



National Fireworks Association

# NFA NEWS

- April 2016 -

## NFA Mission Statement

The mission of the NFA is to work diligently to ensure that the Fireworks Industry is regulated in a fair and sensible manner. We promote Safety within the industry and to the Consumers that use our products. The NFA was established to serve the members no matter whether a company or an individual. The NFA promotes the Safe Use of Fireworks in all sections of the industry.

## NFA BOARD OF DIRECTORS

Donald Lantis - President  
Robert Blake - Vice President  
Howard Fry - Secretary  
Robert Kellner - Treasurer  
Michael Romano - Director  
Nancy Blogin - Executive Director

## NFA OFFICE

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Email: [nlblogin@gmail.com](mailto:nlblogin@gmail.com)



September 6th-10th  
Grand Rapids, MI

Host hotel **Amway Grand Plaza Hotel**  
187 Monroe Avenue NW  
Grand Rapids, Michigan 49503

Toll Free: 1-800-253-3590  
Phone: (616) 774-2000  
Fax: (616) 458-6641  
Email: [info@amwaygrand.com](mailto:info@amwaygrand.com)

<https://resweb.passkey.com/go/NFA2016Amway>

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NFA WEBSITE - [www.nationalfireworks.org](http://www.nationalfireworks.org)



## Leaving LAS VEGAS Notes from the Spring Board Meeting

The NFA Board of Directors met in Las Vegas for their winter meeting in February. It was a busy week with many items to be determined and discussed. Everything from working on finalizing plans for the demo site at Grand Rapids, scheduling seminars and guest speakers, allotment of times for demos etc. Believe me, none of these were a simple, "Yes, that would be fine!" answer.

The discussion continued on use of the lobbyist, knowing the importance of having someone on the Hill full time versus the cost to members. Without outside financial assistance, it was agreed that a full time lobbyist was not a financially wise decision, unless something of great magnitude raises its head in the future.

Future sites were discussed. Some locations have been visited and some are yet to be seen by the Expo Coordinator and the Safety Team. Erie, PA has been chosen as the 2017 site! The boys all tell me it is beautiful. I am the only one yet to visit the site, but the pictures look most inviting.

The registration forms will once again go out on April 1st and be made available on the Website at 12:01AM, April 1st, 2016. Many people have already inquired about registering and I feel sure the registrations will be large again this year.

This is the election year for Vice President and Treasurer. I will be sending out nomination forms April 1st and hope everyone will think about your favorite candidate for office. In case you were not aware this is an election year.

Membership renewals came in quickly this year and membership continues to grow.

Wednesday evening the NFA Board was invited to attend a lovely cocktail party sponsored by the APA Board and AFSL Board held at the Mirage Casino. Everyone enjoyed visiting with old friends and having the large pyrotechnic associations Boards of Directors together.

The Board will meet again in Grand Rapids for one last finalization in May.

Nancy Blogin

Executive Director

### THE STATE OF THE STATES

#### **State of Rhode Island**

H 7656 introduced

March 16th scheduled for hearing and/or consideration

All cities and towns would be authorized to regulate the sale of fireworks and to issue pyrotechnic sales licenses for up to \$1,000.

#### **State of Arizona**

HB 2398 introduced

Transmitted to Senate March 8th

Would add Firecrackers and Mine and Shell devices to the AZ list of permissible consumer fireworks.

#### **State of Michigan**

HB 5327 introduced

Referred to the Committee on regulatory reform Feb 9th

Would allow a local unit of government with a population of 75,000+ or in a county with a population of 750,000+ to enact an ordinance to regulate or prohibit the sale of consumer fireworks from tents, and would raise the maximum fine for a violation from \$500 to \$1,000

#### **Commonwealth of Kentucky**

16 RS HB 393

March 11th, Referred to Licensing, Occupations and Administrative Regs Committee

Would extend the time Seasonal retailers could sell consumer fireworks for both the Christmas and 4th of July seasons.

#### **State of Kansas**

Senate Bill 459

March 3rd, Committee on Federal and State Affairs recommended bill be passed as amended.

Would abolish the state license fee for manufacturing, distributing or displaying fireworks.

**Fireworks sitting in port are costing you money! Are you able to get your fireworks sold?**

**Lantis FCA Numbers can certify your fireworks in as little as 48 hours! Get your products out of port, and to your customers FAST!**

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## Some things never change

By Edward Linton, President,  
Unexcelled Fireworks Mfg, New York, NY

### FIRE-CRACKERS AND FIRE-WORKS.

To the Editor of the New-York Times:

In to-day's issue of THE TIMES among your Brooklyn items, referring to the action of the Board of Aldermen, you say:

"In future a license to sell fire-crackers will cost \$2 instead of \$5, but the use of fire-crackers is confined to the Fourth of July."

We beg leave to correct this item. Brooklyn ordinances prohibited the sale and display of fire-works and fire-crackers, thus suppressing an American manufacturing industry that was neither illegal nor immoral. Great injustice has been inflicted upon the business of manufacturing fire-works by reason of the lack of intelligent legislation upon this subject, no two cities having the same laws upon the traffic. The question was agitated last season by the Board of Underwriters, whose efforts were very justly directed toward the suppression of the fire-cracker, an article that all agree is a nuisance and dangerous. No discrimination was made between those objectionable "heathen" productions and fire-works of American manufacture. Those engaged in the business of selling fire-works sought advice from, and consulted with, the Board of Underwriters with a view of framing an intelligent law that would place proper and wholesome restrictions upon the storage and sale of these goods in every community—a law that would regulate, but not utterly prohibit, the business. All united in the view that fire-crackers should be suppressed.

The result of this conference was the ordinance adopted by the Board of Aldermen of Brooklyn yesterday. This ordinance prohibits, under a heavy penalty, the sale or use of fire-crackers and several other dangerous and objectionable kinds of fire-works heretofore used in celebrating the Fourth of July. It regulates the sale and use of all kinds of fire-works—confining the sale and use to such kinds as are only used with effect at night, thus reducing the display of fire-works of all kinds to the legitimate time for their use, viz., after dark, and to July Fourth. The statement that "fire-crackers are allowed to be used" is calculated to arouse strong antagonistic feeling on the part of those opposed to their use, and thus visit additional burdens upon an industry already prostrated by the general condition of trade, and, more particularly, as has been said, by lack of proper and intelligent legislation. By making this correction you will confer an obligation upon the Unexcelled Fireworks Company.

EDWARD F. LINTON, President

TUESDAY, MAY 28, 1878.

**The New York Times**

Published: May 29, 1878

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**Products Liability • Stand Liability  
Display Liability • Club Liability  
Property • Auto • Cargo  
Workers Compensation**



509 W. Koenig Street  
Grand Island, NE 68801  
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Member of many fireworks trade organizations,  
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***Insuring the Fireworks Industry for over 30 years!***

# NFA

The National Fireworks Association

## 2016 EXPO

# ANNOUNCING SEMINARS FOR THE 2016 EXPO

### TUESDAY SEPTEMBER 6th

#### 2:00 - 3:00 - DO IT YOURSELF BUSINESS SUCCESS

*Presenter Wes O'Donnell*

#### 10:45-12:15 - A BRIEF HISTORY OF CONSUMER FIREWORKS MANUFACTURING IN THE U.S.

*Presenter Bob Kellner*

### WEDNESDAY, SEPTEMBER 7th

#### 10:00-11:30 - FIREWORKS COMPANY INSURANCE ROUNDTABLE

*Presenter Pat Egan*

#### 1:30-3:00 - EVERYTHING YOU WANTED TO KNOW ABOUT NFA CODE

*Presenter Garry Hanson/Andy Nichols*

#### 3:30-5:00 - 9:30 AND NOTHING HAS GONE WRONG, TALES FROM THE SHOOT SITE

*Presenter John Sagaria*

### FRIDAY, SEPTEMBER 9th

#### 9:30-5:00 - US DOT "TRAIN THE TRAINER"

*Presenter Tom Dunaway*

#### 10:00-11:30 - INTELLECTUAL PROPERTY

*Presenter Douglas Burda*

### SATURDAY, SEPTEMBER 10th

#### 3:30-5:00 - THE NFA SAGA and RECENT FIREWORKS ACCIDENT INVESTIGATIONS

*Presenter Roger Schneider*



#### WES O'DONNELL

A veteran of both the US Army and US Air Force. Professor Wes O'Donnell is a highly sought after presenter who has recently spoken at TEDx on Data Visualization and the US Air Force Academy on Leadership. Wes is the host of the TV series *Heroes From History* and the founder of Warrior Lodge Media. He's dedicated to inspiring millions of Americans find the greatness that's inside all of us. [www.wesodonnell.com](http://www.wesodonnell.com)



#### PAT EGAN

**Crazy Cracker Fireworks LLC,**  
Lincoln NE 1957-Present  
- Import, Wholesale and Retail Operation  
**Pyrotechnics International, Treasurer**  
1980-Present  
**Pat Egan Insurance, Lincoln NE 1964-2006**  
- Independent Insurance Agent - All Lines  
**Ameritas Life Insurance, Lincoln NE 1961-1964**  
- Underwriter



#### BOB KELLNER

**Kellners Fireworks Inc.,**  
Harrisville PA 1985-Present  
- Import, Wholesale and Retail Operation  
**National Fireworks Association**  
- Charter Member Since 1993  
- Treasurer 2012-Present  
**Pyrotechnics Guild International**  
- Member Since 1985



#### TOM DUNAWAY

Tom is a transportation safety and hazardous materials consultant and President of Tom Dunaway and Associates, Inc. Tom is retired from the US Department of Transportation (DOT) with 34 years federal government service.



#### ROGER SCHNEIDER

Holds a Ph.D. degree in Physical Inorganic Chemistry with minors in Mechanical Engineering and Physics. He is the co-founder and President of Rho Sigma Associates, a scientific and engineering consulting firm. He is currently Vice Chairman of the International Symposium on Fireworks



**GARRY HANSON**  
Precocious  
Pyrotechnics, Inc



**ANDY NICHOLLS**  
Orlando Special  
Effects



**JOHN SAGARIA**  
Fireworks Extravaganza



#### DOUG BURDA

Doug, like many NFA members, grew up in the fireworks industry. After gaining his law degree with a specialization in intellectual property, Doug decided to pursue a career in fireworks, specifically regarding the unique marketing and design of the product. Doug focuses his law practice on the intersection of business transactions and fireworks, with particular attention to trademarks and the internet, and international business transactions.

Doug's family operates Red Apple Fireworks, headquartered in Pahrump, Nevada, and Motor City Fireworks, headquartered in Keego Harbor, Michigan.

Based on Doug's master's degree in computer science and experience as a trademark attorney, Doug founded TrademarkPanda.com, which provides low-cost, flat-fee trademark applications to start-ups, small businesses, and entrepreneurs.

In his "spare time," Doug enjoys spending time with his family and producing experimental electronic music.

**For more information, please contact Nancy at the NFA . [nlblogin@nationalfireworks.org](mailto:nlblogin@nationalfireworks.org)**

# FASCINATING FUN

**Grand Rapids will captivate you.**



One of America's 8 most underrated cities.<sup>1</sup> A hidden Midwest gem.<sup>2</sup> One of 9 great places you've (maybe) never heard of.<sup>3</sup> All proof of Grand Rapids' endless capacity for surprise. We deliver the excitement and engagement of a much larger city, without the hassles.

Of course, nobody believes that until they experience it for themselves. We invite you to visit and discover all the fascinating possibilities for your next meeting.

<sup>1</sup>Buzzfeed, 2015 <sup>2</sup>Amtrak, 2014 <sup>3</sup>Mother Earth News, 2013





### **Inspiring Infrastructure**

There's no limit to the creative meeting potential of our downtown campus. Our state-of-the-art convention center is connected by skywalk to some of the Midwest's best hotels - and it's within a five-minute walk of 150+ restaurants, nightclubs, museums and theaters. Alternative meeting spaces range from dazzling botanic gardens to a hilltop "tree-house" to one of the world's best craft breweries.

### **Inspiring Experiences**

We've got plenty of ways to inspire people to attend a Grand Rapids meeting:

Great Beer. Reigning "Beer City USA" titleholder.

Amazing Food. America's #2 most affordable foodie city.

Incredible Art. Home of the world's richest, most radical art competition.

Primo Entertainment. Professional theater, opera, ballet, symphony, hockey, baseball and basketball.

Captivating Culture. Three art museums, a public museum and a presidential museum.

Family-Friendly Fun. A zoo, children's museum, family fun parks and miles of Lake Michigan beach.

### **Fascinating Places**

From a hilltop "treehouse" to a river-borne paddleboat, from beautiful botanic gardens to a classic baseball stadium, Grand Rapids is filled with interesting places to meet. Devos Place Convention Center, our largest and most complete meeting space, offers all sorts of intriguing ways to help convention attendees connect - including a collaboration-friendly skywalk to downtown hotels.

### **Fascinating Adventures**

Stroll an 1890 streetscape. Tour a Frank Lloyd Wright house. Pet a stingray. Climb a sand dune. You'll find enthralling after-meeting activities for every interest in Grand Rapids. A few other ideas:

Tour 40+ craft breweries on the Grand Rapids Ale Trail.

Tickle your taste buds on the Grand Rapids Food Trail.

Stroll the new Japanese Garden at Frederik Meijer Gardens & Sculpture Park.

Shop 70+ designer stores at the new Tanger Outlet Mall.

Try your luck at Gun Lake Casino.

Visit the Oval Office replica at the newly renovated Gerald R. Ford Presidential Museum.



# Musings by Jack Leonard

## Mines on My Mind

I've loved them since my earliest days when I first saw them on the gift shop shelves in Niagara Falls, Ontario. Mines: those pyro wonders that project flaming stars out of the tube unlike their shell cousins that fire an exploding projectile. Now I know that when my readers think of mines, they picture the modern kind that are reloadable or that serve as a lower effect in a 500 gram item. But the traditional ones were far different in shelf appearance and performance than those of today. Very different indeed!

So imagine this: a red wooden base holding a striped tube about two inches in diameter and four inches in length. Into the open maw of the tube is dumped a charge of black powder followed by a perforated cardboard disc. On top of the disc, a quantity of stars is placed, followed by another disc with a half inch hole in its center. Into this hole is inserted a Roman candle with an open bottom end. A final cap on top is glued into place. The product is now locked and loaded.

Classic mines, very popular in the first half of the 20th century, came in various sizes and with many effects. The larger were up to six inches in diameter and could be purchased with stars, aerial spinners called serpents, whistles, and heavy salutes with the latter called Battle Mines. As a child examining a shelf filled with mines, I was immediately intrigued by their appearance and sound. What was that skinny tube protruding from the top? And what about that rattling sound from the lower tube when it was shaken? I had to find out and plunked down a quarter on the counter to purchase one of the smaller ones.

On a hot summer night after our return from Canada, my dad struck a match and set fire to my recently acquired little friend from across the border. A spray of gold charcoal sparks started the performance followed by a muted pop as a red star soared over the canvas awning on the porch. A green star followed and then another red, and I was disappointed. The performance seemed boring until a second later when a sudden explosion split the air and a score of colored stars flew into the night. Wow! I was hooked for life.

Over the following years I bought mines whenever I could find them. Some had a candle in the center and another wire on the side of the tube and was called Devil Among the Tailors. For a buck more I could get a Battle in the Clouds with

a center candle and two more on the side. Finally, if I was feeling wealthy, I could get the granddaddy

of all mines, the Jack-in-the-Box, which had a total of five candles that hurled stars aloft before a final explosion. No matter what their size, I liked them all.

Once China entered the U.S. fireworks market in the 1970's, fewer and fewer mines were available as one American manufacturer after another closed their doors. A few Oriental companies offered mines, but none could equal the splendor of Devil Among the Tailors or Battle in the Clouds.

As I grow older, more and more of my memories are fading, but my experiences with the mines of my youth remain crystal clear. Those old mines might be gone from the shelves, but they live on in my mind.



**ARROW BRAND**

## NEW ITEMS

### REPEATER SAFE and SANE LINE

**REPEATING STAR SHELL**

- 1 Shot — Packed 3 dozen per carton, 3 gross per case. Weight 40 lbs.
- 2 Shot — Packed 1 dozen per carton, 1 gross per case. Weight 30 lbs.
- 3 Shot — Packed 1/2 dozen per carton, 1/2 gross per case. Weight 30 lbs.
- 9 Shot — Packed 6 pieces per carton, 1/2 gross per case. Weight 30 lbs.

**REPEATING METEORIC SHOWER**

- 1 Shot — Packed 3 dozen per carton, 3 gross per case. Weight 40 lbs.
- 2 Shot — Packed 1 dozen per carton, 1 gross per case. Weight 30 lbs.
- 3 Shot — Packed 1/2 dozen per carton, 1/2 gross per case. Weight 30 lbs.
- 9 Shot — Packed 6 pieces per carton, 1/2 gross per case. Weight 30 lbs.

**REPEATING COLORED COMET**

- 1 Shot — Packed 3 dozen per carton, 3 gross per case. Weight 40 lbs.
- 2 Shot — Packed 1 dozen per carton, 1 gross per case. Weight 30 lbs.
- 3 Shot — Packed 1/2 dozen per carton, 1/2 gross per case. Weight 30 lbs.
- 9 Shot — Packed 6 pieces per carton, 1/2 gross per case. Weight 30 lbs.

**ARROWS**  
*Newest Hit!*

**STAR MINES**

- No. 2—Packed 1 dozen per carton, 1/2 gross per case. Weight per case, 10 lbs.
- No. 3—Packed 1 dozen per carton, 1/2 gross per case. Weight per case, 12 lbs.
- No. 5—Packed 1/2 dozen per carton, 2 dozen per case. Weight per case, 12 lbs.

**COMMON FIREWORKS**

WALD & COMPANY, INC.

Items Listed on This Page may be used in ANY STATE with proper Permit.

### LAWN DISPLAY PIECES

All Items on This Page Except Flags Are Net.

AERIAL AND GROUND Made especially for small gatherings, private parties, etc.

#### SPECIAL GROUND PIECES

Item	Each
Peacock Plume Fan	\$3.00
Fiesta Fountain	3.00
Fiery Cross	3.00
Golden Blossom	1.00

#### VERTICAL WHEELS

Item	Each
6" Wheel	\$2.00
8" Wheel	2.25
10" Wheel	2.50
12" Wheel with Fire Pots	3.00

#### BATTLE IN THE CLOUDS

Brilliant display of variegated stars followed by dazzling burst of golden showers terminating in a series of loud explosions and burst of colored stars.

Size	Each
Small	\$3.00
Medium	3.50
Large	4.00

#### DEVIL AMONG TAILORS

Size	Each
Small	\$2.50
Medium	3.00
Large	3.50
Jack in Box	4.00

#### SMOKE CONTAINERS

For smoke required in camera work. The yellow gives a dense smoke. The white is the next in smoke density—about one-third of the yellow—and the black is the least dense, about one-half of the white. Should not be used in interior work where people would inhale the smoke.

#### WHITE SMOKE POTS

Very useful in determining air circulation.

Item	Dosage
1/2 Minute	\$3.50
1 Minute	5.00
2 Minutes	7.00
3 Minutes	9.00
1/2 Minute Yellow	3.50
2 1/2 Minute Black	9.00

#### Display Your Flag

##### SPEAR HEAD FLAGS

Heavy bunting, Spear head mount. Gilded points and white wood staff.

Sta. No.	Width	Length	Staff	Retail Ea.
46	4"	5"	18"	.10
812	8"	12"	24"	.20
1218	12"	18"	30"	.30
2436	24"	36"	50"	1.00

##### RELIANCE FLAG SET

Reliance U. S. Flag, jointed aluminum pole, halyard and socket.

Stock No.	Flag Size	Pole	Holder	Per Set
R-35	3x5	5"x3/4"	3 1/4"	5.90

Each Set Packed in Corrugated Carton  
3"x5" Premium Each \$4.60

##### FLAGS OF ALL NATIONS

##### HOME LAWN SETS.

##### INDUSTRIAL POLES in Brushed Aluminum or Steel.

All sizes installed.  
We carry a full line of Flags, Banners, Decorations, Pennants and Specials

Beautiful 24 page Display Catalog illustrated in full color is available for Supervised Fireworks Displays.

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## 2016 EXPO HOTEL INFORMATION

The dates for the **EXPO** are **September 6-10, 2016**. Below is a listing of hotels and reservation links. Attendees don't need any sort of group code to book at the Amway Grand Plaza or Courtyard. Guests may either book online or call the hotel to make their reservations. If they call, they just need to mention that they are with National Fireworks Association – no code is needed.

### Amway Grand Plaza - \$124 Room Rate

<https://resweb.passkey.com/go/NFA2016Amway>

### Courtyard Marriott - \$149 Room Rate

<https://resweb.passkey.com/go/NFA2016CY>

## BLACK CAT FIREWORKS *LIGHTS THE FUSE* ON SOCIAL MEDIA

Premier Brand of Fireworks Selects Muller Bressler

Brown as Social Media Agency of Record

Leawood, Kansas (Wednesday, March 9, 2016) -

Black Cat Fireworks intends to increase their social media presence and engagement with the hiring of Muller Bressler Brown (MBB+) as their social media agency of record.

Founded in the 1940's, Black Cat Fireworks is one of the most recognizable brands in fireworks. With 80 percent of its business being conducted from July 2-July 4, the company began searching for ways to expand its selling season and interact with consumers beyond the holiday season. While Black Cat connects extremely well with their target audience in the peak season of summer, they wanted to find a way to engage with their audience year round.

As the social media agency of record, MBB+ is tasked with the responsibility of providing social media strategy, community management and creative consultation for the company's key social properties.

To generate buzz around Black Cat Fireworks leading into its peak selling season, MBB+ has implemented a social media campaign asking followers to #LightTheFuse. The campaign has already increased reach by 354 percent and engagement by 23 percent. Leading up to the Fourth of July holiday, Black Cat Fireworks will be sharing videos, photos, contests and more on their Facebook page.

## Join Us For a Sneak Peak!



## Peak Performance Fireworks Fireworks Demo 2016

6 pm • April 30th

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# From The Mind of Marv

## TWO VERY SPECIAL PEOPLE

In this Mind Of Marv I would like to remember two very special people who have held a very special place in my life and my heart. One for 71 years and the other for 42 years. These people are John Blogin and my Mom Irene Kohler. First a commentary about John. I knew John from back in 1974. I met John when the CPSC hearings were held in Kansas City. For those of you who have been in the business since that time you will remember that the CPSC wanted to show their strength and felt that this little group of consumer fireworks peddlers across the country were a good group to attack because they didn't have the resources to compete with the federal government. They did not like noise (sound familiar) so they decided it would be a good idea to ban everything that produced a noise and a few other things like bottle rockets. Since there was an appeal process, an administrative law judge was appointed to hear three hearings across the country to decide on a final ruling. There were a few people in the fireworks business that opposed this move, and did so by hiring legal counsel and opposing this move. The hearing were held in Washington D.C., Kansas City, Mo. And Honolulu, Hawaii. When the hearing got to Kansas City John Blogin, Mike Koska, Harry Lloyd, Bill Stonebreaker, the City Council of Ralston, Nebraska, as well as others including yours truly were waiting to testify against this proposed ruling by the federal government. As I look on what has transpired over the years this was A REALLY BIG DEAL. The reason it's a big deal is that if the government had succeeded in their efforts at that time we would not have the variety and amount of fireworks that we enjoy today. John Blogin was a very vocal person at those hearings, and made his feelings known to the judge that these proposals were not necessary and were an overreach of what the government should do regarding the consumer fireworks products we were selling back then. As I think about what John did back then I realize how devoted he was to the business. At that time, John worked as a flight controller, thus being employed by good old Uncle Sam. How many people do you know who would be willing to sue their employer? I would venture to say darn few. John did and he won. He won for himself, and he won for us. Another fact about John Blogin was his willingness to help anyone in the fireworks business. Just think of all the people that he and Nancy took to China to find sources for products. If you had a question about a supplier, just call John. John

prided himself on being able to supply information to those attending the NFA, and if it was someone who was needed to announce a demo or someone to watch over the Trade Show just look to John. When we lost Cam Starr last year I referred to him as a legend. Well, we lost another legend, so now they are both sitting up in heaven, and hopefully figuring out what items they want to shoot off for a show tonight.

I lost my Mom on January 23rd. As most Moms would be she was a big part of my life, and I miss her dearly, but know that she is in a better place. My Mom and Dad were very much involved in the early days of the fireworks business for me. They helped in many ways, which even today I'm sure I can't remember all that they did. Those of you today probably don't realize that we used to put up temporary wooden stands. Are you ready for this? We used to rent lumber and construct an 8' X 16' wooden stand and put shelves in it along with a tar paper roof. We would stock it each morning, and take all the products out at night. I had a stand in Columbus, Nebraska and I lived in Schuyler, Nebraska about 17 miles away. My Mom would take her vacation from work at the grocery store, and drive our 52 Chevy pickup loaded with fireworks to Columbus for the ten day season. I had a high school boy hired to help. She would pack their lunch, and each day at 7:00 they would take off on another adventure. After building a stand that we could lock up she still helped out until the day that she got overheated, and I told her she was done working in the stand. That wasn't something she wanted to hear, but there was still money to count at night, and up until she was 97 years old she had her magnifier glass and was sorting out the bills. My Mom was a great example of what hard work and dedication was all about. We can't keep our loved ones, but no one can take away the memories. These two people have provided me with a great deal of great memories that I will cherish forever.

Take care and stay well,  
Marv





*Irene D. Kohler*

*December 27, 1917 - January 23, 2016*

**Irene Kohler**, 98, of Schuyler, died Saturday, January 23, 2016, at the Golden Living Center in Schuyler

Irene Dorothy Kohler and her identical twin sister, Arlene Delores, were born December 27, 1917 to George and Anna (Kunneman) Booth on a farm in rural Colfax County. Irene and Arlene attended grade school at District 43, and Schuyler High School graduating in 1935. Irene has been a life long resident of Schuyler. On December 18, 1941 she married Roy Kohler at Kountze Memorial Church in Omaha. She has been a life long member of St. John's Lutheran Church and was instrumental in making many hundreds of quilts which were sent to Lutheran World Relief. Irene and Arlene became famous for the cream pies they made for the church bazaar every year. Irene worked for Kohler & Mentzer Oil Co., Dubsy's IGA, Don's Shoe Store, as well as Don's Bakery during her working years. Irene helped her son Marv with his fireworks business, and received a special honor when he celebrated 50 years in the business. She also helped Marv with his Christmas tree business for over ten years. Irene served her community by being a volunteer delivering meals on wheels and serving on it's board. She also was a member of the Colfax County Historical Society and worked at the museum. She was a member of the hospital auxiliary and worked in the hospital gift shop. She received the Aksarben Good Neighbor Award, and she and Arlene were chosen as joint recipients of the Sertoma Service to Mankind Award. Irene and Arlene were honored on their 80th birthday with a special party at the Oak Ballroom where they danced together as they had done many times in their early years. Irene enjoyed bowling, golf, and playing cards. She was an avid doll collector, and could always find room for one more doll. Irene was an example of a generation that worked hard, cared about others, and would always have something to eat and a cup of coffee for anyone who stopped by.

Left to cherish her memory are son Marvin and wife Margie of Grand Island, step grandson Jim Rogers of Colorado Springs, Colorado, niece Betty Herde of Schuyler nieces, nephews, and many, many friends. Preceding her in death were her husband Roy of 52 years, sister, Arlene and brother-in-law Woodrow Herde, and her parents. In lieu of flowers, memorials may be sent to the family for designation at a later date.



*Edith I. Otteson*

*May 4, 1918 - March 14, 2016*

Edith I. Otteson, 97 of Belgrade, died Monday, March 14, 2016 at the Belgrade Nursing Home.

Edith Ida Otteson was born on May 4, 1918 on the family farm near Hawick. She grew up on the family farm attended country grade school and Paynesville High School. She worked at various jobs in the Paynesville area and also in Willmar where she met Willie.

On June 29, 1941, Edith was united in marriage to Willie Hanson at First Presbyterian Church of New London. This union was blessed with son, Garry. Edith and her family moved to Arizona for Willie's health. They lived in Casa Grande for a few years until Willie's death on January 30, 1955. They were able to share in 13 years of marriage.

After moving back to MN Edith was united in marriage to Olaf Otteson at Crow River Lutheran Church on May 12, 1956.

This union was blessed with a son, Glenn. They made their home near Belgrade where they farmed and she worked as a homemaker. In her later years she worked for her son Garry's business, Precocious Pyrotechnics. Edith and Olaf were able to share in 55 years of marriage before his death on June 24, 2011. Edith was an active member of Crow River Lutheran Church.

She enjoyed reading, word puzzles, sewing, crocheting, playing cards, cooking, baking and especially spending time with and caring for her grandchildren. Edith is survived by her sons, Garry Hanson (Georgia Martinson) of Brooten and Glenn (Vicki) Otteson of Belgrade; six grandchildren; eighteen great-grandchildren and five great-great grandchildren, her sister-in-law, Ardis Hookom, many nieces and nephews, and other relatives. Edith was

preceded in death by her husbands, Willie and Olaf; parents and siblings, MaryAnn (Orlyn) Stai and Albert Hookom.

## PRESS RELEASE



# OPERATION CHOKEPOINT

by Mark Anderson Senior Advisor Kelley Drye and Warren, LLP

## *House Votes to Stop Operation Choke Point*

Bipartisan legislation passed by the House today will prevent abuses by federal banking regulators who are choking off access to financial services for legally operating businesses.

The bill, the Financial Institution Customer Protection Act, was approved 250-169. The bill is a direct response to “Operation Choke Point,” an attempt by the Obama Administration to use the immense and intimidating power of the federal government to pressure and coerce financial institutions and payment processors into cutting off business relationships with legal businesses that are not favored by the White House.

During debate, several members took to the House floor to describe the legally operating businesses back in their home states that find themselves on the Obama Administration’s “enemies list” and targeted by Operation Choke Point.

“After years of remaining steadfast in bringing an end to Operation Choke Point, I am proud that the majority of my colleagues today joined me in casting their votes to ensure this program is brought to a halt and that greater transparency is achieved,” said Rep. Blaine Luetkemeyer (R-MO), a member of the Financial Services Committee and the bill’s sponsor. “Over the past couple of years I have introduced legislation, held meetings with and sent letters to Department of Justice (DOJ) and federal banking regulatory officials, and most of all, relentlessly strove to help those who have been negatively impacted by this illegal initiative. Together, the first step has been taken to ensure that federal banking agencies and DOJ can no longer intimidate financial institutions from offering financial services to licensed, legally-operating businesses that have been targeted not because of potential wrongdoing, but because of personal and political motivation.”

Another member of the committee, Rep. Roger Williams (R-TX), called Operation Choke Point “a new low” in the Obama Administration’s abuses of executive authority. “Operation Choke Point is un-American, it’s deceiving and it’s simply wrong.”

Rep. Dennis Ross (R-FL), a member of the committee, said that in voting for the bill he was “voting to rein in this out of control administration and its assault on small legal businesses.”

“Operation Choke Point is an outrage to the American people,” said Chairman Jeb Hensarling (R-TX). “For legally constituted businesses to have to fear that in the dark of night they’re going to be shut down by the awesome power of the Obama Administration is an outrage.”

“If there was any justice in the Obama Justice Department, someone would be indicted over Operation Choke Point,” Hensarling added. With Operation Choke Point, the Obama Administration is telling the American people “even though you’re a perfectly legal business, if we don’t like you we’re going to crush you and there’s nothing you can do about it because we’re the federal government.”

Before its passage by the House today, the Financial Services Committee approved the Financial Institution Customer Protection Act in July by a vote of 35-19.

Senators to find a solution that will help all of you.

Mark Anderson  
Senior Advisor  
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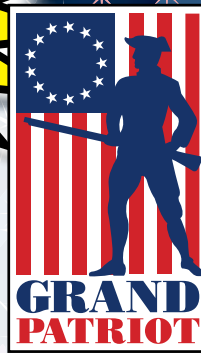
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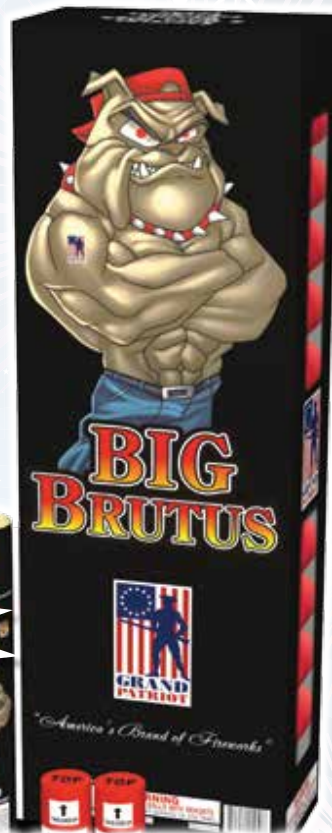
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## Coastal Environmental Rights Foundation Is Preparing To File Fed'l Clean Water Act Lawsuit re Alamitos Bay July 3 Fireworks

(Feb. 18, 2016, 11:55 a.m.) -- LBREPORT.com has learned that a Feb. 16, 2016 City Council session closed to the public citing anticipated litigation pertained to the upcoming July 3 "Big Bang on the Bay" Alamitos Bay fireworks display permitted for the past few years by the City, presented by Boathouse on the Bay in connection with a non-profit beneficiary, the Action Sports Kids Foundation.

A November 5, 2015 notice addressed to all three parties by Coast Law Group (Encinitas, CA law firm) on behalf of the Coastal Environmental Rights Foundation (CERF, a San Diego County based non-profit active in CA coastal matters) alleges an "anticipated future non-permitted discharge of pollutants from firework displays into Alamitos Bay and the Pacific Ocean, in violation of the [federal] Clean Water Act." The notice is a step required 60 days prior to filing a lawsuit in federal court under the federal Clean Water Act. It urges the parties to "cease their unlawful discharges into Alamitos Bay" and states that "moving forward with the annual July 3rd display will subject the Responsible Parties to enforcement action and civil liability."

### The notice indicates in pertinent part:

[Coast Law Group Nov. 5, 2015 notice text, footnotes omitted] The Clean Water Act prohibits the "discharge of any pollutant," unless otherwise allowed by permit. A National Pollutant Discharge Elimination System (NPDES) permit must be issued before any pollutant is discharged into Waters of the United States from a point source. "Any discharge of pollutants not allowed by a NPDES permit is illegal." Under the Act, an NPDES permit is required when a discharger has (1) discharged (2) a pollutant (3) to waters of the United States (4) from a pointsource.

The Responsible Parties have violated and will continue to violate section 1342(1) of the Clean Water Act unless and until they obtain an NPDES for their firework discharges. Because the Responsible Parties' Event has been, and will continue to be a continuous point source of pollution to Alamitos Bay and the Pacific Ocean, the Clean Water Act mandates that an NPDES permit be obtained...

...When the Responsible Parties discharge fireworks in Alamitos Bay, chemicals contained in fireworks fall into the Pacific Ocean, as does paper trash (potentially laden with chemicals) encasing the fireworks. Fireworks that

are launched but which do not explode, so-called "dud" fireworks, also discharge into the ocean. This satisfies the first element requiring an NPDES permit.

Discharge is defined in the Act as "any addition of any pollutant to navigable waters from any point source." Fireworks generally include the following chemicals: perchlorate salts, aluminum, magnesium, titanium, barium copper, chloride, and potassium nitrates. Other hazardous chemical compounds often associated with fireworks include, but are not limited to: arsenic salts, strontium salts, lithium salts, calcium salts, sodium, barium, cadmium, copper, aluminum, titanium, lead, mercury and magnesium. Many of these compounds are often constituents of fireworks for the purpose of creating color and light effects. These constituents have a potential to adversely impact and contribute to degradation of water and sediment quality in Alamitos Bay and the Pacific Ocean. Of particular concern are arsenic, mercury and lead. These metals are extremely poisonous to human and marine life, and can lead to serious long-term illnesses such as cancer...

The notice indicated that during the 60-day notice period CERF "is willing to discuss effective remedies" for the violations it alleges (detailed in its notice below) but if "good faith negotiations are not being made, at the close of 60-day notice period, CERF will move forward expeditiously with litigation."

*[Coast Law Group Nov. 5, 2015 notice text] CERF's action will seek all remedies available under the Clean Water Act §1365(a)(d). CERF will seek the maximum penalty available under the law which is \$37,500 per day. CERF may further seek a court order to prevent the Responsible Parties from discharging pollutants. Lastly, section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorneys' and experts' fees. CERF will seek to recover all of its costs and fees pursuant to section 505(d).*

The notice concludes: "In light of the numerous legal repercussions to moving forward with the Big Bang on the Bay, CERF urges the Responsible Parties to give considerable weight to the prospect of legal enforcement."

It's not certain exactly what has or hasn't taken place during the now roughly 90+ days since the notice date, but Coast Law Group attorney Marco Gonzalez told LBREPORT.com on Feb. 17 that he and co-counsel Livia Borak are currently drafting a complaint aiming for filing in federal court in the coming week if they don't receive a response from the City different than what they've received thus far.

Following the Feb. 16, 2015 closed City Council session, LB City Attorney Charles Parkin told LBREPORT.com that no legally reportable action (under the Brown Act) had taken place.

LBREPORT.com separately sought comments last night (Feb. 17) via email directed to Boathouse on the Bay General Manager John Morris and Action Sports Kids Foundation Founder/Exec. Dir Mike Donelon. Mr. Donelon replied via email [bracketed material by LBREPORT.com]: "Since no lawsuit has been filed we have not retained counsel. We along with John have been in consultations with [coastal law expert / former Coastal Commission chair / current Long Beach attorney] Mel Nutter."

The City of Long Beach's stance on the Clean Water Act issues is noteworthy apart from the potential litigation trajectory. Long Beach city officials (including Mayor Garcia and Vice Mayor Suja Lowenthal) have regularly cited the City's commitment to cleaner shoreline waters. Actions included a Council-enacted plastic bag ban; installing storm drain devices to prevent trash from entering the L.A. River leading to the ocean and pressuring upriver cities to reduce their stormwater trash entering the L.A. River. In January 2016, LB city officials held a photo op to highlight a cost sharing agreement enabling the U.S. Army Corps of Engineers to begin a study of possible modifications to the federal breakwater that may improve water quality by increasing water circulation and possibly restore some currently unknown amount of wave activity to benefit the East San Pedro Bay ecosystem and recreational uses.

In addition to the Clean Water Act issues, CERF's attorneys allege that the "Big Bang on the Bay" fireworks display requires a Coastal Development Permit from the CA Coastal Commission and review by the City under the CA Environmental Quality Act. The CEQA allegations state that the event "results in

significant individual and cumulative effects in the following impact areas: (i) water quality; (ii) wildlife and marine life, specifically marine mammals and birds; (iii) air quality; (iv) noise and (v) traffic."

[Coast Law Group Nov. 5, 2015 notice text] Despite its annual review of the Event, the City has never conducted the requisite CEQA analysis prior to its approval of the Special Event Permit or allocation of financial resources to the Event. This is improper. [citations omitted here]...Indeed, though the Long Beach Municipal Code requires the City Manager first determine a proposed event "will not have a significant adverse environmental impact" prior to issuing a Special Event Permit, the City has never undertaken such review. (Long Beach Municipal Code §5.60.040.1.12). Because the City has systematically failed to conduct the requisite CEQA review prior to approving the Special Event Permit and allocating financial resources to the Event, it has failed to comply with not only CEQA, but its Municipal Code as well. CERF's website lists its Executive Director as Marco Gonzalez and Livia Borak as its Legal Advisor. Coast Law Group's website lists Marco Gonzalez as the law firm's co-founder and managing partner and lists Ms. Borak as an associate attorney with the firm [both co-signed the Nov. 5, 2015 notice to the City, Boathouse and Action-Kids Foundation.]

In San Diego, CERF and its Coast Law Group attorneys prevailed in legal actions involving July 4th fireworks displays in La Jolla and other city special events that the City of San Diego appealed to a CA Court of Appeal before settling on terms described in a CA Court of Appeal Oct. 16, 2014 ruling ["unpublished," not legal precedent binding in other cases]:

*[Court of Appeal text]...The parties' settlement agreement was approved in a noticed, public city council hearing, with no objection to the approval. The agreement provides for the City's "environmental review pursuant to CEQA for special event and discretionary park use permits on a project-by-project basis"; environmental mitigation measures by LJCF [La Jolla Community Fireworks Foundation]; vacation of the judgments and dismissal of the three cases and a related trial court case (case No. 37-2010-00102574-CU-TT-CTL); and the City's pay-*

ment to CERF of \$250,000 as attorneys' fees and costs. Settlement was a time-consuming and complicated process, and the parties' reasons for entering into the agreement were to avoid "the unnecessary exhaustion of resources" and continued litigation and to obtain an outcome satisfactory to the parties and the public. According to the stipulation, the City's previous practice was to issue special use permits without environmental review, even though such permits typically require discretionary approval. The amendments to the San Diego Municipal Code will stand; those amendments clarify park use permitting procedures and allow a majority of park use permits to be issued on a ministerial basis and over the counter, provided certain requirements are met. The settlement agreement affords certainty, provides for environmental review and mitigation measures and preserves the resources of the parties and the judicial system.

Just weeks ago, the issue of fireworks and water quality came up in San Francisco following the recent Super Bowl. See SFGate.com [SF Chronicle online] coverage (SFGate.com headline: "New permits may be required after Super Bowl show trashed beach")

Asked by LBREPORT.com about the Queen Mary fireworks display, attorney Gonzalez indicated it would ultimately be covered by the National Pollutant Discharge Elimination System (NPDES) permit CERF alleges is legally required in Long Beach.

Asked how he'd respond if Long Beach area residents who enjoy the fireworks voice dismay on learning of CERF's pending legal action here, attorney Gonzalez replied: "There's nothing more patriotic than clean water."

Developing. LBRPEPORT.com will continue to follow this story.



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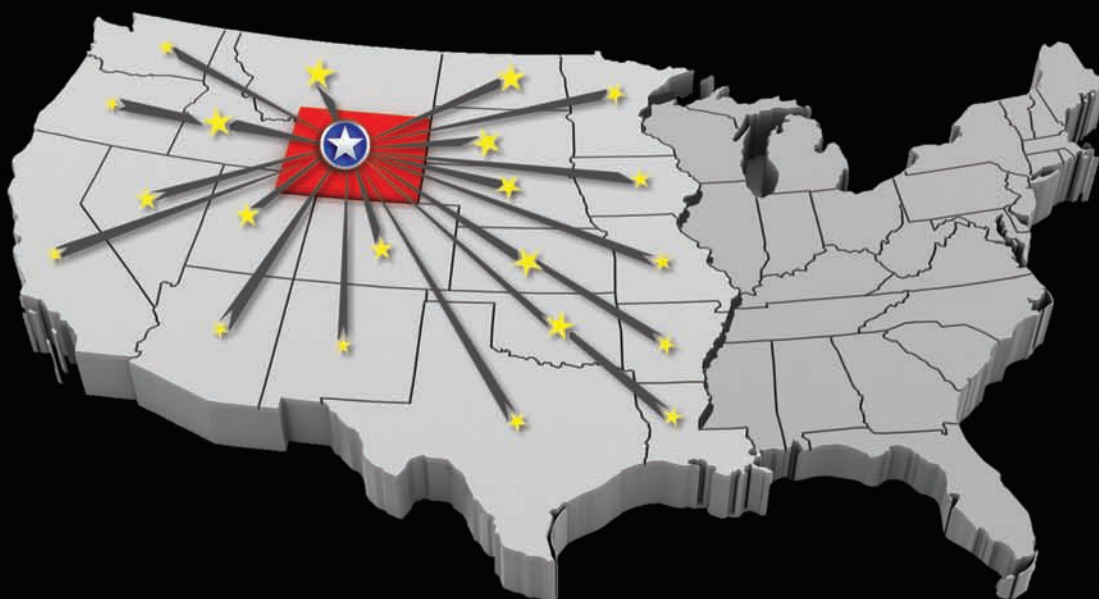
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