensed.

The penalties for violation of this Act consist of a fine of not less than \$500 nor more than \$1,000 and/or imprisonment in the county jail up to one year.

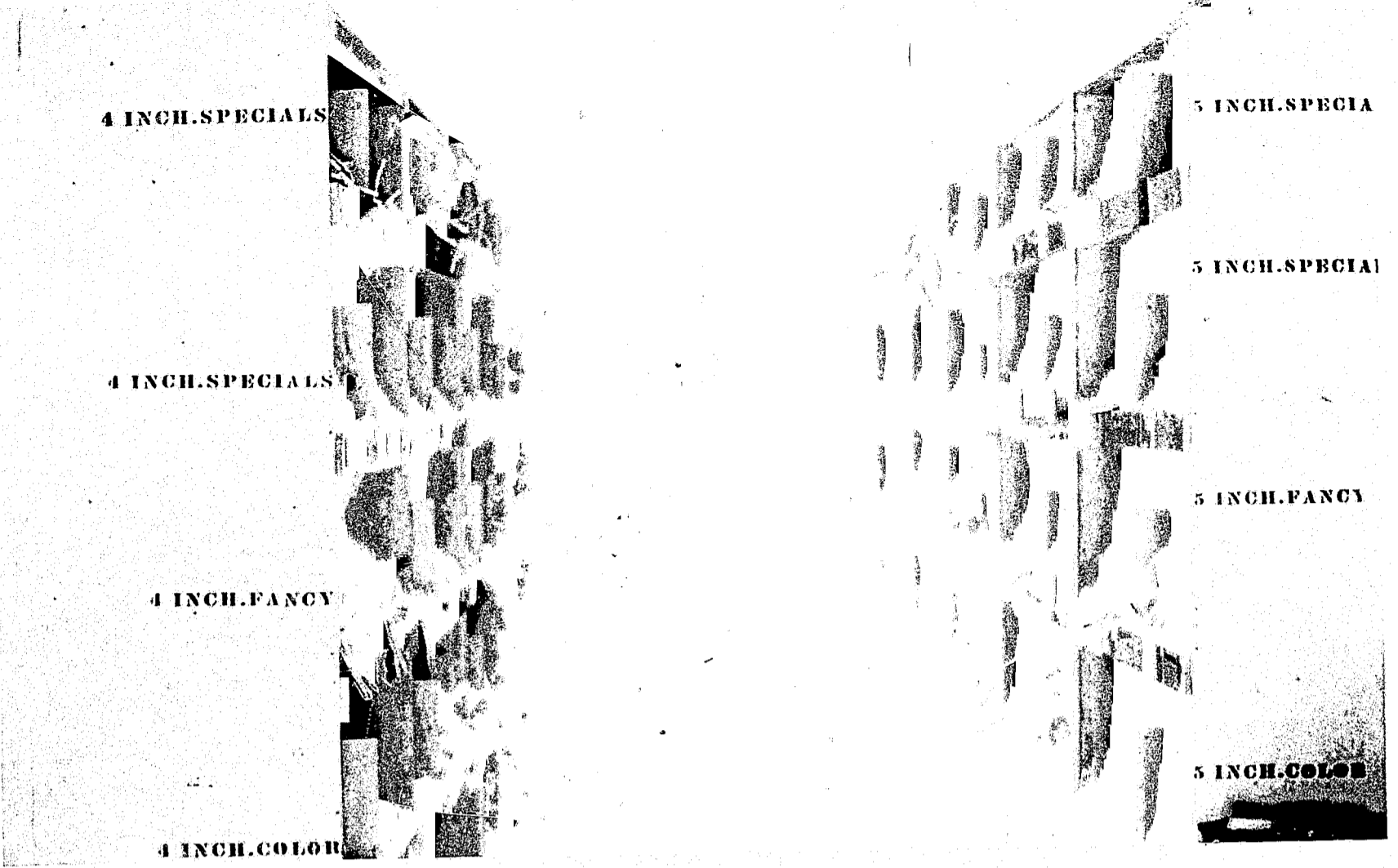
Further, licensees shall report any theft or loss of fireworks to the State Fire Marshal within 24 hours after the discovery of the loss.



Storage area of Pyrotechnics, Inc., a fireworks manufacturing plant in Rialto, California. Bunkers, on the right, constructed of thick concrete and covered with earth, contain explosive fireworks. Each smaller construction, on the left, is a "blast shield" designed to absorb the shock from any accidental explosion inside the opposite bunker.

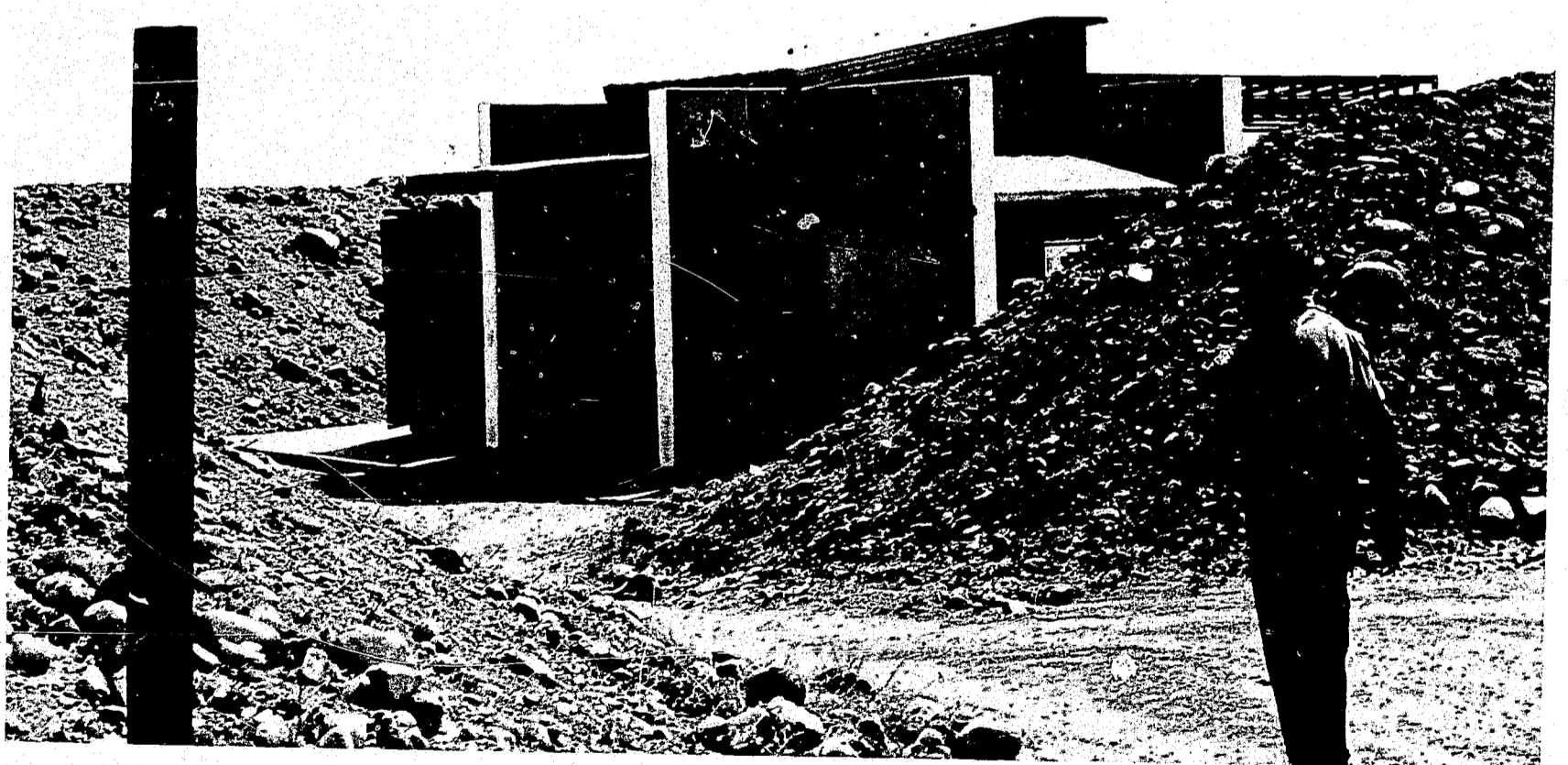
Each bunker is located a few hundred feet from adjoining bunkers, thereby preventing an accidental explosion in one bunker from triggering any explosion in other bunkers.

Unfortunately, no comparable safety precautions are now required by the Illinois Fireworks Act or used by any Illinois fireworks manufacturers.



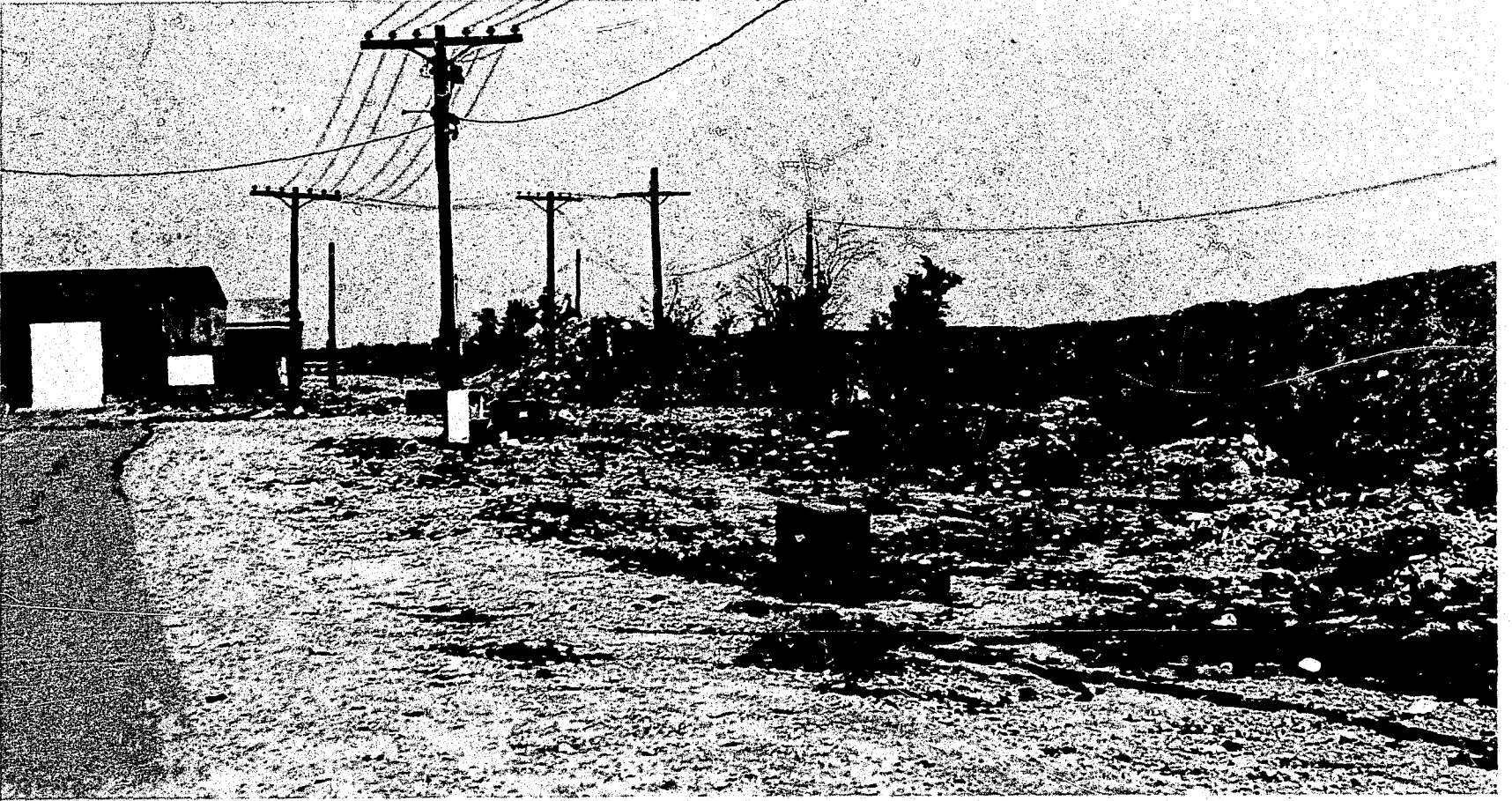
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Inside of a fireworks storage bunker at Pyrotronics, Inc., shown in preceding photograph.



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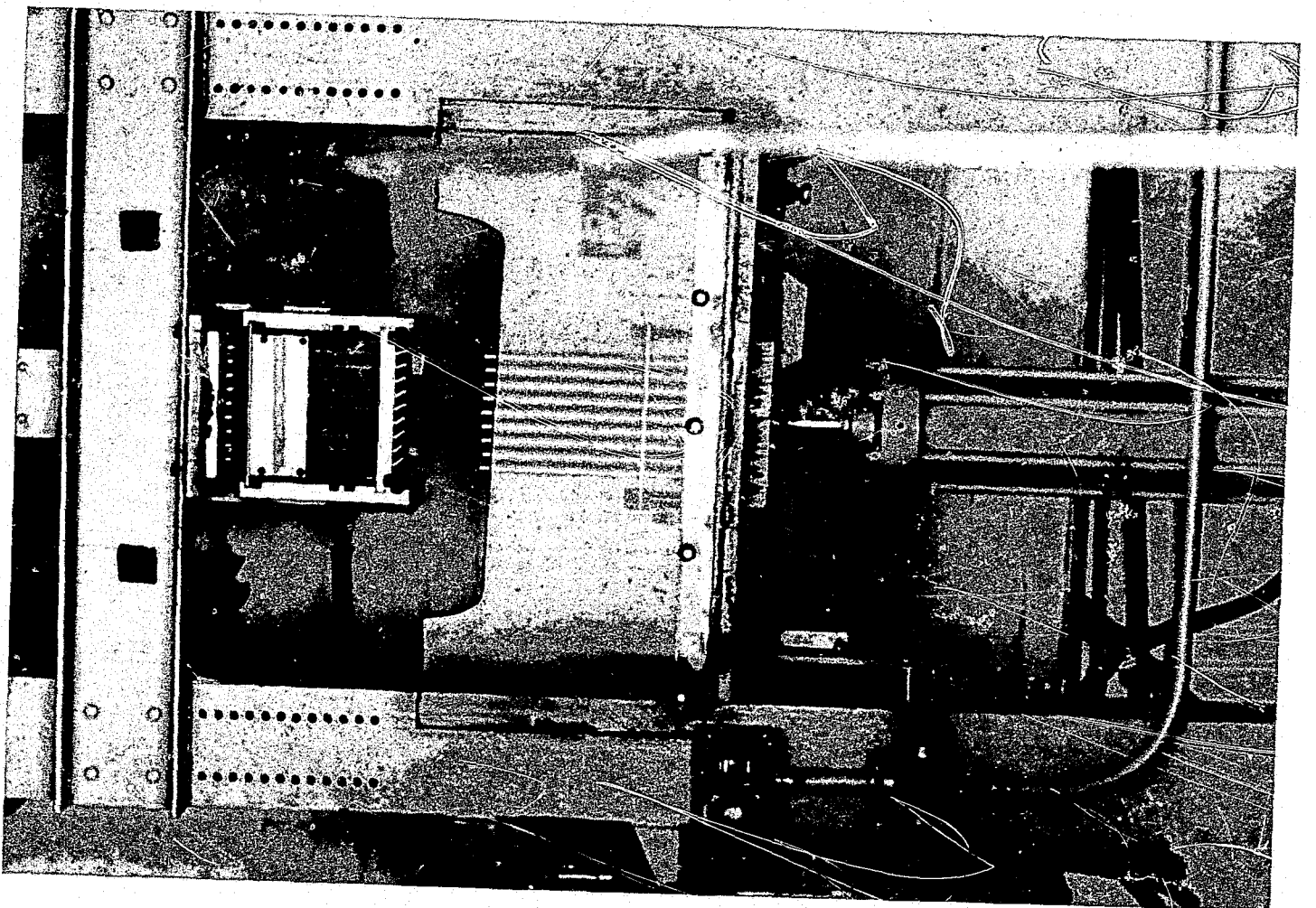
Cement building, surrounded by mounds of earth (burms), used exclusively by the California firm of Pyrotronics, Inc., to measure highly flammable chemicals and powders, which are later transported to small outdoor temporary storage boxes located several hundred yards away.



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Outdoor temporary storage boxes, containing small supplies of pre-mixed chemicals and powders, transported there from the cement building shown in the preceding photograph.

Workers in manufacturing building, on the left, obtain mixed explosive chemicals and powders, when needed, from the small outdoor boxes, obviating the necessity to store excessive amounts in the manufacturing building.



View of a press inside a manufacturing building (see preceding photograph) that produces fireworks products. The plexigraph shield, designed to deflect impact of an accidental explosion, is another of many safeguards for employee welfare required by California law.

Unlike Illinois, the California law recognizes the inherent danger to life and property, and imposes rigid but necessary safety requirements.

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There are also provisions in the Act which provide for the seizure of (1) fireworks, including safe and sane fireworks stored in violation of the conditions required by the permit, (2) fireworks offered for sale at retail which do not bear the State Fire Marshal label of registration and firing instructions, (3) safe and sane fireworks sold or offered for sale at retail before twelve noon on the 28th day of June or after twelve noon on the 6th day of July, and (4) dangerous fireworks stored, manufactured, or transported by any person who does not possess a valid permit.

E. National Fire Prevention Association's Model State Fireworks Law

The National Fire Prevention Association, of Boston, Massachusetts, in 1972 drafted a Model State Fireworks Law which would restrict the use of all fireworks (except toy paper caps) to authorized pyrotechnic displays. This law has been adopted by more than 27 states. The purpose behind the Association's law was to seek relief for the public from the toll of injuries and fires resulting from the promiscuous use of fireworks.

Under the Model State Fireworks Law, the retail sale, use, and explosion of fireworks is prohibited. Further, the Association through its Model Law has suggested that the State Fire Marshal be empowered to grant permits for supervised displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.

The Model Law also proposes that prior to the issuance of a display permit the applicant shall provide proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or commission on the part of such applicant.

Further, the applicant is also directed to provide to the chief executive authority of the municipality where the display is to take place a fidelity bond of not less than one thousand dollars (\$1,000). Other provisions include the allowance of the wholesale sale of fireworks, the power of the State Fire Marshal to seize fireworks held in violation of the proposed law, and penalties for such violations of the Act.

Advisory regulations intended to place the administrative enforcement of the Model State Fireworks Law in the

hands of the State Fire Marshal's office are also recommended by the Association. These include suggested provisions which should be incorporated in the application for permits, as well as regulations pertaining to the conduct of displays, the qualifications of display operators, and general fire protection procedures.

F. National Fire Prevention Association's Code for the Manufacture, Transportation and Storage of Fireworks

The Code for the Manufacture, Transportation, and Storage of Fireworks was prepared in 1973 by the Sectional Committee on Explosives of the Committee on Chemicals and Explosives of the National Fire Prevention Association. It purports to contain reasonable requirements essential for the safe manufacture, transportation, and storage of fireworks. It is offered to municipal, state, and federal agencies responsible for protecting the public against the hazards of fireworks as the basis of their regulations.

According to the Association, the problems of safety in manufacturing, transporting, handling, and storing fireworks are in many ways much different from those of other explosives and propellents. In general, the sensitivity of fireworks to shock and impact, is considerably less than that of most explosives and propellents. On the other hand, most fireworks are more sensitive to sparks and flames than other explosive materials.

Further, the problems of protection if and when an accident occurs are also significantly different. For example, concrete or earth barricades, which are quite effective in preventing detonations between detonable materials, can, in some cases, worsen the problem with fireworks by increasing the fragment throw distance and even the security.

The Code provides for various requirements that should be observed by fireworks manufacturers in their manufacturing operations. For instance, building site security procedures and separation of process buildings from inhabited buildings, public highways, passenger railways, and non-process buildings are prescribed.

Construction of process, mixing, and pressing buildings, including the use of heat, light, and electrical equipment, has also been discussed and appropriate recommendations made.

In regard to the prevention of explosions and fires, certain precautions must be taken. For instance, it is urged that all buildings should be kept clean, orderly, and free from accumulation of dust or rubbish. Powder or other explosive or pyrotechnic materials, when spilled, should be immediately cleaned up and removed from the building. Rags, combustible, pyrotechnic, or explosive scrap, and paper should be kept separate from each other and placed in approved marked containers. All waste and reject hazardous material should be removed from all buildings daily and removed from the plant at regular intervals and destroyed by submersion in water or by burning in a manner acceptable to local authorities. The Code also prescribes other preventive measures.

In regard to the storage of Class B and Class C fireworks, storage buildings, including various types of magazines and the construction thereof, is defined and described as well as storage procedures within magazines. Safety precautions to be taken within or in the vicinity of magazines are suggested.

The Code also provides detailed regulations concerning the transportation of fireworks on highways. Although applicable requirements are set forth in the Code, the Association indicated that the transportation of fireworks over all highways should be in accordance with U. S. Department of Transportation regulations.

The following subject matters are among the proposed regulations proffered by the Association regarding transportation of fireworks: the construction and inspection of transportation vehicles and the types of placards to be displayed thereon; driver qualification, vehicle attendance, routing, and parking; ignition sources on vehicles; and delivery of fireworks.

G. Proposed Illinois Law

The Commission strongly urges the passage of a realistic fireworks law which will address itself to the current serious fireworks problem in Illinois.

In drafting a new law it was our aim to correct the inadequacies and deficiencies in the existing but archaic Illinois Fireworks Act. The primary objective was to protect the public welfare. We were also desirous to establish criteria for the manufacture, storage, sale, transportation, and ignition of fireworks that would be

consonant with the public welfare.

The Commission did not want to place any unnecessary restrictions upon the fireworks industry. Events of the past few years, however, have demonstrated that Illinois manufacturers have not been as considerate of the public welfare as they should have been, and that more rigid requirements were necessary.

Following are some salient features of our proposed law, the entire text of which is in Appendix A:

1. Under existing Illinois law there was some confusion by the State Fire Marshal and the Department of Mines and Minerals with regard to enforcement of the law. The new law would delegate full responsibility to the Department of Mines and Minerals for the licensing and inspection of fireworks manufacturers, wholesalers and retailers. The granting of permits for supervised fireworks displays will be the responsibility of the State Fire Marshal.
2. The definition of fireworks under current Illinois law was vague and inconsistent with the definition under federal law. The Illinois law did not distinguish between Class B and Class C fireworks whereas federal law did. The proposed law uses definitions that are consistent with federal law.
3. Current Illinois law does not define or permit the use of safe and sane fireworks. Our proposal fully defines this type of fireworks and permits its retail sale, under appropriate supervision.
4. Heretofore the packaging or repackaging of fireworks to obtain another finished state was not considered to be manufacturing. Our proposed law states that such packaging or repackaging constitutes manufacturing.
5. The proposed law defines fireworks manufacturing, wholesaling and retailing and provides for appropriate licensing and annual renewals for manufacturers, wholesalers, retailers, importers and exporters. Depending upon the type of license issued, fees will range from \$25 to \$1,000 with annual renewal licenses ranging from \$5 to \$250.
6. Explosive fireworks devices, such as M-80 salutes, silver salutes, cherry bombs and other devices that only produce audible effects have caused many accidents, parti-

cularly to young people, and are widely sold by bootleg traffickers. The proposed law will prohibit any sale of these particularly dangerous devices, except for legitimate agricultural and wildlife purposes.

7. Existing Illinois law contains no provisions with respect to the intrastate transportation or importation of fireworks. The proposed law contains appropriate provisions.

8. The proposed law contains detailed provisions that manufacturers and distributors must observe in the manufacturing, storing, and transportation of all classifications of fireworks, which were absent in the existing law.

9. Under the current policy of the State Fire Marshal, a hearing is granted to any fireworks company which wishes to appeal the findings of an Order issued for safety violations. In the past just one hearing officer has presided and no stenographic or written record was maintained. The proposed law will make it obligatory to have two competent hearing officers of the Department of Mines and Minerals, and likewise obligatory to make a stenographic or other written record of the hearing proceeding. The same provision is made with respect to hearings concerning the denial or revocation of licenses.

10. There is no provision in the current Illinois law for manufacturers or wholesalers to obtain personal injury and property damage insurance without deductible clauses for third parties who are neither principals nor employees of a fireworks company. Similarly there is also no provision for such third party insurance for persons applying for permits to conduct public fireworks displays. The proposed law provides for insurance, for both situations.

11. There is no provision in current Illinois law for the licensing of persons conducting public fireworks displays, nor any restrictions as to age of such operators. The proposed law will require that operators be at least 21 years of age and that they be licensed by the Department of Mines and Minerals.

12. The proposed law prescribes the procedures that must be followed in the operation of supervised public displays of fireworks, which is not now contained in Illinois law.

Chapter 8

CONCLUSIONS AND RECOMMENDATIONS

The thrust of the Commission's investigation was aimed at the following areas: explosions of fireworks plants, and explosions during fireworks displays; monitoring of fireworks displays on July 4, 1973; fireworks bootlegging; operations of fireworks companies; State enforcement and fireworks legislation.

Our conclusions and recommendations concerning each of these areas will be reported separately.

A. Explosions

1. Every year from 1970 through 1973 an Illinois fireworks company plant has exploded. A total of seven persons have died, 39 persons were injured, some seriously, and many millions of dollars of property damages resulted from these four plant explosions, and one display accident.

2. The June 9, 1973, explosion of the Worldwide Fireworks Company in McHenry, Illinois, which injured seven persons, demolished the plant and caused extensive property damages, was probably caused by spontaneous combustion which triggered the explosion of an excessive amount of fireworks stored in containers that were too close together.

3. Robert Van Schoick, Louis P. Landerman, and Lawrence A. Callen of the Worldwide Fireworks Company were negligent because they violated the law by storing an excessive amount of fireworks in trailers licensed by the Illinois Department of Mines and Minerals, and also secretly storing an additional amount of fireworks in unlicensed trailers.

4. The Worldwide Fireworks Company violated the Illinois Fireworks Act by not obtaining a Certificate of Registration from the Illinois State Fire Marshal.

5. Prior Illinois State Fire Marshals and the incumbent Fire Marshal were negligent for not prosecuting the Worldwide Fireworks Company for non-compliance with the registration provisions of the Illinois Fireworks Act.

6. The previous Illinois State Fire Marshal was negligent for not prosecuting the Worldwide Fireworks Company for failure to correct safety violations cited in its Orders of April 14, 1972, and the incumbent State Fire Marshal was negligent for not yet initiating prosecution for violations detected during its second inspection on July 7, 1973, just two days before the plant exploded.

7. The March 6, 1972, explosion of the Melrose Display Fireworks Company plant at Orland Park, Illinois, which killed three people, injured 16 persons, and totally destroyed 17 of the plant's 19 buildings, was probably caused as a result of a spark or friction that ignited explosive powder negligently spilled on the floor of the working area of the plant.

8. In more than 15 years of operation the owner of the plant, Anthony T. Cartolano, had never applied for a Certificate of Registration from the Illinois State Fire Marshal, in violation of the Illinois Fireworks Act.

9. Prior Illinois State Fire Marshals were at fault for very belatedly never having discovered the existence of the Melrose Display Fireworks Company until after the March 6, 1972, explosion. That office, however, did eventually proceed against that company which on March 6, 1974, entered a plea of guilty in Cook County Circuit Court for failure to so register, and other charges, and was fined \$4,000.

10. Prior Illinois State Fire Marshals, and the incumbent Fire Marshal, were negligent for never having inspected the Melrose Display Fireworks Company.

11. The May 27, 1970, explosion of the Carpentersville Fireworks Company in Huntley, Illinois, which seriously injured three persons and totally destroyed three buildings, was probably caused by friction when a heavy steel drum was negligently rolled over a pile of flammable powder.

12. Prior Illinois State Fire Marshals were negligent for never having discovered the fact that the Carpentersville Fireworks Company had been in existence for 15 years without ever obtaining a required Certificate of Registration.

13. Prior Illinois State Fire Marshals had never once inspected the Carpentersville Fireworks Company and were thereby negligent in the enforcement of the Illinois Fireworks Act.

CONTINUED

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14. The July 4, 1972, explosion during a fireworks display at Bangs Park Lake, Wauconda, Illinois, conducted by Robert Van Schoick of Worldwide Fireworks Company, which killed Edward Bulger and injured eight persons, was caused by the misfiring of an aerial shell, precipitated by moisture inside a steel mortar tube. Van Schoick is responsible for neglect in not knowing that dampness could cause the shell to explode inside the tube.

15. The May 17, 1971, explosion of the Continental Fireworks Company at Pisgah, Illinois, which killed three persons and injured five persons, and demolished eight buildings, was caused as a result of friction generated while the owner, Dominick Shalla, one of the three fatalities, was pressing flammable powder into a cardboard tube.

16. Prior Illinois State Fire Marshals were negligent for never having once inspected the Continental Fireworks Company, and for not detecting the fact that that company, in existence since 1946, had never obtained a Certificate of Registration.

17. Anthony T. Cartolano, operator of the New Melrose Fireworks Display Company, Huntley, Illinois, was negligent for discarding defective fireworks aerial shells in a nearby pond, one of which exploded when two youths, Gary W. Eicholtz and his brother Dana, playfully ignited the explosive contents of the shell on May 30, 1973.

B. Fireworks Displays

1. With the cooperation of the State Fire Marshal and all of the fire departments in Illinois, the Commission attempted to monitor state-wide fireworks displays on Independence Day, July 4, 1973. During one such display, sponsored by the City of Evanston and monitored by Commission investigators, we discovered that three teenagers, without prior experience, assisted in the ignition of dangerous fireworks. One of these youngsters miraculously escaped injury when the concussion of a misfire knocked him to the ground. In another display in Downers Grove the ignition operator was a person with a prior criminal record who had not obtained the required State permit and who is an alleged fireworks bootlegger of M-80 fire-crackers.

2. Under the current Illinois Fireworks Act, the issuance of permits to conduct fireworks displays is

haphazard. Fireworks companies print their own blank permits, and give them to persons representing groups wishing to sponsor a fireworks display. It is the permittee's responsibility to get the permit signed by the local chief of police, mayor or sheriff, which signature is not verified by the fireworks company. The permittee retains one copy and gives the other two copies to the fireworks company which retains them in its files.

3. The Commission recommends, and so included in its draft amendatory legislation (Appendix A) that the State Fire Marshal issue display permits, in quadruplicate, one copy of which it retains and one copy it sends to the Department of Mines and Minerals. A third copy would be submitted to the fireworks company from whom products are purchased, and the remaining copy is held by the permittee. Under this plan only the State Fire Marshal can issue and approve a permit, and that office would, for the first time, have a central record of all displays that are conducted.

4. Under current State law anybody can conduct a fireworks display without regard to age or expertise in handling products containing explosive powders. The Commission determined that some display operators were teenagers without any prior expertise.

5. The Commission recommends in its proposed law that display operators be at least 21 years of age, have prior experience or knowledge of fireworks, and obtain an appropriate license from the Department of Mines and Minerals.

C. Fireworks Bootlegging

1. The diversion of legally produced fireworks to persons unlicensed to deal in fireworks, a practice commonly referred to as bootlegging, is a serious problem in Illinois, involving hundreds of people and retail sales of several million dollars annually.

2. There is a network of bootleg traffickers who import fireworks from other states and who also purchase fireworks illegally from companies in Illinois.

3. The most significant illicit fireworks traffic involves the M-80 type of fireworks, commonly known as firecrackers, the manufacture of which, under federal law,

is legal but the retail sale of which is prohibited, except for agricultural or wildlife purposes.

4. The Commission recommends, and has so provided in its proposed new fireworks law, that the State law with regard to the preceding subject be the same.

5. Law enforcement efforts by federal, State, county and local government agencies to detect, arrest and prosecute fireworks bootleggers leaves much to be desired.

6. The Commission strongly recommends that appropriate law enforcement programs, at all governmental levels, be initiated and pursued for the purpose of more effectively suppressing this bootleg traffic.

D. Fireworks Companies

1. Many of the fireworks companies in Illinois have ignored the statutory requirement to obtain Certificates of Registration from the State Fire Marshal's Office of the Illinois Department of Law Enforcement.

2. Many of the fireworks companies in Illinois have ignored the statutory provisions concerning safety requirements.

3. Some Illinois fireworks companies have knowingly engaged in illegal sales of fireworks to unlicensed bootleg traffickers.

E. State Enforcement

1. Over the past several years, State Fire Marshals have been remiss in effective enforcement of the statutory provision which requires fireworks companies to obtain a Certificate of Registration. The incumbent State Fire Marshal should proceed promptly to require such compliance, and to initiate prosecution where compliance is ignored.

2. In the Commission's proposed new fireworks law, the responsibility for periodic inspections of fireworks plants will be transferred from the State Fire Marshal to the Department of Mines and Minerals. We have been advised that the State Fire Marshal has now put into effect a policy of more frequent inspections. The Commission commends that action and trusts that its implementation

will continue.

3. Our investigation disclosed that some fireworks companies were cited for safety violations but took no action to correct those situations. We recommend that the State Fire Marshal initiate timely prosecution against those companies who fail to make the necessary corrections within the allotted period of time.

4. The incumbent State Fire Marshal's Office should discontinue the practice, initiated and followed by prior State Fire Marshals, of conducting hearings, with no stenographic or other accurate record being maintained of the proceedings in those instances where hearings have been held in connection with appeals of Orders to correct safety violations.

5. The Commission strongly recommends that appropriate liaison be established between Fire Chiefs throughout Illinois and the State Fire Marshal in order that prompt notification be made of the existence of companies engaged now, or in the future, in the manufacturing, assembling, processing or sale of fireworks.

6. The records of the incumbent Illinois State Fire Marshal, and those of prior State Fire Marshals, with respect to data concerning fireworks companies were in very bad condition. That office is urged to vastly improve its record system.

7. We commend the incumbent State Fire Marshal for the splendid assistance furnished by him, and members of his staff to this Commission, during the course of our investigation. We also commend him for the strenuous efforts made by his office to correct shortcomings disclosed by our investigation.

F. Legislation

1. The current Illinois fireworks law is archaic, ineffective, and does not address itself to the serious fireworks problem.

2. The law the Commission proposes, and which appears in its entirety in Appendix A, should replace the existing law.

3. The primary objective of the proposed law is to protect the public welfare, which in the past has been disregarded by fireworks companies.

4. Salient features of the proposed law are contained in the last section of the preceding chapter.

Appendix

Proposed

FIREWORKS REGULATION ACT

ARTICLE I. DEFINITIONS

Section 1.

As used in this Act, unless the context otherwise requires:

(a) "Advertise" means an announcement made publicly with any sign, card, or notice, or by any other means, on which appears a person's name or business name style offering to sell or transfer fireworks or pyrotechnic devices.

(b) "Barricade" means a natural or artificial barrier that will effectively screen a magazine, building, railway, or highway from the effects of an explosion in a magazine or building containing explosives, including fireworks, and shall be of such height that a straight line from the top of any sidewall of a building or magazine containing explosives to the eave line of any magazine, or building, or to a point twelve (12) feet above the center of a railway or highway, will pass through such natural or artificial barrier.

(c) "Breakaway construction" is a general term which applies to the principle of purposely providing a weak wall so that the explosive effects can be directed and minimized. The term "weak wall" as used in this Act refers to a weak wall, weak wall and roof, or weak roof.

(d) "Department" shall mean the Department of Mines and Minerals or its successor agency.

(e) "Director" shall mean the Director of the Department of Mines and Minerals or its successor agency and shall also include any individual designated by the Director as his representative.

(f) "Distributor" means any person who sells, consigns, or delivers fireworks to another person and shall include an exporter, importer, wholesaler, and retailer as defined in this Section.

(g) "Emergency signaling device" means a pyrotechnic device designed and intended by the manufacturer to be used as such and which provides a reasonable degree of safety to the user and does not create a fire hazard when used according to the label of instructions.

(h) "End fuse" means a fuse inserted into any fireworks or pyrotechnic device at the end as distinguished from the side of such item.

(i) "Exporter" means any person who sells, consigns, or delivers fireworks located within this State for delivery, use, or sale out of this State, but who is not involved in the manufacturing or operation of a fireworks display unless licensed by the Department of Mines and Minerals and/or has been issued a permit prior to the date of the fireworks display by the State Fire Marshal.

(j) "Explosive" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters, any material determined to be within the coverage of 18 U.S.C., Chapter 40, Inspection, Manufacture, Distribution, Storage of Explosive Materials, and any material classified as an explosive in the regulations of the U.S. Department of Transportation.

(k) "Fireworks" means any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect for a temporary exhibitional nature by combustion, deflagration, detonation, or explosion. Fireworks or any explosive used in the manufacture of fireworks shall be classified as Class A, Class B, or Class C in accordance with Subpart B of Part 173 of Chapter 1 of Title 49 of the United States Code of Federal Regulations.

(1) "Agricultural and wildlife fireworks" means fireworks designed and intended by the manufacturer to be used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both.

(2) "Dangerous fireworks" includes all of the following:

(a) All fireworks defined as Class A or Class B explosives;

(b) Any fireworks which contain any of the following:

- (1) Arsenic;
- (2) Phosphorus;
- (3) Thiocyanate;
- (4) Magnesium;
- (5) Mercuric chloride;
- (6) Potassium picrate;
- (7) Gallic acid;
- (8) Chlorates of alkaline or metallic salts; or
- (9) Gunpowder.

(c) Firecrackers, salutes, and other articles which explode;

(d) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge;

(e) Roman candles, including all devices which discharge balls of fire into the air;

(f) Chasers, including all devices which dart or travel about the surface of the ground during discharge;

(g) Sparklers more than ten (10) inches in length or one-fourth ($\frac{1}{4}$) of one (1) inch in diameter;

(h) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches;

(i) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the Department pursuant to this Act;

(j) Torpedoes of all kinds which explode on impact;

(k) Fireworks kits;

(l) Such other fireworks examined and tested by the Director and determined by him to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specifically qualified or trained in the use of fireworks.

(3) "Safe and sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks."

(1) "Fireworks kit" means any assembly of materials or explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would come within the definition of "fireworks."

(m) "Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire, or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or hindrance, to the prevention or extinguishment of fire.

(n) "Fireworks factory building" means any building or other structure in which the manufacture of fireworks, or in which processing involving fireworks, is carried on.

(o) "Fireworks plant" means and shall include all lands, with buildings or other structures thereon, used in connection with the manufacture, processing, or storage of fireworks.

(p) "Highway" means any public street, public alley, or public road.

(q) "Importer" means any person who, for any purpose, does any of the following:

(1) Brings fireworks into this State or causes fireworks to be brought into this State;

(2) Buys or contracts to buy fireworks for shipment into this State.

(r) "Inhabited building" means a building or structure regularly used in whole or part as a place of human habitation, and includes any church, school, store, passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excludes any building or structure used for the storage of explosive materials, including fireworks.

(s) "Label of registration" means the label of registration issued by the Director for those fireworks which the Director has classified as "safe and sane," and which is affixed to such fireworks.

(t) "License" means any nontransferable authorization granted by the Department to manufacture, sell, import, or export fireworks, or to operate a public display of fireworks.

(u) "Licensee" means any person possessing a fireworks license issued pursuant to this Act.

(v) "Magazine" means any building or structure meeting the requirement specified in Article V.

(w) "Manufacture of fireworks" means the engaging in any or all of the following acts:

- (1) The preparation of fireworks mixes;
- (2) The loading and assembly of fireworks;
- (3) The packaging or repackaging of fireworks to obtain a finished state; or
- (4) The packaging or repackaging of fireworks which have been previously placed in a finished state.

(x) "Manufacturer" means any person who engages in the manufacture of fireworks.

(y) "Mixing building" means any building used primarily for mixing and blending pyrotechnic composition, excluding wet sparkler mixes.

(z) "Motor vehicle" means any self-propelled passenger vehicle, truck, tractor, semi-trailer, or truck-full trailer used for the transportation of freight over public highways.

(aa) "Nonprocess building" means office buildings, warehouses, and other fireworks plant buildings where no fireworks or explosive or chemical compositions are processed or stored.

(bb) "Package" includes any case, container, or receptacle used for holding fireworks, which is closed or sealed by tape, cordage, or by any other means.

(cc) "Permit" means the nontransferable permission granted by the State Fire Marshal to a licensed fireworks display operator for the purpose of directly operating a public display of dangerous fireworks.

(dd) "Person" means any individual, partnership, organization, firm, corporation, association, or any combination thereof, or any city, county, city and county, and state, and shall include any of their employees and authorized representatives.

(ee) "Process building" means any building in which pyrotechnic or explosive composition is pressed or otherwise prepared for finishing and assembling, or any finishing and assembling building, including a building

used for preparation of fireworks for shipment. If a pyrotechnic or explosive composition while in the state of processing is stored in a process building, the building is classified as a process building.

(ff) "Public conveyance" means any vehicle carrying passengers for hire.

(gg) "Public display of fireworks" means an exhibition where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks.

(hh) "Public place" means any building, structure, or improved area which is used primarily by the general public as a place of gathering or amusement, including theatres, restaurants, hotels and stadiums, and also means all public streets, alleys, highways, bridges, viaducts, and other public properties.

(ii) "Pyrotechnic compositions" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere.

(jj) "Pyrotechnic device" means any combination of materials, including pyrotechnic compositions, which, by the agency of fire, produce an audible, visual, mechanical, or thermal effect designed and intended to be useful for industrial, agricultural, personal safety, or educational purposes. The term "pyrotechnic device" includes, but is not limited to, agricultural and wildlife fireworks, model rockets, emergency signaling devices, and special effects.

(kk) "Pyrotechnic operator" and "fireworks display operator" means any individual to whom a license has been issued by the Department indicating that such individual has by examination, experience, and training demonstrated the required skill and ability to use and discharge dangerous fireworks.

(ll) "Retailer" means any person who sells or offers to sell fireworks to retail buyers.

(mm) "Railway" means any steam, electric, diesel, or other railroad or railway which carries passengers for

hire on the particular railway line or branch in the vicinity where explosives or fireworks are stored or where fireworks manufacturing buildings are situated.

(nn) "Salesman" means any person who, as an employee of a manufacturer or wholesaler, solicits, accepts, or receives an order for fireworks for a licensee.

(oo) "Sell" means any arrangement between two or more persons as a result of which there is a transfer or property for a consideration.

(pp) "Special effects" means articles containing any pyrotechnic composition manufactured and assembled, designed, or discharged in connection with television, theatre, or motion picture productions, which may or may not be presented before live audiences and any other articles containing any pyrotechnic composition used for commercial, industrial, educational, recreational, or entertainment purposes when authorized by the Department of Mines and Minerals and the State Fire Marshal.

(qq) "Squib" means a device containing a small quantity of ignition compound in contact with a bridge wire.

(rr) "Storage building" means any building, structure, or facility in which Class C fireworks in any state of processing or finished Class C fireworks are stored, but in which no processing or manufacturing is performed.

(ss) "Warehouse" means any building or structure used exclusively for the storage of materials, except fireworks or combustible or explosive compositions used to manufacture fireworks.

(tt) "Wholesaler" means any person, other than an importer, exporter, retailer, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale.

(uu) "Within this State" means all territory within the boundaries of Illinois.

ARTICLE II. ADMINISTRATION AND LICENSING

Section 1.

The Department of Mines and Minerals shall enforce and administer the provisions of this Article.

Section 2.

(a) The Director shall receive the advice of the State Fire Marshal and the Illinois Department of Labor, and shall request the assistance of the United States Occupational Safety and Health Administration, the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms, and the United States Consumer Product Safety Administration in the adoption of such rules and regulations relating to fireworks as may be necessary for the protection of life and property not inconsistent with the provisions of this Act.

(b) Such rules and regulations shall be consistent with the rules and regulations of the aforementioned Federal and State agencies in regard to the regulation of fireworks and shall include, but not be limited to, provisions for the following:

(1) Granting of licenses for the manufacture, wholesale or retail sale, import or export of all classes of fireworks;

(2) Classification of Class C fireworks as either "dangerous fireworks" or "safe and sane" fireworks;

(3) Registration of employees of licensees;

(4) Granting of licenses for research or experimentation with experimental or model rockets and missiles;

(5) Investigation, examination, and licensing of pyrotechnic operators;

(6) Transportation of all classifications of fireworks, emergency signaling devices, and exempt fireworks.

(c) The Director shall promulgate such rules and regulations no later than six (6) months after the effective date of this Act.

Section 3.

(a) No person shall engage in the manufacturing, wholesaling, importing, or exporting of fireworks or any combination of such activities until said person has been licensed by the Department to engage in such activity or activities.

(b) Any person engaged in the manufacturing, wholesaling, importing, or exporting of fireworks or any combination of such activities prior to the effective date of this Act, shall file within ten (10) days after the effective date of this Act an application to engage in such activity or activities. Such person shall not be prohibited from engaging in such activity or activities until such date as the application may be denied and notice of same is received by such person.

(c) Application for a license shall be made on a form supplied by the Department. The application shall be submitted to the Department and shall be accompanied by the appropriate license fee set forth in Section 20. The application shall contain such information as is required by the rules and regulations adopted by the Director. The applicant shall submit with the application an affidavit stating that the applicant's facilities conform to local zoning ordinances, local building and fire safety standards, and any other local ordinances or regulations pertaining to the manufacturing, storage, wholesaling, importing, or exporting of fireworks. If an applicant proposes to construct a fireworks plant, such person shall also submit a copy of the architectural drawings for such plant with the application.

(d) Upon receipt of such application and license fee, the Director shall conduct an investigation in accordance with the rules and regulations promulgated by the Department. In such investigation, the Director shall request and receive the assistance of the State Fire Marshal, the Illinois Department of Labor, the local police chief or sheriff, and

the local fire chief of the area in which the applicant proposes to manufacture, wholesale, import, or export fireworks. The Director shall also request the assistance of the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms in the investigation.

(e) If the Director determines that the applicant has complied with all the State laws and local ordinances regarding fireworks to which the applicant may be subject, a license shall be granted. If the license application is denied, the Director shall notify the applicant in writing of the denial and of the reasons therefor.

(f) A license issued in accordance with the provisions of this Section and all renewals of a license shall be in effect for a period of one year. Application for renewal of a license shall be made to the Department not more than sixty (60) days, nor less than thirty (30) days prior to the expiration of a license. Such application shall be made on a form supplied by the Department.

(g) After a license has been granted or renewed by the Department, the Director shall notify, in writing, the State Fire Marshal, the Illinois Department of Labor, the local police chief or sheriff, and the local fire chief of the area in which the applicant proposes to manufacture, wholesale, import, or export fireworks, of the name of the licensee, the location of the facilities to be used by the licensee, the license number assigned to the licensee, and any other information which the Director deems necessary.

(h) Whenever a State or local law enforcement authority becomes aware of a person who is engaging in the manufacturing, wholesaling, importing, or exporting of fireworks without being properly licensed, that authority shall take immediate action to terminate such activity or activities and shall inform the Department of such action.

(i) No licensee shall transfer or relinquish ownership of fireworks in any manner other than in accordance with the rules and regulations promulgated by the Director.

Section 4.

(a) No person shall engage in the retail sale of dangerous fireworks until said person has been licensed by the Department to engage in such activity.

(b) Any person engaged in the retail sale of dangerous fireworks prior to the effective date of this Act shall file, within ten (10) days after the effective date of this Act, an application to engage in such activity. Such person shall not be prohibited from engaging in such activity until such date as the application may be denied, and notice of same is received by such person.

(c) Application for a license shall be made on a form supplied by the Department. The application shall be submitted to the Department and shall be accompanied by the appropriate license fee set forth in Section 20. The application shall contain such information as is required by the rules and regulations adopted by the Director. The applicant shall submit with the application an affidavit stating that the applicant's facilities conform to local zoning ordinances, local building and fire safety standards, and any other local ordinances or regulations pertaining to the retail sale of dangerous fireworks.

(d) Upon receipt of such application and license fee, the Director shall conduct an investigation in accordance with the rules and regulations promulgated by the Department. In such investigation, the Director shall request and receive the assistance of the State Fire Marshal, the Illinois Department of Labor, the local police chief or sheriff, and the local fire chief of the area in which the applicant proposes to engage in the retail sale of dangerous fireworks. The Director shall also request the assistance of the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms, in the investigation.

(e) If the Director determines that the applicant has complied with all the State laws and local ordinances regarding fireworks to which the applicant may be subject, a license shall be granted. If the license application is denied, the Director shall notify the applicant, in writing, of the denial and of the reasons therefor.

(f) A license issued in accordance with the provisions of this Section, and all renewals of a license, shall be in effect for a period of one year. Application for renewal of a license shall be made to the Department not more than sixty (60) days, nor less than thirty (30) days, prior to the expiration of a license. Such application shall be made on a form supplied by the Department.

(g) After a license has been granted or renewed by the Department, the Director shall notify, in writing, the State Fire Marshal, the Illinois Department of Labor, the local police chief or sheriff, and the local fire chief of the area in which the applicant proposes to engage in the retail sale of dangerous fireworks, of the name of the licensee, the location of the facilities to be used by the licensee, the license number assigned to the licensee, and any other information which the Director deems necessary.

(h) Whenever a State or local law enforcement authority becomes aware of a person who is engaging in the retail sale of dangerous fireworks without being properly licensed, that authority shall take immediate action to terminate such activity or activities and shall notify the Department of such action.

(i) No licensed retailer of dangerous fireworks shall transfer or relinquish ownership of dangerous fireworks in any manner other than through the course of a retail sale of such fireworks to a licensed pyrotechnic operator, except that a licensed retailer of dangerous fireworks may transfer or relinquish ownership of agricultural and/or wildlife fireworks through the course of a retail sale to any person to whom a permit to use agricultural and/or wildlife fireworks has been issued by the Department.

Section 5.

(a) No person shall engage in the retail sale of safe and sane fireworks until said person has been licensed by the Department to engage in such activity.

(b) Application for a license shall be made on a form supplied by the Department. The application shall be submitted to the Department and shall be accompanied by the appropriate licensee fee set forth in Section 20. The

application shall contain such information as is required by the rules and regulations adopted by the Director. The applicant shall submit with the application an affidavit stating that the applicant's facilities conform to local zoning ordinances, local building and fire safety standards, and any other local ordinances or regulations pertaining to the retail sale of safe and sane fireworks. Such application shall be submitted to the Department not more than ninety (90) days, nor less than sixty (60) days, prior to the period of time for which application to sell safe and sane fireworks is made.

(c) Upon receipt of such application and license fee, the Director shall conduct an investigation in accordance with the rules and regulations promulgated by the Department. In such investigation, the Director shall request and receive the assistance of the State Fire Marshal, the Illinois Department of Labor, the local police chief or sheriff, and the local fire chief of the area in which the applicant proposes to engage in the retail sale of safe and sane fireworks. The Director may also request the assistance of the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms, in the investigation.

(d) If the Director determines that the applicant has complied with all the State laws and local ordinances regarding fireworks to which the applicant may be subject, a license shall be granted. If the license application is denied, the Director shall notify the applicant, in writing, of the denial and of the reasons therefor.

(e) A license to sell safe and sane fireworks at retail prices shall authorize the sale of safe and sane fireworks within this State only during the period between noon on the 28th day of June and noon on the 6th day of July of the same calendar year, and shall expire at the end of such period.

(f) After a license has been granted by the Department, the Director shall notify, in writing, the State Fire Marshal, the Illinois Department of Labor, the local police chief or sheriff, and the local fire chief of the area in which the applicant proposes to engage in the retail sale of safe and

sane fireworks, of the name of the licensee, the location of the facilities to be used by the licensee, the license number assigned to the licensee, and any other information which the Director deems necessary.

(g) Whenever a State or local law enforcement authority becomes aware of a person who is engaging in the retail sale of safe and sane fireworks without being properly licensed, that authority shall take immediate action to terminate such activity and shall inform the Department of such action.

(h) No licensed retailer of safe and sane fireworks shall transfer or relinquish ownership of safe and sane fireworks to an individual in any manner other than through the course of a retail sale of such fireworks to an individual of the age of at least eighteen (18) years.

Section 6.

(a) No individual shall receive, possess, purchase, ignite, or cause to ignite, any dangerous fireworks until said individual is licensed by the Department as a pyrotechnic operator.

(b) Application for a license shall be made on a form supplied by the Department. The application shall be submitted to the Department and shall be accompanied by the appropriate license fee set forth in Section 20. The application shall contain such information as is required by the rules and regulations adopted by the Director.

(c) The rules and regulations established by the Director shall include, but not be limited to, provisions which set forth the means by which the ability of the applicant to safely operate a pyrotechnic display shall be determined.

(d) If the Director determines that the applicant has complied with the rules and regulations set forth by the Department in regard to fireworks, such applicant shall be granted a license. If the license application is denied, the Director shall notify the applicant, in writing, of the denial and of the reasons therefor.

(e) A license issued in accordance with the provisions of this Section, and all renewals of a license, shall be in effect for a period of one (1) year. Application for renewal of a license shall be made to the Department not more than sixty (60) days, nor less than thirty (30) days, prior to the expiration of a license. Such application shall be made on a form supplied by the Department.

(f) After a license has been granted or renewed by the Department, the Director shall notify, in writing, the State Fire Marshal of the name of the licensee, the location of the facilities to be used by the licensee, the license number assigned to the licensee, and any other information which the Director deems necessary.

(g) Whenever a State or local law enforcement authority becomes aware of an individual who is engaged as a pyrotechnic operator without being properly licensed, that authority shall take immediate action to terminate such activity and shall inform the Department of such action.

Section 7.

(a) No person shall possess or use agricultural and/or wildlife fireworks until said person has been issued a permit by the Department to engage in such activity.

(b) Application for a permit to possess or use agricultural and/or wildlife fireworks shall be made on a form supplied by the Department. The application shall be submitted to the Department and shall be accompanied by the appropriate permit fee set forth in Section 20. The application shall contain such information as is required by the rules and regulations adopted by the Director.

(c) Such permits to possess or use agricultural and/or wildlife fireworks shall be granted only to farmers, ranchers, or growers who are engaged in a wildlife management program administered by the United States Department of Agriculture, or by any other State, county, or municipal agency. The applicant must submit evidence to the Department of involvement in such a program as of the time the application is submitted, in addition to any information required by the Director.

(d) A permit to possess or use agricultural and/or wildlife fireworks shall state the exact quantity and type of agricultural and/or wildlife fireworks which the permittee shall be allowed to purchase. Such quantity shall be no greater than the amount required to control the problem.

(e) Permits to possess or use agricultural and/or wildlife fireworks shall not be granted if other means of control are available.

(f) A permit to possess or use agricultural and/or wildlife fireworks shall be in effect for a period of time to be determined by the Director, but such period of time shall not exceed three (3) months.

Section 8.

Except as provided in Section 9, the authority to perform any acts permitted by a license issued under this Act shall be limited to the licensee and shall not be transferable.

Section 9.

(a) An employee of a licensee or of a person to whom a permit to possess or use agricultural and/or wildlife fireworks has been issued shall register with the Department in accordance with the rules and regulations adopted by the Director.

(b) No individual, other than a licensed pyrotechnic operator, shall be permitted to ignite dangerous fireworks, except as provided in subsection (c).

(c) An employee of a person to whom a permit to possess or use agricultural and/or wildlife fireworks has been issued may ignite such fireworks even if such fireworks are dangerous fireworks and even if the employee is not a licensed pyrotechnic operator. Such employees shall only be permitted to ignite agricultural and/or wildlife fireworks in furtherance of the purposes for which the permit has been issued.

Section 10.

The Department shall deny the application for a license

or the application for renewal of a license filed by any individual who has been convicted of a felony.

Section 11.

The authority granted to an employee of a licensee or person to whom a permit to possess or use agricultural and/or wildlife fireworks has been issued, as provided in Section 9, shall not be granted to any individual who has been convicted of a felony.

Section 12.

A license to manufacture and/or distribute fireworks shall not be granted unless a manufacturer and/or a distributor is insured by a company authorized to engage in the insurance business in this State in the amount of not less than one hundred thousand dollars (\$100,000) for each person, and three hundred thousand dollars (\$300,000) for each occurrence, without any deductible, against any loss or liability on account of the death, bodily injury, or disability of an employee or other person, and in the amount of not less than five hundred thousand dollars (\$500,000) for each occurrence, without any deductible, for damage to or destruction of another person's property, which arises out of the manufacture, storage, transportation, or ignition of any of the types of fireworks manufactured and/or distributed by such manufacturer and/or distributor in its regular course of business or out of reliance upon a representation or warranty made at any time with respect thereto, and such insurance shall be applicable even if the death, bodily injury, disability, or property damage or destruction, occurs on the premises owned or rented to the manufacturer and/or distributor, and/or occurs before physical possession of such products has been relinquished to others.

Section 13.

Following the revocation or voluntary surrender of a license, or failure to renew a license, a licensee may sell or otherwise dispose of fireworks only under supervision of the Director and in such manner as the Director shall provide by regulation. Such disposal shall be accomplished not later than ninety (90) days from the legal revocation, voluntary surrender, or expiration of the license.

Section 14.

(a) All licensees shall maintain and make available to the Department of Mines and Minerals complete and accurate records showing all production, imports, exports, purchases, sales, or other disposition or consumption of fireworks by explosives classification as designated in Subpart E of Part 173 of Chapter 1 of Title 49 of the United States Code of Federal Regulations, and as to whether such fireworks are dangerous fireworks or safe and sane fireworks. The Department shall make an examination of these books and records, and shall visit and inspect any building or other premises subject to the control of, or used by, the licensee for any purpose related to the manufacture, sale, storage, or display, at least six (6) times annually, for the purpose of enforcing the provisions of this Act.

(b) The Department shall be permitted to revise the requirements of this Section with regard to the number of inspections to be made of retailers of safe and sane fireworks and of pyrotechnic operators.

Section 15.

Each bill of lading, manifest, and invoice issued to cover the sale and/or shipment of fireworks shall bear the license or permit numbers of the seller and purchaser of such fireworks, except that such requirements do not apply to retail sellers and purchasers of safe and sane fireworks during the period of time prescribed in Section 5 of this Article.

Section 16.

All import and export licensees shall file a notice with the Department of Mines and Minerals prior to the arrival of any class of fireworks subject to the license he holds. The notice shall state all of the following:

- (a) Estimated date of arrival;
- (b) Type, kind, and quantity of fireworks;
- (c) Name of carrier;
- (d) Point of origin and bill of lading number;

- (e) Name and address of consignee; and
- (f) Load number of other identification carton marks.

Section 17.

In addition to the reports required under this Article, the Department may by rule or regulation require such additional reports from licensees as are necessary to carry out the purposes of this Act, and prescribe the form of such reports, including verification of the information to be given when filing such additional reports.

Section 18.

A licensee shall report any theft or loss of fireworks to the Department within twenty-four (24) hours after the discovery of the theft or loss. The report shall show the quantity, type and kind, classification of fireworks, and the location where the loss occurred.

Section 19.

In the event of the theft or loss of any fireworks or pyrotechnic devices, the State Fire Marshal and the fire authorities in the location where the theft or loss occurred shall cooperate with the Department in conducting a joint investigation of the circumstances of such theft or loss.

Section 20.

(a) The initial fee for fireworks licenses and permits shall be as follows:

(1) Manufacturers	\$1,000
(2) Distributor-Wholesaler.	500
(3) Distributor-Importer and Exporter.	500
(4) Distributor-Retailer of Dangerous Fireworks	200
(5) Distributor-Retailer of Safe and Sane Fireworks.	25
(6) Pyrotechnic Operator.	20
(7) Permittees-Agricultural and/or Wildlife.	20
Fireworks Possession or Usage	

(b) The initial license fee for a license to engage in a combination of the activities set forth in subsections (a) (1) - (a) (5) shall not be cumulative but shall be equal to the amount charged for the activity in such combination of activities for which the highest fee is charged.

Section 21.

The annual fee for renewal of fireworks licenses and permits shall be as follows:

(a) Manufacturers	\$250
(b) Distributor-Wholesaler.	250
(c) Distributor-Importer and Exporter	250
(d) Distributor-Retailer of Dangerous Fireworks.	100
(e) Pyrotechnic Operators	15

Section 22.

All money collected pursuant to this Article shall be deposited in the General Fund.

Section 23.

(a) The Department shall suspend any license issued pursuant to this Act if it finds any of the following conditions have occurred:

(1) The licensee has failed to pay the annual renewal license fee provided in this Article;

(2) The licensee has violated any provisions of this Act or any regulations adopted by the Director pursuant thereto;

(3) The licensee has created or caused a fire nuisance;

(4) The licensee has failed to keep full, complete, and accurate records of failed to file any required reports;

(5) Any fact or condition exists which, if it had existed at the time of the original application for such license reasonably would have warranted the Department's originally refusing to issue such license;

(6) Any licensee has refused to make available to the Director complete and accurate records;

(7) The licensee has violated any rule or regulation regarding fireworks, which has been adopted by the Department.

(b) Such suspension shall be in effect for a period of time not to exceed 72 hours. Prior to the expiration of the suspension period, the Department shall conduct a hearing to determine whether the license shall be revoked.

Section 24.

(a) If a license is suspended or revoked, the Department of Mines and Minerals shall file in its office a statement of the reasons therefor and furnish a copy of same to the holder of such license. No person shall manufacture, store, sell, import, or export any fireworks or pyrotechnic devices after suspension or revocation of his license until there is compliance with this Act and a new license is issued.

(b) A record of the licenses suspended or revoked shall be kept on file in the office of the Department.

(c) Notification of a license suspension or revocation shall be made by the Department to the State Fire Marshal, the local police chief or sheriff, and the local fire chief of the area in which the licensee is engaged in the activity or activities for which a license was issued.

Section 25.

(a) The manner of conducting hearings provided for in Section 24 of this Article shall conform as nearly as may be to the provisions governing hearings set forth in Sections 60-c to 60-h, inclusive, of "The Civil Administrative Code of Illinois," approved March 7, 1973, as amended.

(b) In addition to the requirements for a hearing as set forth in subsection (a), at least two competent individuals designated by the Director shall conduct each hearing, and a complete and accurate transcription of each hearing shall be made.

Section 26.

Reports on fireworks transactions or the payment of license fees or penalties required by this part shall be deemed to have been made or paid at the time they are filed with, or paid to, the Department of Mines and Minerals, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

Section 27.

Any charges instituted by a State or local agency against applicants for a license or against licensees, which would be cause for the Department to initiate proceedings for revocation shall be filed with the Department within three years of the alleged act or omission.

Section 28.

(a) Nothing in this Act shall be construed to prohibit the use of fireworks by railroads, public utilities, public and private carriers or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

(b) Nothing in this Act shall be construed or held to abrogate or in any way affect the power of cities, villages, and incorporated towns to restrain or prohibit the sale of fireworks within their corporate limits.

Section 29.

Nothing in this Act shall be construed as prohibiting the manufacture, storage, or use of signals or fuses necessary

for the safe operation of railroads, trucks, aircraft, or other instrumentalities of transportation.

Section 30.

Except as otherwise provided by law, the Department of Mines and Minerals shall charge a fee in the amount of five dollars (\$5) for each certified copy of any record, document, or paper in his custody, or for certification of any document representing the content of any such record, document, or paper.

ARTICLE III. CLASSIFICATION OF FIREWORKS
AND PYROTECHNIC DEVICES

Section 1.

The Department of Mines and Minerals shall classify all fireworks and pyrotechnic devices in accordance with the provisions of this Act. No type of firework or pyrotechnic device shall be imported, sold, or offered for sale prior to examination and classification by the Director.

Section 2.

All fireworks examined by the Director and determined by him to come within the definition of "dangerous fireworks" shall be classified as dangerous fireworks.

Section 3.

All fireworks examined by the Director and determined by him to come within the definition of "safe and sane fireworks" shall be classified as safe and sane fireworks.

Section 4.

All fireworks examined by the Director and determined by him to come within the definition of "agricultural and wildlife fireworks" shall be classified as agricultural and wildlife fireworks.

Section 5.

All pyrotechnic devices examined by the Director and found by him to come within the definition of "emergency signaling devices" shall be classified by the Director as emergency signaling devices.

Section 6.

(a) A manufacturer, importer, exporter, or wholesaler shall stamp or label each case or carton of fireworks with the classification designated by the Department for such fireworks; and each case or carton of fireworks shall also bear the licensee's registration number.

(b) A label of registration shall be permanently affixed to each safe and sane firework. Such label shall bear the words "safe and sane," and shall also include the registration number of the manufacturer.

Section 7.

Fireworks or pyrotechnic devices to be examined and classified by the Department shall be submitted by manufacturers, wholesalers, importers, and exporters who hold a valid license.

ARTICLE IV. PERMITS FOR PUBLIC FIREWORKS DISPLAYS

Section 1.

Except as hereinafter provided, no pyrotechnic operator shall use or explode any fireworks or put on a display of fireworks or pyrotechnic devices in a public place unless prior to such use, explosion, or display a permit is obtained from the State Fire Marshal.

Section 2.

Such permits may be granted only to a pyrotechnic operator upon written application to the State Fire Marshal and after approval of the local police and fire authorities

of the community wherein the display is proposed to be held as provided herein and the filing of a bond by the applicant as provided hereinafter. Said application shall be made at least fifteen (15) days in advance of the use, explosion, or display, and action shall be taken on such application within forty-eight (48) hours after such application is made. Each such display shall be handled by a pyrotechnic operator licensed by the Department and shall be of such composition, character, and so located, discharged, or fired in a manner which, in the opinion of the chief of the fire department and of the chief of police or sheriff of the locality in which such fireworks display is to occur, shall not be hazardous to property or endanger any person or persons. After such permit shall have been granted, sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Section 3.

The State Fire Marshal shall adopt regulations which shall designate the unit of local government which shall require a bond from the licensee in a sum of not less than one thousand dollars (\$1,000) conditioned upon compliance with the provisions of this law and the regulations of the State Fire Marshal adopted hereunder, provided no unit of local government shall be required to file such bond.

Section 4.

Any pyrotechnic operator applying for a public display permit shall furnish to the State Fire Marshal evidence of a policy of public liability and property damage insurance. Such policy shall be in the amount of not less than one hundred thousand dollars (\$100,000) for each person and three hundred thousand dollars (\$300,000) for each occurrence, against any loss or liability on account of the death, bodily injury, or disability of an employee or other person, and in the amount of not less than one hundred thousand dollars (\$100,000) for each occurrence, as payment for damage to or destruction of another person's property, which may result from, or be caused by, such public display of fireworks, or any negligence on the part of the licensee

or his or its agents, servants, employees. Such insurance shall be without deductibles.

Section 5.

The certificate of insurance shall provide all of the following:

(a) That the insurer will not cancel the insured's coverage without fifteen (15) days' prior written notice to the State Fire Marshal;

(b) That the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the State of Illinois, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned;

(c) That the State shall not be responsible for any premium or assessments on the policy.

Section 6.

No permit shall be issued under the provisions of this Article to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this State until such person, firm, or corporation shall have appointed in writing a member of the bar of this State and residing therein to be his attorney upon whom all process in any action or proceeding against him shall be served.

Section 7.

An original and three copies of each permit to use or explode any fireworks, or to put on a public display of fireworks, shall be made by the State Fire Marshal. The original permit shall be retained in the files of the State Fire Marshal. One copy shall be forwarded to the Department of Mines and Minerals. Two copies shall be forwarded to the applicant, one of which shall be given to and retained by the person who sells fireworks to the pyrotechnic operator.

Section 8.

The application for a permit shall set forth:

(a) The name of the organization sponsoring the display together with the name of the pyrotechnic operator or operators in charge of the firing of the display;

(b) Evidence of financial responsibility;

(c) The date and time of day when the display is to be held;

(d) The proposed location of the display;

(e) A description setting forth the age, experience, and physical characteristics of the pyrotechnic operator or operators who are to do the actual discharging of the fireworks;

(f) The number and types of fireworks to be discharged;

(g) The manner in which such fireworks are to be stored prior to the display;

(h) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph, or telephone lines or other overhead obstruction.

Section 9.

(a) Upon receipt of such application at least fifteen (15) days in advance of the date set for this display, the chief of the fire department of the municipality, town, or village wherein the public display of fireworks is to be held shall make, or cause to be made, an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations have been satisfied. The chief of the fire department shall

confer with the chief of the police department of the municipality, town, or village wherein the public display of fireworks is to be held as to whether a permit should be issued. If they are satisfied that the display shall be conducted safely, the chiefs of the police and fire departments shall endorse the application, stating that they have determined that the display is in conformance with all laws pertaining to fireworks and with all rules and regulations promulgated by the State Fire Marshal. Failure to approve the application by either the fire chief or police chief shall be sufficient cause for the State Fire Marshal to deny the permit.

(b) The application, following endorsement by the chiefs of the fire and police departments, shall be sent to the State Fire Marshal, who shall then, upon receipt of evidence of financial responsibility as required by law in such cases, issue a nontransferable permit authorizing the display.

Section 10.

(a) No permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, or brush, nor in any case where the point at which the fireworks are to be fired is less than two hundred (200) feet from the nearest permanent building, public highway, railroad, or other overhead obstruction. In no case shall a display be fired within five hundred (500) feet of a school, theater, church, hospital, or similar institution.

(b) Spectators at a display of fireworks shall be restrained behind lines or barriers as designated by local authorities but in no case less than two hundred (200) feet from the point at which the fireworks are to be discharged. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.

(c) All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly

as possible in a vertical direction, provided that where such fireworks are to be fired beside a lake or other large body of water, they may be directed in such a manner that the falling residue from the deflagration will fall into the said body of water.

(d) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safe for the particular type of fireworks. The debris from the discharged fireworks shall be properly removed by the operator before he leaves the premises. The operator, upon the conclusion of the display, shall make a complete and thorough search for any unfired fireworks or pieces which have failed to fire or function and shall dispose of them in a safe manner. Such search shall be instituted no later than the first period of daylight which follows.

(e) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than twenty (20) miles per hour.

(f) All fireworks articles and items at the site of a public display shall be stored in a manner and in an enclosure secure from fire, accidental discharge, and theft, and in a manner approved by the local fire chief having jurisdiction.

Section 11.

(a) A licensed pyrotechnic operator shall be in charge of the firing of the fireworks in a display. Such operator shall have his license in his possession when engaged in conducting a display and shall exhibit same on request of any authorized person. Said license may be immediately suspended by the State Fire Marshal or local fire or police department for any violation of this Article or when the licensee's conduct or condition of sobriety is such as to imperil the public safety. Each person assisting the licensed operator shall be at least eighteen (18) years of age.

(b) If a pyrotechnic operator's license is suspended, a hearing shall be conducted by the Department within ten (10)

days from the date of suspension to determine if the license shall be permanently revoked. Such hearing shall be in accordance with the provisions of Article III of this Act.

Section 12.

(a) Fire protection and extinguishing equipment shall be provided by the pyrotechnic operator as required by the chief of the fire department having jurisdiction over the display.

(b) The chief of the fire department having jurisdiction over the display shall station one member of the local fire department or such larger number as may be deemed necessary at each public display for which a permit has been issued. Fire department personnel shall be on duty from the time the fireworks are delivered at the site until the removal of all fireworks and debris from the site. The expense for such firemen shall be paid by the sponsor of the display.

(c) All disputes arising as a result of the administration of these rules and regulations shall be referred to the State Fire Marshal, who shall be the final authority in all cases.

Section 13.

The State Fire Marshal shall adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by municipalities, fair associations, amusement parks, organizations, or groups of individuals.

Section 14.

Nothing herein shall prohibit any other local governmental unit from adopting reasonable rules and regulations for the granting of permits for supervised public displays of fireworks that are not inconsistent with this Act or with the rules and regulations established by the State Fire Marshal.

ARTICLE V. STORAGE OF CLASS A AND B EXPLOSIVES
BY LICENSEES UNDER THIS ACT.

Section 1.

(a) Licensees under this Act shall store Class A and/or B explosives in magazines that meet the construction requirements established in Sections 2 and 3 of this Article.

(b) Class A and/or B explosives shall be stored in magazines unless they are in the process of being manufactured, packaged, transported, or used.

(c) Explosive and/or highly flammable chemicals used in the manufacture of fireworks, partially finished fireworks, finished fireworks, and finished fireworks packaged for shipment shall be stored in separate magazines.

(d) Magazines containing Class A and/or B explosives shall be separated from inhabited buildings, passenger railways, public highways, and other magazines by barricades. The distances of separation shall be in accordance with Table I.

TABLE I

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Passenger railways	Public highways	Separation of magazines
2	5	70	30	30	12
5	10	90	35	35	16
10	20	110	45	45	20
20	30	125	50	50	22
30	40	140	55	55	24
40	50	150	60	60	28

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Passenger railways	Public highways	Separation of magazines
50	75	170	70	70	30
75	100	190	75	75	32
100	125	200	80	80	36
125	150	215	85	85	38
150	200	235	95	95	42
200	250	255	105	105	46
250	300	270	110	110	48
300	400	295	120	120	54
400	500	320	130	130	58
500	600	340	135	135	62
600	700	355	145	145	64
700	800	375	150	150	66
800	900	390	155	155	70
900	1,000	400	160	160	72
1,000	1,200	425	170	165	78
1,200	1,400	450	180	170	82
1,400	1,600	470	190	175	86
1,600	1,800	490	195	180	88
1,800	2,000	505	205	185	90
2,000	2,500	545	220	190	98
2,500	3,000	580	235	195	104
3,000	4,000	635	255	210	116
4,000	5,000	685	275	225	122
5,000	6,000	730	295	235	130
6,000	7,000	770	310	245	136
7,000	8,000	800	320	250	144
8,000	9,000	835	335	255	150
9,000	10,000	865	345	260	156
10,000	12,000	875	370	270	164
12,000	14,000	885	380	275	174
14,000	16,000	900	405	280	180
16,000	18,000	940	420	285	188
18,000	20,000	975	435	290	196
20,000	25,000	1,055	470	315	210

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Pas-senger rail-ways	Public high-ways	Sepa-ration of maga-zines
25,000	30,000	1,130	500	340	224
30,000	35,000	1,205	525	360	238
35,000	40,000	1,275	550	380	248
40,000	45,000	1,340	570	400	258
45,000	50,000	1,400	590	420	270
50,000	55,000	1,460	610	440	280
55,000	60,000	1,515	630	455	290
60,000	65,000	1,565	645	470	300
65,000	70,000	1,610	660	485	310
70,000	75,000	1,655	675	500	320
75,000	80,000	1,695	690	510	330
80,000	85,000	1,730	705	520	340
85,000	90,000	1,760	720	530	350
90,000	95,000	1,790	730	540	360
95,000	100,000	1,815	745	545	370
100,000	110,000	1,835	770	550	390
110,000	120,000	1,855	790	555	410
120,000	130,000	1,875	810	560	430
130,000	140,000	1,890	835	565	450
140,000	150,000	1,900	850	570	470
150,000	160,000	1,935	870	580	490
160,000	170,000	1,965	890	590	510
170,000	180,000	1,990	905	600	530
180,000	190,000	2,010	920	605	550
190,000	200,000	2,030	935	610	570
200,000	210,000	2,055	955	620	590
210,000	230,000	2,100	980	635	630
230,000	250,000	2,155	1,010	650	670
250,000	275,000	2,215	1,040	670	720
275,000	300,000	2,275	1,075	690	770

Section 2.

(a) Magazines shall be constructed in conformity with the provisions of this Article, or may be of substantially equivalent construction.

(b) The ground around magazines shall be graded in such manner that water will drain away from the magazines.

(c) Magazines requiring heat shall be heated by either hot water radiant heating within the magazine building or air directed into the magazine building over either hot water or low pressure steam (15 psig maximum) coils located outside the magazine building.

(d) The magazine heating systems shall meet the following requirements:

(1) The radiant heating coils within the building shall be installed in such a manner that the fireworks containers cannot contact the coils, and air is free to circulate between the coils and the fireworks;

(2) The heating ducts shall be installed in such a manner that the hot air discharge from the duct is not directed against the fireworks or fireworks containers;

(3) The heating device used in connection with a magazine shall have controls that prevent the ambient building temperature from exceeding 130° F.;

(4) The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine, and shall be grounded;

(5) The electric fan motor and the controls for an electrical heating device used in heating water or steam shall have overloads and disconnects, which comply with the National Electrical Code. All electrical switch gear shall be located a minimum distance of twenty-five (25) feet from the magazine;

(6) The heating source for water or steam shall be separated from the magazine by a distance of not less than twenty-five (25) feet when such heating source is electricity, and fifty (50) feet when such heating source is fuel-fired. The area between the heating unit and the magazine shall be cleared of all combustible materials;

(7) The storage of fireworks and fireworks containers in the magazine shall allow uniform air circulation so temperature uniformity can be maintained throughout the stored materials.

(e) When lights are necessary inside the magazine, electric safety flashlights or electric safety lanterns shall be used.

(f) The authority having jurisdiction may authorize interior lighting of special design for magazines provided that adequate safety is maintained.

(g) When ventilation is required in a magazine, sufficient ventilation shall be provided to protect the stored materials in the specific area in which the magazine is located. Stored materials shall be so placed in the magazine as not to interfere with ventilation and shall be stored so as to prevent contact with masonry walls or with any steel or other ferrous metal by means of a non-sparking lattice or equivalent lining.

Section 3.

(a) A Type I storage facility shall be a permanent structure: a building, an igloo or Army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated.

(1) Buildings. All building type storage facilities shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. Ground around such storage facilities shall slope away for drainage.

(a) Masonry wall construction. Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than six (6) inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well-tamped coarse dry sand or weak concrete (a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior walls shall be covered with a nonsparking material.

(b) Fabricated metal wall construction. Metal wall construction shall consist of sectional sheets of steel or aluminum not less than number 14 gauge, securely fastened to a metal framework. Such metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than four (4) inches in thickness, or shall have at least a six-inch sand fill between interior and exterior walls. Interior walls shall be constructed of or covered with a nonsparking material.

(c) Wood frame wall construction. The exterior of outer wood walls shall be covered with iron or aluminum not less than number 26 gauge. An inner wall of nonsparking material shall be constructed so as to provide a space of not less than six (6) inches between the outer and inner walls, which space shall be filled with coarse dry sand or weak concrete.

(d) Floors. Floors shall be constructed of a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored.

(e) Foundations. Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.

(f) Roof. Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than number 26-gauge iron or aluminum fastened to 7/8-inch sheathing.

(g) Bullet-resistant ceilings or roofs. Where it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top of inner walls, storage facilities shall be protected by one of the following methods:

(1) A sand tray shall be located at the tops of inner walls covering the entire ceiling area, except that necessary for ventilation, lined with a layer of building paper, and filled with not less than four (4) inches of coarse dry sand.

(2) A fabricated metal roof shall be construction of 3/16-inch plate steel lined with four (4) inches of hardwood. (For each additional 1/16-inch of plate steel, the hardwood lining may be decreased one (1) inch.)

(h) Doors. All doors shall be constructed of 1/4-inch plate steel and lined with two (2) inches of hardwood.

Hinges and hasps shall be attached to the doors by welding, riveting, or bolting (nuts on inside of door). They shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(i) Locks. Each door shall be equipped with two (2) mortise locks; or with two (2) padlocks fastened in separate hasps and staples; or with a combination of a mortise lock and a padlock; or with a mortise lock that requires two (2) keys to open; or a three-point lock. Locks shall be five-tumbler proof. All padlocks shall be protected with 1/4-inch steel caps constructed so as to prevent sawing or lever action on the locks or hasps.

(j) Ventilation. Except at doorways, a two-inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than four (4) by six (6) inches. Vents in the foundation, roof, or gables shall be screened and offset.

(k) Exposed metal. No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities, and all nails therein shall be blind-nailed or countersunk.

(2) Igloos, Army-type structures, tunnels, and dugouts. Igloo, Army-type, tunnel, and dugout storage facilities shall be constructed of reinforced concrete, masonry, metal, or a combination of these materials. They shall have an earthmound covering of not less than twenty-four (24) inches on the top, sides, and rear. Interior walls and floors shall be covered with a nonsparking material. Storage facilities of this type

shall also be constructed in conformity with the requirements of paragraph (a)(4) and paragraphs (a)(8) through (11) of this Section.

(b) Type 2 Magazine. A Type 2 storage facility shall be a box, a trailer, a semi-trailer, or other mobile facility. It shall be bullet-resistant, fire-resistant, weather-resistant, theft resistant, and well ventilated. Hinges and hasps shall be attached to the covers or doors in the manner prescribed in subsection (a) and the locking system shall be that prescribed in subsection (a).

(1) Outdoor storage facilities shall be at least one (1) cubic yard in size and supported in such a manner so as to prevent direct contact with the ground. The sides, bottoms, tops, and covers or doors shall be constructed of $\frac{1}{4}$ -inch steel and shall be lined with two (2) inches of hardwood. Edges of metal covers shall overlap sides at least one (1) inch.

(2) The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

Section 4.

(a) The Director shall license each magazine in accordance with "Section 8 of an act regulating the manufacture, possession, storage, transportation, use, sale, or gift of explosives."

(b) Magazines shall be in the charge of an individual who is trained in the handling of all types of explosives and chemicals used in the manufacture of fireworks and who shall be at least twenty-one (21) years of age. This person shall be responsible for the enforcement of all safety precautions and shall keep an up-to-date inventory of the contents contained in the magazines. A complete inventory shall be posted at all times on the inside of the magazine door.

(c) All magazines containing Class A or B explosives shall be opened and inspected at intervals of not greater than three (3) days to determine whether there has been an unauthorized entry or attempted entry into the magazines or whether there has been an unauthorized removal of the contents of the magazines.

(d) Magazine doors shall be kept locked, except during time of placement and removal of stocks or during inspection.

(e) Safety rules covering the operations of magazines shall be posted on the interior of the magazine door.

(f) All stocks shall be stored so as to be easily counted and checked.

(g) Containers shall be piled in a stable manner.

(h) Containers of Class B fireworks shall be laid flat with top side up.

(i) Black powder in shipping containers, when stored in magazines with other explosives, shall be segregated. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down.

(j) Open containers shall be securely closed before being returned to a magazine. No containers may be opened in the magazine. No container without a closed lid may be stored in the magazine.

(k) Tools used for opening containers of Class B fireworks or black powder shall be constructed of nonsparking material, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber or wood mallet shall be used for opening or closing wood containers of explosives.

(l) Metal tools other than nonferrous transfer conveyors shall not be stored in any magazine containing Class A or B explosives.

(m) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and

rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of, in accordance with the instructions of the manufacturer.

(n) When magazines need interior repairs, all fireworks and/or chemicals shall be removed therefrom and the floors cleaned.

(o) In making exterior magazine repairs, when there is a possibility of causing sparks or fire, the fireworks and/or chemicals shall be removed from the magazine.

(p) Fireworks and/or chemicals removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the fireworks and/or chemicals shall be promptly returned to the magazine.

Section 5.

(a) Smoking, matches, open flames, spark-producing devices and firearms (except firearms carried by authorized guards) shall not be permitted inside of or within fifty (50) feet of magazines.

(b) The land surrounding magazines shall be kept clear of brush, dried grass, leaves, and similar combustibles for a distance of at least twenty-five (25) feet.

(c) Combustible materials shall not be stored within fifty (50) feet of magazines.

(d) Property upon which magazines are located shall be posted with signs reading "Explosives - Keep Off." Such signs shall be located so as to minimize the possibility of a bullet's traveling in the direction of the magazine if anyone shoots at the sign.

(e) The Director shall establish additional rules and regulations as he deems necessary.

Section 6.

(a) All persons engaged in the manufacturing, wholesaling, importing, or exporting of fireworks on the effective date of this Act shall comply with the requirements of this Article within three (3) years from the effective date of this Act.

(b) The Director shall establish a timetable for compliance with this Act by each person engaged in the manufacturing, wholesaling, importing, or exporting of fireworks on the effective date of this Act. During the course of each required inspection of such a manufacturer, wholesaler, importer, or exporter of fireworks, the Department shall determine if there has been compliance with the established timetable.

(c) Failure to adhere to the timetable established for compliance with this Article shall be grounds for license revocation.

ARTICLE VI. STORAGE OF CLASS C FIREWORKS

Section 1.

(a) Class C fireworks shall be kept in storage buildings that meet the requirements of this Article.

(b) Class C fireworks shall be stored in storage buildings unless they are in process of manufacture, being physically handled in the operating process, being used, packaged, or being transported.

(c) Storage buildings required by this Article shall be constructed in accordance with Section 2.

(d) Class C dangerous fireworks and safe and sane fireworks shall be stored in separate storage facilities.

(e) Chemicals used to manufacture Class C fireworks shall be stored in accordance with this Act.

(f) Storage buildings containing Class C dangerous fireworks shall be separated from inhabited buildings, passenger railways, public highways, other storage buildings, and magazines in accordance with Table II.

(g) Storage buildings containing "safe and sane" fireworks shall be separated from inhabited buildings, passenger railways, public highways, other storage buildings, and magazines in accordance with Table III.

TABLE II

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Pas-senger rail-ways	Public high-ways	Sepa-ration of Storage Buildings
2	5	35	15	15	6
5	10	45	17	17	8
10	20	55	22	22	10
20	30	63	25	25	11
30	40	70	27	27	12
40	50	75	30	30	14
50	75	85	35	35	15
75	100	95	37	37	16
100	125	100	40	40	18
125	150	108	42	42	19
150	200	117	47	47	21
200	250	127	52	52	23
250	300	135	55	55	24
300	400	147	60	60	27
400	500	160	65	65	29
500	600	170	68	68	31
600	700	177	72	72	32
700	800	187	75	75	33
800	900	195	77	77	35
900	1,000	200	80	80	36

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Pas-senger rail-ways	Public high-ways	Sepa-ration of Storage Buildings
1,000	1,200	213	85	82	39
1,200	1,400	225	90	85	41
1,400	1,600	235	95	87	43
1,600	1,800	245	97	90	44
1,800	2,000	253	102	92	45
2,000	2,500	272	110	95	49
2,500	3,000	290	117	97	52
3,000	4,000	317	127	105	58
4,000	5,000	342	137	112	61
5,000	6,000	365	147	117	65
6,000	7,000	385	155	122	68
7,000	8,000	400	160	125	72
8,000	9,000	417	167	127	75
9,000	10,000	432	172	130	78
10,000	12,000	437	185	135	82
12,000	14,000	442	190	137	87
14,000	16,000	445	202	140	90
16,000	18,000	470	210	142	94
18,000	20,000	487	217	145	98
20,000	25,000	527	235	157	105
25,000	30,000	565	250	170	112
30,000	35,000	602	262	180	119
35,000	40,000	637	275	190	121
40,000	45,000	670	285	200	129
45,000	50,000	700	295	210	135
50,000	55,000	730	305	220	140
55,000	60,000	757	315	227	145
60,000	65,000	782	322	235	150
65,000	70,000	805	330	242	155
70,000	75,000	827	337	250	160
75,000	80,000	847	345	255	165
80,000	85,000	865	352	260	170
85,000	90,000	880	360	265	175

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Passenger rail-ways	Public high-ways	Separation of Storage Buildings
90,000	100,000	907	372	272	185
100,000	110,000	917	385	275	195
110,000	120,000	927	395	277	205
120,000	130,000	937	405	280	215
130,000	140,000	945	417	282	225
140,000	150,000	950	425	285	235
150,000	160,000	967	435	290	245
160,000	170,000	982	445	295	255
170,000	180,000	995	452	300	265
180,000	190,000	1,005	460	302	275
190,000	200,000	1,015	467	305	285
200,000	210,000	1,027	477	310	295
210,000	230,000	1,050	490	317	315
230,000	250,000	1,077	505	325	335
250,000	275,000	1,107	520	335	360
275,000	300,000	1,137	537	345	385

TABLE III

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Passenger rail-ways	Public high-ways	Separation of Storage Buildings
2	5	23	10	10	6
5	10	30	12	12	8
10	20	37	15	15	10

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Passenger rail-ways	Public high-ways	Separation of Storage Buildings
20	.30	41	18	18	11
30	40	46	19	19	12
40	50	50	20	20	14
50	75	56	23	23	15
75	100	63	25	25	16
100	125	66	26	26	18
125	150	71	28	28	19
150	200	78	31	31	21
200	250	85	34	34	23
250	300	90	36	36	24
300	400	98	40	40	27
400	500	106	43	43	29
500	600	113	45	45	31
600	700	118	48	48	32
700	800	125	50	50	33
800	900	130	51	51	35
900	1,000	133	53	53	36
1,000	1,200	141	56	55	39
1,200	1,400	150	60	56	41
1,400	1,600	156	63	58	43
1,600	1,800	163	65	60	44
1,800	2,000	168	68	61	45
2,000	2,500	181	73	63	49
2,500	3,000	193	78	65	52
3,000	4,000	211	85	70	58
4,000	5,000	228	91	75	61
5,000	6,000	243	98	78	65
6,000	7,000	256	103	81	68
7,000	8,000	266	106	83	72
8,000	9,000	278	111	85	75
9,000	10,000	288	115	86	78
10,000	12,000	291	123	90	82
12,000	14,000	295	126	91	87

Explosives		Distances in Feet			
Pounds over	Pounds not over	In-habited buildings	Passenger rail-ways	Public high-ways	Separation of Storage Buildings
14,000	16,000	300	135	93	90
16,000	18,000	313	140	95	94
18,000	20,000	325	145	96	98
20,000	25,000	351	156	105	105
25,000	30,000	376	166	113	112
30,000	35,000	401	175	120	119
35,000	40,000	425	183	126	121
40,000	45,000	446	190	133	129
45,000	50,000	466	196	140	135
50,000	55,000	486	203	146	140
55,000	60,000	505	210	151	145
60,000	65,000	521	215	156	150
65,000	70,000	536	220	161	155
70,000	75,000	551	225	166	160
75,000	80,000	565	230	170	165
80,000	85,000	576	235	173	170
85,000	90,000	586	240	176	175
90,000	95,000	596	243	180	180
95,000	100,000	605	248	181	185
100,000	110,000	611	256	183	195
110,000	120,000	618	263	185	205
120,000	130,000	625	270	186	215
130,000	140,000	630	278	188	225
140,000	150,000	633	283	190	235
150,000	160,000	645	290	193	245
160,000	170,000	655	296	196	255
170,000	180,000	663	301	200	265
180,000	190,000	670	306	201	275
190,000	200,000	676	311	203	285
200,000	210,000	685	318	206	295
210,000	230,000	700	326	211	315
230,000	250,000	718	336	216	335
250,000	275,000	738	346	223	360
275,000	300,000	758	358	230	385

Section 2.

(a) Storage buildings for Class C fireworks may be a building, igloo, box, trailer, semi-trailer, or other mobile facility. They shall be constructed to resist fire from an outside source and to be weather-resistant and theft-resistant.

(b) Storage buildings for Class C fireworks shall be vented, or in the alternative, shall be constructed in such a manner that venting will occur by yielding of weaker parts of the structure under pressure generated by burning fireworks.

(c) All storage buildings shall be equipped with locking means for all openings.

(d) All doors shall open outward and all exits must be clearly marked. Aisles and exit doors shall be kept free of any obstructions.

(e) Only dust-proof, and ignition proof type electrical fixtures shall be used and wiring shall comply with Section 502-4(b) of the National Electrical Code. No wall receptacles are permitted. All light fixtures must have guards.

(f) An outside master electrical switch shall be provided at each storage building where electricity is used.

Section 3.

(a) Storage buildings shall be in the charge of an individual trained to handle all types of Class C fireworks and shall be at least twenty-one (21) years of age; that individual shall be held responsible for the enforcement of all safety precautions.

(b) Doors shall be kept locked, except during hours of operation.

(c) Safety rules covering the operations of storage buildings shall be posted.

(d) Containers shall be piled in a stable manner.

(e) Class C fireworks shall be stored in their original packaging and in unopened cases or cartons so as to take advantage of the insulation provided by such packaging; provided, however, unpackaged fireworks which have been returned by wholesalers may be temporarily retained in bins for repackaging.

(f) Tools used for opening containers of Class C fireworks shall be constructed of nonsparking material, except that metal slitters may be used for opening fiber-board containers.

(g) Storage buildings shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings shall be completely removed.

(h) When storage buildings need interior repairs, all fireworks shall be removed therefrom and the interior cleaned.

(i) In making exterior storage building repairs, when there is a possibility of causing sparks of fire, the fireworks shall be removed from the storage building.

(j) Fireworks removed from a storage building under repair shall either be placed in another storage building or placed a safe distance from the storage building, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the fireworks shall be promptly returned to the storage building.

Section 4.

(a) Smoking, matches, open flames, spark-producing devices and firearms (except firearms carried by authorized guards) shall not be permitted inside of or within twenty-five (25) feet of storage buildings.

(b) The land surrounding storage buildings shall be kept clear of brush, dried grass, leaves, and similar combustibles for a distance of at least twenty-five (25) feet, unless equivalent protection is provided.

(c) Smoking shall not be permitted in storage buildings or within twenty-five (25) feet of the storage building. There shall be conspicuously posted signs with the words "FIREWORKS -- NO SMOKING" in letters not less than four (4) inches high.

(d) The Director shall establish such additional rules and regulations as he deems necessary.

ARTICLE VII. MANUFACTURING OPERATIONS

Section 1.

All fireworks plants shall comply with the requirements of this Article.

Section 2.

(a) All fireworks plants shall be completely surrounded by a metal fence, having a minimum height of six (6) feet, on top of which there shall be three (3) strands of barbed wire. All buildings, except office buildings in which no processing or storage is permitted, must be located within the fence. All openings in the fence shall be equipped with metal gates which shall be kept securely locked at all times, except when in actual use; except that the main gate of the plant may be left open during the regular hours of plant operation while in plain view of and under observation by authorized employees or guards. Conspicuous signs indicating "EXPLOSIVES -- NO SMOKING -- NO TRESPASSING" shall be posted along the plant fence at intervals not to exceed one hundred (100) feet.

(b) No person, other than employees of fireworks plants, or anyone wishing to transact business with such plants, or any authorized representatives of law enforcement or regulatory agencies of Federal, State, or political subdivisions of State government shall be allowed in any fireworks plants.

Section 3.

(a) All mixing buildings shall be separated from other mixing buildings, inhabited buildings, public highways,

passenger railways, and magazines by no less than one hundred fifty (150) feet.

(b) All assembling buildings shall be separated from one another by no less than sixty (60) feet.

(c) Buildings used to package finished fireworks in preparation for shipment shall be separated from other such buildings used for that purpose, magazines, inhabited buildings, public highways, and passenger railways, by no less than two hundred fifty (250) feet.

Section 4.

(a) All mixing buildings and buildings used to package finished fireworks for shipment shall be barricaded.

(b) No more than fifty (50) pounds of flammable chemicals, such as star compounds, and no more than ten (10) pounds of explosive chemicals, such as black powder or flash powder, shall be prepared in mixing buildings at any time. Immediately after the chemicals have been prepared, they shall be removed to an appropriate storage facility.

(c) No more than one thousand (1,000) pounds of fireworks, gross weight, shall be permitted in buildings used to package finished fireworks for shipment at any time.

Section 5.

(a) Process buildings shall embody breakaway construction. The exterior of process buildings shall be constructed of materials no more combustible than painted wood.

(b) No building shall have a basement or be more than one (1) story high. Interior wall surfaces and ceilings of buildings shall be smooth, free from cracks and crevices, noncombustible, and with a minimum of horizontal ledges upon which dust may accumulate. Wall joints and openings for wiring and plumbing shall be sealed to prevent entry of dust. Floors and work surfaces shall not have cracks or crevices in which explosives or pyrotechnic compositions may lodge.

(c) Mixing and pressing buildings shall have conductive flooring, properly grounded.

(d) The exits in buildings in which fireworks are being processed shall comply with the requirements of General Industrial Occupancies in National Fire Prevention Association No. 101, Code for Safety to Life from Fire in Buildings and Structures, except that the number and location of exits shall be as specified in 1, 2, and 3.

(1) From every point in every undivided floor area of more than one hundred (100) square feet there shall be at least two (2) exits accessible in different directions. Where building floors are divided into rooms, there shall be at least two (2) ways of escape from every room of more than one hundred (100) square feet; toilet rooms need have only one (1) exit and shall be so located that the points of access thereto are away from or suitably shielded from fireworks processing areas.

(2) Exits shall be so located that it will not be necessary to travel more than twenty-five (25) feet from any point to reach the nearest exit. The routes to the exits shall be unobstructed.

(3) Exit doors shall open outward and shall be capable of being pressure-actuated from the inside.

(e) The Department shall promulgate appropriate regulations for provisions of this Section, and shall have the power to impose additional standards concerning building construction.

Section 6.

(a) No stoves, exposed flames, or electric heaters may be used in any part of a building except in a boiler room, machine shop, office building, pumphouse, or lavatory in which the presence of fireworks, fireworks components, or flammable chemicals are prohibited. Heating shall be by means of steam, indirect hot air radiation, hot water, or

any other means approved by local authorities. Unit heaters, located inside buildings that at any time contain explosive or pyrotechnic composition, shall be equipped with motors and switches suitable for use in Class II, Division 1 locations (in Article 502 of the National Electrical Code, National Fire Prevention Association No. 70).

(b) Where artificial lighting is required in fireworks processing buildings, it shall be by electricity. Temporary or loose electrical wiring shall not be used. Extension lights are prohibited except that during repair operations approved portable lighting equipment may be used after the area has been cleared of all pyrotechnic or explosive composition and after all dust has been removed by washing down.

(c) All wiring in process buildings shall be in rigid metal conduit or be Type MI cable. The wiring, lighting fixtures, and switches shall comply with the requirements for Class II, Division 1 locations (in Article 502 of the National Electrical Code, National Fire Prevention Association No. 70).

(d) Wiring, switches, and fixtures in storage buildings shall comply with the requirements for Class II, Division 2 locations (in Article 502 of the National Electrical Code, National Fire Prevention Association No. 70).

(e) All presses and other mechanical devices shall be properly grounded.

(f) A master switch shall be provided at the point where electric current enters the plant, which will, upon being opened, immediately cut off all electric current to the plant, except that to emergency circuits, such as a supply to a fire pump or emergency lighting.

(g) The Department shall promulgate appropriate regulations for provisions of this Section, and shall have the power to impose additional standards concerning building construction.

Section 7.

(a) The number of occupants in each mixing and assembling building and in each building used to package finished

fireworks for shipment and magazines shall be limited to that number necessary for the proper conduct of those operations. This requirement is for the purpose of minimizing personnel exposure and is distinct from any requirement on maximum building occupancy that may be in the local building code.

(b) The maximum number of occupants permitted in each process building and magazine shall be posted in a conspicuous location.

(c) No more than forty (40) pounds of flammable chemicals, such as star mixtures, and no more than five (5) pounds of explosive chemicals, such as black powder and flash powder, shall be permitted in any assembling building at any time.

(d) No more than one hundred (100) pounds, gross weight, of finished fireworks shall be permitted in any assembling building at any time.

Section 8.

(a) All buildings shall be kept clean, orderly, and free from accumulation of dust or rubbish. Powder or other explosive or pyrotechnic materials, when spilled, shall be immediately cleaned up and removed from the building.

(b) Rags, combustible, pyrotechnic or explosive scrap, and paper shall be kept separate from each other and placed in approved marked containers. All waste and reject hazardous material shall be removed from all buildings daily and removed from the plant at regular intervals and destroyed by submersion in water or by burning in a manner acceptable to local authorities.

(c) No smoking or carrying of lighted pipes, cigarettes, cigars, matches, lighters, or open flames is permitted within the plant fence; except that smoking may be permitted in office buildings or buildings used exclusively as lunchrooms or rest rooms and in which the presence of fireworks or any explosive composition is prohibited. Authorized smoking locations shall be so marked, contain suitable receptacles for cigarette and cigar butts and pipe residue, and contain at least one serviceable fire extinguisher. Persons whose

clothing is contaminated with explosives, pyrotechnic, or other dangerous materials to the degree that may endanger the safety of personnel shall not be permitted in smoking locations.

(d) Matches, cigarette lighters, or other flame-producing devices shall not be brought into any process building or magazine.

(e) No employee or other person shall enter or attempt to enter any fireworks plant with liquor or narcotics in his possession, or while under the influence of liquor or narcotics, or partake of intoxicants or narcotics or other dangerous drugs while in a fireworks plant.

(f) All persons working at or supervising the operations in fireworks mixing and pressing buildings shall be provided with, and wear, cotton working uniforms. In addition, conductive shoes shall be required for all Class B fireworks operations and all mixing, pressing, loading, and matching related to Class C fireworks. Facilities for changing into these uniforms and safekeeping for the employees' street clothes shall be provided. The uniforms shall be frequently washed to prevent accumulation of explosive or other pyrotechnic compounds, and shall not be worn outside the fireworks plant. Washing and shower facilities for employees shall be provided. All persons working in or supervising the operations in a process building shall wear protective clothing and eye protection as needed. All persons working in or supervising mixing areas shall wear respirators when the situation dictates their need.

(g) Each fireworks plant shall have an employee designated as safety officer. All employees of a fireworks plant, upon commencing employment and at least annually thereafter, shall be given formal instruction by this safety officer regarding proper methods and procedures in fireworks plants and safety requirements and procedures for handling explosives, pyrotechnics, and fireworks.

(h) In areas where there is a danger of ignition of materials by sparks, properly maintained and nonferrous safety hand tools shall be used.

(i) In no case shall oxidizers such as nitrates, chlorates, or perchlorates be stored in the same building with combustible powdered materials, such as charcoal, gums, metals, sulfur, or antimony sulfide.

Section 9.

Testing of fireworks and components of fireworks shall be performed in an area set aside for that purpose and located at a safe distance, considering the nature of the materials being tested, from any plant building or other structure. Prior to any tests being made, the Department shall approve said site.

Section 10.

(a) Fire extinguishers shall be provided in all buildings except those in which pyrotechnic mixtures are exposed. The number and location of extinguishers shall be in accordance with National Fire Prevention Association No. 10, Standard for the Installation of Portable Fire Extinguishers.

(b) Emergency procedures shall be formulated for each plant, which will include personnel instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.

(c) Emergency procedures shall include instruction in the use of portable fire extinguishers and instructions on the type of fires on which they may and may not be used.

(1) The employees shall be told that if a fire is involving or is in danger of spreading to pyrotechnic mixtures, they are to leave the building at once and follow prescribed procedures for alerting other employees.

(2) Extinguishers may be used on fires involving ordinary combustible materials, if the fire can be fought and extinguished without exposing pyrotechnic mixtures.

Section 11.

(a) All persons engaged in the manufacturing, wholesaling, importing, or exporting of fireworks on the effective date of this Act shall comply with the requirements of this Article within three (3) years from the effective date of this Act.

(b) The Director shall establish a timetable for compliance with this Act by each person engaged in the manufacturing, wholesaling, importing, or exporting of fireworks on the effective date of this Act. During the course of each required inspection of such a manufacturer, wholesaler, importer, or exporter of fireworks, the Department shall determine if there has been compliance with the established timetable.

(c) Failure to adhere to the timetable established for compliance with this Article shall be grounds for license revocation.

ARTICLE VIII. TRANSPORTATION OF FIREWORKS ON HIGHWAYS

Section 1.

(a) In addition to all other applicable requirements set forth in this Code, the transportation of fireworks over all highways shall be in accordance with U.S. Department of Transportation regulations. U.S. Department of Transportation regulations and changes lawfully on file and approved by the U.S. Department of Transportation are hereby adopted as a part of this Act.

(b) Fireworks shall not be transported through any prohibited vehicular tunnel or subway, or over any prohibited bridge, roadway, or elevated highway where such transportation is prohibited.

(c) No person shall smoke, carry matches or any other flame-producing device, or carry any unauthorized firearms or loaded cartridges while in or near a motor vehicle transporting, loading, or unloading Class B or Class C

fireworks, or drive, load, or unload such vehicle in a careless or reckless manner.

(d) Class B or Class C fireworks shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

(e) During loading and unloading fireworks, smoking and open flame devices are not permitted in the vicinity.

Section 2.

Vehicles used for transporting fireworks shall be strong enough to carry the load imposed, be in good mechanical condition, and have a closed body. All vehicles used for the transportation of fireworks shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of fireworks.

Section 3.

(a) A vehicle transporting Class B fireworks, or a combination of Class B and Class C fireworks, shall be placarded with the letters "Explosives B" in red letters on white background in accordance with the regulations of the U.S. Department of Transportation. No exterior markings or placards are required for vehicles transporting only Class C fireworks.

(b) Each marking or placard shall consist of letters not less than four (4) inches high, in the color specified, using approximately a 5/8-inch stroke. The placard shall be larger than the lettering required thereon by at least one (1) inch at the top and bottom sides.

(c) Such markings or placards shall be displayed at the front, rear, and on each side of the motor vehicle or trailer, or other cargo-carrying body. The front marking or placard may be displayed on the front of either the truck, truck body, truck tractor, or the trailer.

Section 4.

(a) Each motored unit used for transporting fireworks shall be equipped with two (2) fire extinguishers, having a combined rating of at least 2A:10-B:C.

(b) Only extinguishers listed or approved by a nationally recognized fire equipment testing laboratory shall be deemed suitable for use.

(c) Extinguishers shall be filled and ready for immediate use and located near the driver's seat. Extinguishers shall be examined periodically by a competent person.

Section 5.

A motor vehicle used for transporting fireworks shall be inspected to determine if it is in proper condition for safe transportation of fireworks by checking the following:

(a) Fire extinguishers shall be filled and in working order;

(b) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(c) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease;

(d) Fuel tank and feed line shall be secure and have no leaks;

(e) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly;

(f) Tires shall be checked for proper inflation and defects;

(g) The vehicle shall be in proper condition in every respect and acceptable for handling explosives and fireworks.

Section 6.

Vehicles transporting fireworks shall only be driven by and be in the charge of a properly licensed driver, or a qualified representative of the carrier operating the vehicle who is physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of, intoxicants, narcotics, or other dangerous drugs that impair the faculties. In no instance shall the driver or representative be less than twenty-one (21) years of age.

Section 7.

(a) Every motor vehicle transporting any quantity of black powder or Class B fireworks shall, at all times, be attended by a driver or other qualified representative of the motor carrier operating the vehicle. This attendant shall have been made aware of the class of the material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned to attend, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(1) For the purpose of this Section, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, or representatives of the carrier, shipper or consignee, or except for necessary absence from the vehicle to obtain food or to provide for his physical comfort.

(b) Vehicles transporting Class B fireworks shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities, such routes shall be followed.

(c) Except under one of the conditions specially enumerated below, no vehicle transporting Class B fireworks shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble:

- (1) An emergency; or
- (2) When it is necessary for the driver or other attendant to leave the vehicle to obtain food or provide for his physical comfort.

Section 8.

No spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any vehicle transporting Class B fireworks, unless the loading of such hazardous materials complies with U.S. Department of Transportation regulations.

Section 9.

Delivery shall only be made to authorized persons.

Section 10.

Nothing in this Act shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military or naval forces of the United States, nor to the duly authorized militia of the State, nor to the use of signals necessary for the safe operation of railroads, steamboats, trucks, or aircraft.

ARTICLE IX. VIOLATIONS AND PENALTIES

Section 1.

Except as provided hereafter, any person who violates any provision of this Act or any regulations issued pursuant

thereto shall be guilty of a Class A misdemeanor.

Section 2.

(a) It shall be unlawful for any person to engage in the manufacturing, importing, or exporting of fireworks without possessing a valid license issued by the Department.

(b) A person who violates this Section shall be guilty of a Class 3 felony; and in addition to imprisonment, a fine of not less than ten thousand dollars (\$10,000) shall be imposed.

Section 3.

(a) It shall be unlawful for any person to advertise that he is in any business or venture involving fireworks or pyrotechnic devices or shall cause his name or business name style to be included in any classified advertisement or directory under a classification which includes the word "fireworks," unless he is licensed pursuant to this Act.

(b) Any person who violates this Section shall be guilty of a Class A misdemeanor; and in addition to imprisonment, a fine of not to exceed one thousand dollars (\$1,000) shall be imposed.

Section 4.

(a) It shall be unlawful for any person to sell, or offer for sale, safe and sane fireworks at any time outside of the period specified in this Act.

(b) Any person who violates this Section shall be guilty of a Class A misdemeanor; and in addition to imprisonment, a fine not to exceed one thousand dollars (\$1,000) shall be imposed.

Section 5.

(a) It shall be unlawful for any person to store any fireworks without having in his possession a valid permit or license as required by this Act.

(b) Any person who violates this Section shall be guilty of a Class 4 felony; and in addition to imprisonment, a fine of not less than ten thousand dollars (\$10,000) shall be imposed.

Section 6.

(a) It shall be unlawful for any person to store or possess any fireworks for which a license is required and which has been revoked or surrendered or any license which has not been renewed and such storage or possession is held beyond the period provided for in Section

(b) Any person who violates this Section shall be guilty of a Class 4 felony; and in addition to imprisonment, a fine of not less than ten thousand dollars (\$10,000) shall be imposed.

Section 7.

(a) It shall be unlawful for any person to sell, transfer, give, deliver, or otherwise convey title of any dangerous fireworks, including fireworks kits, to any person in this State who does not possess and present to the seller or donor for inspection at the time of transfer a valid license or permit to receive, use, or transport fireworks.

(b) Any person who violates this Section shall be guilty of a Class 4 felony; and in addition to imprisonment, a fine of not less than ten thousand dollars (\$10,000) shall be imposed.

Section 8.

(a) It shall be unlawful for any person to possess dangerous fireworks without holding a valid license or permit.

(b) Any person who violates this Section shall be guilty of a Class 4 felony; and in addition to imprisonment, a fine of not less than ten thousand dollars (\$10,000) shall be imposed.

Section 9.

(a) It shall be unlawful for any person to use or discharge agricultural and wildlife fireworks without first securing a permit as provided in this Act.

(b) Any person who violates this Section shall be guilty of a Class 4 felony; and in addition to imprisonment, a fine of not less than ten thousand dollars (\$10,000) shall be imposed.

Section 10.

(a) It shall be unlawful for any person to place, throw, discharge or ignite, or fire dangerous fireworks at any person or group of persons where there is a likelihood of injury to any such person.

(b) Any person who violates this Section shall be guilty of a Class 4 felony; and in addition to imprisonment, a fine of not less than ten thousand dollars (\$10,000) shall be imposed.

Section 11.

(a) It shall be unlawful for any person to conduct a public display without possessing a valid permit for this purpose.

(b) Any person who violates this Section shall be guilty of a Class 4 felony; and in addition to imprisonment, a fine of not less than ten thousand dollars (\$10,000) shall be imposed.

Section 12.

(a) It shall be unlawful for any person to perform any act or transact or attempt to transact any business with an expired license or an expired permit where a license or permit is required for the performance of such act or transaction.

(b) Any person who violates this Section shall be guilty of a Class 4 felony; and in addition to imprisonment,

Section 13.

(a) It shall be unlawful for any person to violate any provision of any regulation adopted by the Department and the State Fire Marshal pursuant to this Act.

(b) Any person who violates this Section shall be guilty of a Class A misdemeanor; and in addition to imprisonment, a fine not to exceed one thousand dollars (\$1,000) shall be imposed.

Section 14.

A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of this Act or any provision of, or any order or regulation issued pursuant to, this Act.

Section 15.

Whenever any officer or employee of the Department, Department of Law Enforcement, Sheriff, or a member of any city council or board of trustees of any village or incorporated town or county board has reason to believe that any violation of this Act has occurred within the jurisdiction within which such official is authorized to act and that the person so violating the Act has in his possession fireworks or combustibles, such official may file a complaint in writing, verified by affidavit, with any circuit court within whose jurisdiction the premises to be searched are situated, stating the facts upon which such belief is founded, the premises to be searched, and the property to be seized, and procure a search warrant, and execute the same. Upon the execution of such search warrant, the person executing the same shall make due return thereof to the court issuing the same, together with an inventory of the property taken thereunder. The court shall thereupon issue process against the owner of such property if he be known, otherwise against the party in whose possession the property so taken was found, if known. In case of inability to serve such process upon the owner or the person in possession of the property at the time of its seizure, as hereinbefore provided, notice of the proceedings before the court shall be given as required

by the statutes of the State governing cases of attachment. Upon the return of the process duly served or upon the posting or publishing of notice made, as hereinabove provided, the court or jury, if a jury shall be demanded, shall proceed to determine whether or not such property so seized was held or possessed in violation of this Act. In case of a finding that the fireworks or combustibles seized were possessed in violation of this Act, judgment shall be entered confiscating and forfeiting the property and ordering its destruction.

Section 16.

All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decisions" is defined in Section 1 of the "Administrative Review Act."

Section 17.

The provisions of this Act shall not be construed or held to abrogate or in any way affect the power of cities, villages, and incorporated towns to regulate, restrain, and prohibit the use of fireworks, firecrackers, torpedoes, Roman candles, skyrockets, and other pyrotechnic displays within their corporate limits. The sections of this Act and every part of such sections are hereby declared to be independent sections and parts of sections, and the invalidity of any section or part thereof shall not affect any other section or part of a section.

Section 18.

This Act shall be known as and may be cited as the "Fireworks Regulation Act of Illinois."

Section 19.

The following acts known and cited as "The Fireworks Regulation Act of Illinois," approved July 11, 1935, as amended and an Act to prohibit the sale, offering, or exposing for sale of fireworks, approved July 1, 1941, as amended, are repealed.

Section 20.

This Act shall take effect January 1, 1975.

END