



## OFFICE OF STATE FIRE MARSHAL General Fireworks Advisory Committee

### Meeting Announcement and Agenda

Thursday, May 23<sup>rd</sup>, 2024, 9:00 AM to 12:00 PM Pacific Daylight Time (PDT)

**Physical & Hybrid Location:**

Room 2-309  
715 P Street,  
Sacramento, CA 95814

**This meeting will be held in a hybrid format. Those wishing to attend in via teleconference can attend at the below Zoom Meeting link.**

<https://us02web.zoom.us/j/2775109609?pwd=VHM1VURoZ1Nsa0ZFTVVERW5sczlQZz09&omn=82277379521>

**Meeting ID:** 277 510 9609

**Passcode:** GFAC

#### **MEMBERS PRESENT**

1. Amy Nygren, Deputy Fire Marshal – Sacramento Metropolitan Fire District \* Abstain
2. Dennis Revell, Revell Communications \* Yes
3. Gary Brown, Pyro Spectaculars \* Yes
4. Janice Van Mullem, Huntington Beach Fire Department \* Yes
5. Julie Heckman, American Pyrotechnics Association \* Yes
6. Linda Hass, Phantom Fireworks \* Yes
7. Mark Holthaus, Friends of Amateur Rocketry \* yes
8. Tad Trout, TNT Fireworks \* Yes
9. Antonio Solares, Orange County Fire Authority \* Yes
10. Ian Gilfillan, Pyro Spectaculars North \* Yes
11. Megan Quinn, Corona Fire Department \* Yes

#### **MEMBERS ABSENT**

1. David Nordling, Reaction Research Society
2. Gregory McCanless, Jake's Fireworks
3. Kevin Crews, Volt Live

4. Kevin Kelley, Disney Entertainment
5. Sherry Souza, Fireworks & Stage FX America
6. Chief Jeff Schwartz, OSFM

### **GUESTS PRESENT**

1. Bruce Turner, Pyrotechnics Industry Member
2. Logan Herrera, Devinity Project
3. Steve Wilson, Western Pyrotechnic Association
4. Craig Cutright, Black Star Fireworks
5. Mark Devin, Western Pyrotechnic Association

### **OSFM STAFF**

1. Caleb Phillips, Committee Chairperson, OSFM
2. Chief Andrew Henning, OSFM
3. Chief Greg Andersen, OSFM
4. Chief Bryan Gouge, OSFM
5. Cortney Walker, OSFM
6. Vijay Mepani, OSFM
7. Christopher Dale, OSFM
8. Antonio Medina, OSFM

## **1. CALL TO ORDER**

### ***A. Welcome and Logistics Briefing.***

Meeting called to order by Chairperson Caleb Phillips at 9:02am.

### ***B. Roll Call/Determine Quorum***

OSFM Staff member, Chris Dale conducted roll call, and determined that a quorum was present.

### ***C. Introductions***

Chairperson Caleb Phillips had those physically present go around the room and introduce themselves, followed by those online.

### ***D. Approval of Draft Meeting Minutes of the February 27, 2024, Meeting.***

No comments or amendments noted, motion to approve given by Dennis Revell, and seconded by Amy Nygren, all in favor of approving.

***E. Approval of Draft Meeting Minutes of the November 29, 2023, Meeting.***

Member Ian Gilfillan, asked to adjust meeting minutes under (3d) regarding Member Mark Holthaus comment regarding live scans. Ian wanted it noted that his intent was to say that Sacramento County required a new certificate of eligibility, and not a live scan annually. Member Mark Holthaus agreed with comment notation.

Member Ian Gilfillan motioned to approve, Dennis Revell seconded motion as amended, all in favor of approval.

***F. Announcements***

Chairperson Caleb opened the room for announcements regarding meeting and/or agenda.

**Motion Picture and Entertainment Courses:** Chief Andersen provide some updates on Motion Picture and Entertainment Courses that Ramiro Rodriguez and Vijay Mepani in June, specifically June 11<sup>th</sup> in Lake Elsinore and June 13<sup>th</sup> at the Fairplex in Pomona.

Member Antonio Solares shared that on May 29<sup>th</sup>, is the Aerial and Theatrical Fireworks seminar being put on by the Orange County Fire Prevention officers.

**Committee Charter Updates:** Chief Henning asked Chief Andersen to share about the updating of committee meeting rosters and Bagley-Keene Meeting requirements. There are two levels of Bagley-Keene meetings, if it's a Governor's appointed committee the rules are very specific. The quorum committee members must be in person, virtual option does not apply for committee members, but it is allowed. But if they are at another site, it has to be a public access location. Fortunately, we do not qualify for this because this is an advisory committee, that has no authority, it is a recommendation committee. However, we will be following Bagley-Keene at the secondary level, which means posting notices of meetings in advance, and doing staff reports, which you all should have received for today's meeting.

These staff reports are not new, necessarily but they were unfamiliar to Chief Andersen prior to now. We are doing this to allow time for everybody in the committee and the public to review items on the agenda. This will assist with discussion as the committee works through items on the agenda. Not everything on the agenda will receive a staff report and some may only be topics for discussion, but these can be expected as we move forward with committee meetings.

Chief Andersen further noted that OSFM is updating meeting charters, and as they go through the various charters there may be movements on the classification, membership, and modification of language. Once OSFM runs them through Legal for review and approval, and has it signed off by the Chief, we'll announce to the committee if required.

Chief Henning added that once we get the charters approved at the next GFAC meeting, that is when we'll start to look to see the reappointments come out from Chief Berlant. We'll start to stagger them, so we are not reappointing everyone every year. Also, for OSFM, we just added a full-time lawyer, and looking to add two additional lawyers and so hopefully we can get some things back a lot faster and we will be asking one of them to come and present at the next committee meeting regarding Bagley-Keene requirements. One of the biggest things that will apply to this committee is the requirement for all committee members to be on camera. There are very few exceptions of when you do not have to be on camera but then you also must identify if there's any other adults with you on or off camera. We are doing this to make sure we are following best practices and keeping all of our committee meetings in compliance with the rules and regulations.

To echo what Chief Andersen said earlier, this is one of the wobbler committees, is it a state committee that requires it to meet the higher standard of Bagley-Keene or not because this committee and one of our other advisory committees is specifically listed in statute by the Governor. However, based on OSFM current interpretation the committee existed prior to state legislation and was formed by the State Fire Marshall prior and not via a State Commission or State Board, and then different pieces of legislation pointed to move certain things through those advisory committees, rather than forming as a directive from the Governor.

**OSFM Appointments/Promotions:** Chief Andersen shared that Brice Bennett has been promoted to a Deputy State Fire Marshall Supervisor position. OSFM is in the process of accepting applications and interviewing for the 2 open Program Coordinator Positions for Fire Extinguisher and Automated Extinguishing Systems.

## 2. OLD BUSINESS

### A. *License Renewal Number Updates, as of 5.21.24*

Chairperson Caleb Phillips shared that we have 981 pyrotechnic operators across all disciplines that have had their licenses issued and are fully renewed for next year. We have a further 150 that are awaiting payment. If those remaining individuals make payment, we are looking at approximately 1,131 operators for this year. Last year we saw about 1,200 operators renew, in which case we did not see the catastrophic loss with the license fee increase.

For retail booths, OSFM has issued 2,409 licenses. Pre-Covid, those numbers were about 3,100, we've dropped off some over the last four years, but we still have a month and a half to go.

Additionally, Chairperson Caleb Phillips shared that we have introduced ten new licensees across all disciplines and have had numerous interactions with individuals looking to obtain their basic commercial operation licenses. He believes that there is a definite growth and interest for individuals to obtain their licenses and in fact, Caleb received an email that seven or eight individuals just passed their exams. In the two and half years he has been in the program, this is the most growth he has seen.

Member Dennis Revell asked if there has been any change in company licenses. Chairperson Caleb shared that we've only had six new company licenses across all disciplines but none of them were licensed wholesalers or import/export, most were display or special unlimited licenses. One was a wholesaler, but they were already licensed and just decided to obtain a whole new license instead of updating.

### ***B. Fireworks Regulations Update***

Chairperson Caleb Phillips informed everyone that not much has changed since last meeting. The Initial Statement of Reason is complete, regulations are almost complete, and forms are being updated, which has been the hold-up. Caleb has been working with division staff, Antonio, and Chris, to get these forms updated and incorporated by reference into the regulations and hopefully move this regulations package forward. No real timeline can be provided, it depends upon how long it takes to get these forms finalized and approved.

Member Dennis Revell asked if the forms are from a third-party or OSFM. Chief Andersen shared that OSFM is updating all our forms across the division, so that they are uniformed and standardized. Additionally, they must be ADA compliant, which always takes a little bit of extra work.

### ***C. Follow-up on Discussion on California Fireworks Statistics and +1 Codes***

Chief Andersen provided an updated on, to which he pointed out that as of January 1<sup>st</sup>, OSFM has added "safe and sane" and dangerous fireworks classification. Unfortunately, we don't have the ability to get this out to the local jurisdictions, but we've added it to our statistics and are collecting data on that. OSFM will be continuing with NFRS, but we all know they are going through the process of this with local jurisdictions not having the ability to collect statistical data due to the codes not matching up. We have committee members at the national level who are promoting the dates we have, not saying they're going to listen to us, but that is our hope. Additionally, OSFM and Member Dennis Revell

have sent in proposals to cover the requirements we need to meet the mandate from the statues passed down.

Chief Henning added that the US Fire Administration (USFA) is switching to NERIS, and it's been a hot topic with Chief Berlant and other State Fire Marshals (SFM). The National Association of State Fire Marshals are currently in discussions with USFA about the lack of customization of the new system, especially when we have statutory requirements for data that we have to pluck from California, other states are having similar challenges as well. Chief Henning went to the ICC Code hearings in Orlando about a month ago and there has been conversation between Chief Berlant and the Vermont State Fire Marshal regarding similar concerns and they had a meeting with Dr. Lori from UFSA to express those concerns. There is a work group being formed by USFA but the implementation is planned for October and so it is going to be interesting to see if they are going to allow us to do some of those modifications and how quickly those can be added to the new system. Plus, with CALFIRE using Image Trend to report state specific data, we are wanting to know if we can continue to use this and push the state specific data as need into NERIS as well as keep the data that we would like to report on. Regardless though, we are actively monitoring the situation and promoting the needs at the national level.

Member Dennis Revell inquired about OSFM reaching out to the prior State Fire Marshal (Tonya Hoover) and wanted to see if that had been accomplished because he heard she was retiring soon. Chief Henning noted that Chief Hoover, who is the current Deputy USFA Administrative Officer, is set to retire in June but they did have conversations with USFA and the big issue, as well as with other State Fire Marshals is the ability to have that customization to be able to collect specific data in their state based off their needs and statutory applications.

### **3. NEW BUSINESS**

#### ***A. ATF Taskforce Updates***

Chief Gouge provided a general updated, which has shown a heavy involvement of participation and leadership within fireworks over the last two years, working with local, state, and federal agencies; inclusive of fire, police, sheriff, Border Patrol, Coast Guard, and many other different agencies throughout the state.

They continue to work with the US Attorney Offices targeting some of the larger firework smuggling operations and seizures that are coming into the state, in fact, they had large seizure yesterday down in Southern California. Efforts are continuing with other agencies to track and monitor large shipments, coming in and out, as well as to make sure the legal shipments are being properly manifested and coming through with minimal delay.

The taskforce is tracking online purchases from out of state into California to make sure they are being caught at the border or tracked into the state for enforcement purposes. They are working with local agencies, not just on the enforcement but also moving more into the training element each year.

Chief Gouge's unit, along with the taskforce are basically working year-round on firework related items every month, whether it be dealing with enforcement issues, disposal issues, and additions with AB 1403, that include training and education of local agencies on firework identification, proper enforcement of laws, storage requirements, and even educating them on our fireworks disposal process.

With the fireworks season, well underway, Chief Gouge's team has added some additional hires (Arson and Bomb Investigators), as well as trying to expand our facilities to handle additional fireworks enforcement seizures throughout the state.

***Q: Member Janice Van Mullem asked if there are any success stories or effective enforcement programs regarding firework enforcement that Chief Gouge could share?***

*A: Chief Gouge said yes, and some of them have been successful in the mitigation aspect as well as with various tactics of enforcement. Other local agencies have worked to pass more stringent ordinances to allow for further prosecution of cases, but has it eliminated illegal fireworks, no, but it's been effective in cutting down on the number of those within in their respective communities.*

*As far as seizures, some agencies have been successful via investigation tactics, buy-busts, and/or accidentally stumbling into large caches of fireworks, similar to what happened in San Jose last year, with a fire at a public storage facility that daylighted roughly 60,000lbs of fireworks. Chief Gouge's team continues to work with local agencies as far as trying to put together a plan that specific for their community, because every community seems to be different on how they want to approach it, much of it depends on jurisdiction wise, and whether the district attorneys are being aggressive on it or not. He has found that some counties have been very aggressive on fireworks, and that has helped with those additional ordinances.*

*Each community has been different, as they've reached out to us, we've tried to cater training to them whether its just identification purposes or meeting with their law enforcement agencies to discuss enforcement or use of law enforcement to utilize specific tactics. It's a different challenge than what they're used to, doing drug busts is very different than doing busts that involve explosives, and the agency may not be prepared to handle the dynamics that go into explosive enforcement.*

*Overall, they continue to work with each agency to walk through the steps and see what has worked in the past few years. They've seen several agencies try and do a "safe turn-in" or a "buyback" where gift cards are provided to those who turn in illegal fireworks. However, the ones they've been a part of haven't been all that successful, mainly because of the value of the illegal fireworks on the black market in California compared to what they would receive in return is not as comparable.*

*The areas Chief Gouge has seen do well with enforcement has been in San Jose and San Joaquin County, both areas have been pretty good with fireworks enforcement, as the prosecution on cases has been a high priority. Also, San Joaquin DA has a team that prosecutes regularly to help maintain that enforcement level.*

*Member Dennis Revell mentioned three cities that Janice could look at, Sacramento, Salinas, and Lakewood. All three have developed rather novel approaches, given the circumstances, personnel, and budget limitations that they have. In Salinas, they have done it without any police involvement at all, supplementing their personnel resources, by using city staff and the social host ordinance. In Sacramento, it has been primarily the fire department with certain volunteers and it's now expanding into the police department. In Lakewood, which is a typical contract city in Los Angeles County, maximized what they could out of their contract with LA Sheriff but have supplemented it with private patrols who are documenting social host violations and new wave of ordinance amendments are instituting light of way provisions in fireworks regulations, so they can cite people using illegal fireworks in the street, and sidewalks in front of residences as part of the social host ordinance.*

*Also, cities are stacking citations instead of issuing one citation for a whole volume of illegal fireworks being used, they issue a citation for each device they can be cited. The City of Salinas ended up citing over \$340,000 in citations for 2023, with the largest citation being \$34,000. Has it stopped illegal fireworks from being used and/or brought in, no, but those communities are making valid attempts to try and do as much as they can to prevent it.*

Chief Andersen asked Chief Gouge to speak on the additions to our Arson and Bomb Unit. Chief Gouge noted that our AB investigators are duly sworn within agencies, meaning they are sworn as an 830-officer, able to do regulatory enforcement as well as an 830.2 officer, which classifies them as a State Peace Officer, that can enforce laws throughout the state. Chief Gouge also noted that we recently started the canine program back up, after a 20-year absence. When the program initially started, they only had canines that could detect ignitable liquid, but that has since been expanded to include canines that can detect explosives and firearms.

## **B. Staff Updates to Regulations Package**

Chairperson Caleb shared this was included in case we were able to get the forms completed and we wanted to discuss and sign on for approval, but we are not there yet, and so we can move on to the next topic.

## **C. White Paper for Interstate Compact,**

Chief Andersen turned over this agenda item to Member Dennis Revell for an update. Member Dennis noted that there are some elements of the compact that do not require the governor's approval to move forward. Primarily, seeing if there are ways to enhance the cooperation between Nevada fire and law enforcement agencies, with California agencies.

Chief Andersen asked for a motion to move this forward as recommended by this committee. Member Dennis Revell motioned for approval; Member Megan Quinn seconded motion to approve. Before approving, Chairperson Caleb Phillips asked if there is any discussion needed?

***Q: Member Amy Nygren asked if the compact was updated from the one that had been distributed to the Board of Supervisors. She noted that she was not prepared to vote on this today but was sure she would have had some questions surrounding where the statistics had come from. A: Chief Andersen shared that this document has the basic content needed to move forward but that Member Dennis Revell did have all the associated documents to reference when working on the compact, and that we can add in the back up to support the referenced statistics if necessary.***

Chairperson Caleb Phillips suggested we do a committee vote to move the White Paper Compact up to the State Fire Marshall, staff member Chris Dale conducted committee vote from those members present at committee meeting. Motion passes, with a 10 in favor of, and 1 abstaining from approval. Amy Nygren chose to vote abstain, as she had not had time to review the proposal as they had been provided the day of the meeting.

## **D. Training Updates – Vijay provided MPT Upcoming Courses.**

Chairperson Caleb Phillips asked Vijay Mepani to speak on the Fire Safety Officer course held a week before this committee meeting. Vijay Mepani shared that we had 50 personnel take the FSO course, which is a 3-day course sanctioned by State Fire Training. The course was put on by Ontario Fire Department at their training facility, and all students passed. The next training for the Fire Safety Officer Course is sometime in September or October. Additionally, there are some upcoming Outdoor Aerial Public Display Fireworks

courses happening in June at Lake Elsinore and Pomona. The Pomona course is already full but there is still open space for the Lake Elsinore course.

#### **E. Plan for the Legislative Report for AB1403**

Chief Andersen prepared a Staff Report for AB1403, that looked at what it would take to do the training for the local fire and law enforcement based upon seizure, collection, transportation and storage of fireworks. This would include enforcement of statewide programs concerning illegal and dangerous fireworks, the prosecution of seized fireworks and investigations of illegal fireworks. The bill would further require OSFM, on or before January of 2025, to collect data on illegal and safe and sane fireworks.

Currently, Chief Brian Gouge and team are working on what course of action is required by way of courses delivered and training implementation. Naturally, this is in their wheelhouse and are already doing some of this work, but we need to conduct an in-depth analysis of the level of training needed and what it would require accomplishing that specific training. Upon coming up with the needed courses and training methods OSFM can do a workload analysis.

OSFM has also already started to collect data for illegal and “safe and sane” fireworks and analyze it and we are reporting this to NFERS but currently, there is no way to share or get this information to everyone, especially local jurisdictions. However, there are some local jurisdictions that do collect their own data on this and so Chief Andersen was looking to chat with our CALSTAT or Cal State people to get the data from the local jurisdictions that have it and do a qualitative analysis based on these jurisdictions. Basically, if this is what we are finding from other jurisdictions and we assume that it is similar across the state, we could come up with some good numbers that would be beneficial in analyzing data on illegal and “safe and sane” fireworks.

The plan is to move forward with this option, as OSFM knows there are jurisdictions with good data and Caleb is working with his contacts to obtain that information and get it over to CAL STAT to help us put together our report. Chief Andersen asked if there was any questions or points of discussion on this.

**Q: Member Dennis Revell, asked if the committee could get a list of the jurisdictions that we have data from? A: Chief Andersen said it is a small list, and Chairperson Caleb said we only have 3 at the moment, Orange County, Los Angeles and City of Gilroy.**

**Q: Member Amy Nygren asked how far back is OSFM looking for data? A: Chief Andersen suggested current data if possible, and something within a five-year range. OSFM can come up with the yearly average from the data. Member**

*Amy Nygren said she'll check to see how far back they have data and will get back to Chief Andersen. Chief Andersen will be happy with whatever data they can obtain from local jurisdictions.*

Member Dennis Revell suggested that we look up past work on training to help develop some of the programs moving forward. Particularly, the work that former State Fire Marshall employee Anthony Guevara developed, that was part of the consent agreement with the Department of Toxic Substances Control (DTSC). Member Dennis Revell will see if he has a copy of the memo or training video that was done in order to share with OSFM.

Chief Henning wanted to share that OSFM had an initial request for positions included in the AB 1403 Bill, but that it was not part of the January budget discussions. The National Resource Agency recently had its various departments do a Budget Change Proposal (BCP) as part of the revised budgets and FEI received two positions within that, one is for an Arson and Bomb Investigator and the other will be an SSA/AGPA position. Chief Berlant had advocated for these positions and OSFM is happy to have received them. However, due to the state budget shortfalls, we likely won't see those positions come on until January 1 as opposed to July 1 when we typically see these positions show up.

Member Gary Brown is wondering if the data collection from local agencies might overlay the 1403 training to invite locals to participate in that effort of collecting data. Chief Andersen inquired further from Member Gary Brown. Member Gary Brown said there is short list of local jurisdictions who are collecting the data regarding "safe and sane" and illegal fireworks and there is some training come up for AB 1403. Chief Andersen noted that there is no training yet but an analysis to see what it would take to do the training needed. To be clear, OSFM does provide some training, but legislation is asking us to do a report on what we would need in order to do the training that is required. Member Gary Brown understands, but he does wonder if there is some level of outreach to increase participation in the data collection, maybe it's in the training or ultimately within AB 1403, it seems we're just waiting for somebody to do something instead of taking action ourselves and increasing the level of input from local jurisdictions.

Chief Henning was initially going to wait until the open forum to share some important information that he had just received from Chief Bigelow, and Chief Berlant. As he had mentioned earlier, Chief Berlant has been extremely active at the national level pushing to ensure that the needs of California are met with the new reporting system that the USFA is rolling out. Chief Berlant has had several meetings with the National Association of State Fire Marshals and separate meetings with the USF Administrator to advocate for what our needs are. Right now, the new system will be rolling out January 1, and we are extremely confident that the new system will be able to handle what the needs are for California reporting, so that we'll be able to classify what we're currently doing in California, which the OSFM is seeing as a big win. More information should be

forthcoming as we are about six to seven months away from implementation of the new system.

Chief Andersen did note that OSFM will continue doing outreach to the local departments because we want more data, and a larger sampling which would offer a bigger and better data set to work with, but we need to find out where that data exists out there.

Chief Henning wanted to go back to Member Gary Brown's training point, part of the justification for the positions and the implementation of AB 1403 was for us to provide training. That was included in California National Resources Agency's BCP during the budget revise to make sure that was provided. The new Arson and Bomb investigator role will have a big part in training, obviously it will get spread amongst the other investigators as well, but this provides us the opportunity to ensure we have representation in both the north and south areas of California as well as looking at the training that will be needed to meet the intent of AB 1403. We'll continue to provide updates as we get close to implementation but there will be delays, as the budget revisions are still being reviewed and approved. Plus, the Arson and Bomb investigator takes time to onboard because of the hiring process involved; three to six months of background investigation on external candidates, specialized training relating to arson and bomb investigation and being that the position is a full-fledged Peace Officer, they may need to attend a Peace Officer academy.

## **4. OPEN FORUM**

Chairperson Caleb Phillips opened the floor up for conversation.

Member Steve Wilson, founding member of Western Pyrotechnic Association (WPA), shared that they have been in existence for some 35 years, and have a large number of their members living in California who are licensed operators. Amongst them are some of the finest pyrochemists, researchers and builders in the country, if not the world. They have an event every year at Lake Havasu, and they do that even though many of their members are from California because California pyrotechnic laws do not mesh up well with that we do at those events. It is primarily because California pyrotechnic law has to do with commercial entities, except for rocketry. They have been having dialogue with Chairperson Caleb Phillips and Vijay Mepani trying to come up with a way to do non-commercial manufacturing in a controlled and intelligent way within the State of California, which would maybe cause some modifications of Title 19 regulations and/or applying some of the stuff that is already in place. However, instead of cluttering up these meetings with new proposals we are looking at another avenue in a professional manner in the future and are wanting to inquire if somebody within their organization could be added to this advisory committee.

Chairperson Caleb responded, and shared that we typically open for appointments/requests on the advisory committee in September and start the process of appointment in October through December. As you heard from Chief Henning earlier, there is going to be some work done on the roster, so this is something we can take into consideration when we are rewriting that roster. We do thank you for attending today and offering interest in what goes on here.

**Q: Member Megan Quinn asked a few questions regarding the new fireworks seizure disposal form, can we get an update on the timeline of when seized fireworks are going to be picked up from local jurisdictions?**

A: Chief Gouge commented on the question. Firstly, we moved from a paper handwritten form for seizures that were collected in person throughout the State to an online only platform to report seizures throughout the State. That link has been placed in many different areas, specifically within CALFIRE/OSFM website and within Fire Engineering, and some QR codes out there that will enable you to actually do a seizure form. When those forms are received, it puts you through a series of questions about your seizure, the type of fireworks, location, citations with the seizure, once all those questions are answered it will allow you to submit the seizure form. That form then comes to us, and on the backside, it goes into a dashboard that helps us with fireworks disposal statewide. Upon submitting the necessary information, the system will autogenerate a receipt for the agency and that is the gatekeeper for taking in seizures. OSFM will not take in seizures unless it has been reported through that system, and you can show the receipt that it has. From there we double check the accuracy of the seizure information, and then take it and move it for disposal. The goal was to move this reporting process online to make it easier for agencies to report in a timely manner, in accordance with the health and safety code but also to help us on the back with firework disposal management.

Moving to the other question of when seizures will be picked up, Chief Gouge noted there are a lot of moving parts on the seizure side with local agencies. Some are taking it in and directly labeling it for disposal, other agencies are taking it in and holding it for an undisclosed amount of time, as evidence related to a criminal case, it depends upon the jurisdiction. On our end, there is a lot of moving parts as far as current funding, space available to take in seizures, availability of our own staff, contracted staff and subcontractors that we use for hazardous waste materials disposal, and even transportation to out of state facilities. There are a very limited number of facilities that handle this type of waste stream and so all these moving parts need to be coordinated for pick up and disposal. There is no simple answer to that question, if we can't take it in right away it defaults to the health and safety code of the local jurisdiction that has seized the fireworks and they are required to hold it in trust until we can take it on. Obviously, we are always trying to better our resources on our end, to be able to take stuff in within a timely manner and we weigh it on a case-by-case basis. Some agencies have a good area or plan for local storage until we can take possession of it and other agencies are storing their fireworks with their

*general evidence or even in an office building or other areas where it's not allowed. We try to triage, and if there is an agency that has a large bust that outweighs their local storage then we move that up to a higher priority. It also depends upon the size of seizure and the time of the year, the funding, and the resources we have to be able to move it into the waste stream and out of California for disposal.*

Chief Andersen noted that Chief Gouge did just secure another location to store seized fireworks, which will assist Chief Gouge and team, until that one fills up. Chief Gouge highlighted that his team is taking seizures in year around, and its not just the holiday season. It takes them quite a bit of time to move it through the waste stream and get rid of it. As it currently stands, they are taking in items that were seized from the last fourth of July holiday as well as stuff all the way through last week. For them, it is a constant shipping and receiving business.

***Q: Member Dennis Revell asked for an update on contract negotiations for firework disposal? A: Chief Henning shared that we are getting very close to have a contract in place. Chief Bigelow and Chief Berlant have been advocating for us internally because we did not have adequate funding within Fire Engineering and Investigations, through our general fund appropriations, to handle the current number of seized fireworks in storage. Both Chief Berlant and Bigelow, advocated to the directors in CALFIRE to find additional funding and they were successful, and were able to procure a lot of funds to help dispose of our current stockpile.***

***Q: Member Dennis Revell asked another question pertaining to the new illegal fireworks seizure forms and whether or not the seizing agency asks and gets an answer to the violator's source of the illegal fireworks? A: Chief Gouge noted that it does not specifically ask that question on the seizure forms, it is something they could add but they already have a hard enough time obtaining information around the seizure as to whether a citation, or fine or some other issued thing related seizure. Just like any reporting system, the data is only as good as what it put into it and people figure out ways to most easily navigate through the system. However, he is not opposed to adding that question. With the larger firework seizures, they have been involved in or have assisted with investigating that is a question that is being asked and inquired upon, mainly to understand if it is something new and/or to be able to identify if it is tied to organized crime and/or gang activity.***

Chief Henning noted that he had misspoken when discussing the positions that were accepted in the BCP for AB 1403. The Arson and Bomb investigator will not be focused on training but rather solely focused on the disposal of fireworks. And the analyst position will be focused on the tracking and contract aspects of firework disposal. Currently, they will not be doing any training until we are appropriated to do that specific training for the fireworks. OSFM will do their best with the staff and resources that we have but we are not currently able to deliver

that level of training. Chief Andersen added that we will continue to do the training that Chief Gouge and team already do with the local jurisdictions, but to bring it to the level that AB 1403 is requiring, we don't have that yet.

## **5. PUBLIC COMMENT**

Chairperson Caleb Phillips inquired if there were any public comments, no hands were raised, or comments noted.

## **6. MEETING ADJOURNMENT**

Chairperson Caleb Phillips informed that the meeting is ready adjourn. Dennis Revell motioned to adjourn, Megan seconded motion, all in favor, meeting adjourned at 10:24am.

This notice and copies of the written materials have been posted on the Office of the State Fire Marshal website <https://osfm.fire.ca.gov/>.

For information concerning the Committee meeting, please email Caleb Phillips at [Caleb.Phillips@fire.ca.gov](mailto:Caleb.Phillips@fire.ca.gov).

Any written reports being provided to the Committee members in advance of the public meeting will also be available to the public upon request.

In accordance with Title II of the Americans with Disabilities Act of 1990, reasonable accommodations are available. Request for reasonable accommodations should be made at least five (5) working days prior to the meeting date. To request reasonable accommodations, including documents in alternative formats, please contact Caleb Phillips at [Caleb.Phillips@fire.ca.gov](mailto:Caleb.Phillips@fire.ca.gov)