



STATE FIRE MARSHAL
GENERAL FIREWORKS ADVISORY COMMITTEE

February 27, 2024, Meeting Minutes, 9:00 A.M. to 12:00P.M.
Pacific Daylight Time (PDT)

Monrovia Conference Room 602 Huntington Dr, Ste A
Monrovia, CA 91016
Hybrid Zoom Meeting Conference Call

Meeting ID: 277 510 9609

16 TOTAL COMMITTEE MEMBERS (8 PRESENT AND 8 ABSENT) – QUORUM NOT ESTABLISHED).

MEMBERS PRESENT

1. Amy Nygren, Deputy Fire Marshal – Sacramento Metropolitan Fire District
2. Dennis Revell, Revell Communications
3. Gary Brown, Pyro Spectaculars
4. Janice Van Mullem, Huntington Beach Fire Department
5. Julie Heckman, American Pyrotechnics Association
6. Linda Hass, Phantom Fireworks
7. Mark Holthaus, Friends of Amateur Rocketry
8. Tad Trout, TNT Fireworks

MEMBERS ABSENT

1. Antonio Solares, Orange County Fire Authority
2. David Nordling, Reaction Research Society
3. Gregory McCanless, Jake's Fireworks
4. Ian Gilfillan, Pyro Spectaculars North
5. Kevin Crews, Volt Live
6. Kevin Kelley, Disney Entertainment
7. Megan Quinn, Corona Fire Department
8. Sherry Souza, Fireworks & Stage FX America

GUESTS PRESENT

Sonia Cooley, Riverside County Fire Department
Bruce Turner, Pyrotechnics Industry Member
Barbie Law, Sac Metro Fire District
Logan Herrera, Definity Project

OSFM STAFF

Caleb Phillips, Committee Chairperson, OSFM
Chief Andrew Henning, OSFM
Chief Greg Andersen, OSFM
Jeffrey Schwartz, OSFM
Cortney Walker, OSFM
Vijay Mepani, OSFM
Adam Stewart, OSFM
Taylor Machado, OSFM
Alexander Rapphahn, OSFM
Christopher Dale, OSFM
Antonio Medina, OSFM
Von Costa – OSFM

1. CALL TO ORDER

A. Welcome and Logistics Briefing

Chairperson Caleb Phillips called the meeting to order at 9:02 A.M. Pacific Daylight Time (PDT). Logistics briefing was provided by Chairperson Caleb Phillips.

B. Roll Call/Determine Quorum

Roll call was conducted by Adam Stewart and determined that a quorum (8 of 16) of members was not present. Chief Andersen provided a quick verbal update on the committee charter review since there was not enough for a quorum. Currently, charter is being reviewed by legal and there will be a need to appoint some new folks.

Additionally, Chief Henning shared that legal is reviewing the status and needs for “in-person” quorums versus “virtual” quorums and if an advisory committee fits the requirements outlined by law that will force “in-person” quorums. Determination is still under review and once a decision is made, adjustments, appointments and reappointments will be outlined and enacted.

C. Introductions

All attendees introduced themselves.

D. Approval of Previous Minutes

Chairperson Caleb Phillips asked for approval of the minutes for the November 29, 2023, meeting. Chief Andersen informed that we cannot get approval without a quorum. Approval will be tabled until next committee meeting.

E. Announcements

Chief Andersen shared the new appointment of Chief Henning and support roles for the FE&I division at OSFM. Additional, appointments will be forthcoming and CAL FIRE is looking to have all open positions filled in the near future.

2. OLD BUSINESS

A. Fee Schedule Regulations Update

Reminder that fees have increased across the board. Retail booths will see that fees have doubled and if there are any questions or comments, please send those to Chairperson, Caleb Phillips.

B. Fireworks Regulations Update

Statement of reasons have been completed, for retail side of “safe and sane” fireworks. Chairperson, Caleb Phillips would like to thank committee members Dennis Revell and Tad Trout for their assistance in facilitating the updates. All recommendations have been finished along with some minor updates due to Chairperson, Caleb Phillips’ review.

Q: Committee Member, Gary Brown, are the initial statement of reasons available to the public to review? A: Chairperson, Caleb Phillips, the statement of reasons will be made available to the public through the public notice process. Regulations should hopefully be chaptered later this year or early next year. Additionally, we will be updating forms and applications to make for easier functionality and process flow. However, since each form needs to be justified in the initial statement of reasons, it will take some time but additional work to complete.

Q: Committee Member, Tad Trout, asked if can we see a timeline published for the OAL for the regs updates? A: Chief Anderson can work on putting out a timeline for this committee.

Q: Committee Member, Gary Brown, are we going to have a chance to comment or look at the regulations as they were sent to us? A: Yes, that is part of the new business aspect that needs to be discussed today.

Essentially, the opportunity will come about during the Public Notice Comment period, that will need to be responded to by staff.

- C. Follow up on Discussion on California Fireworks Statistics and +1 Codes
This combines with agenda item E, AB 1403. Committee Member, Dennis Revell and Deputy Chief, Mike Morland and Julie Hypin worked closely to coordinate their comments on the nearest sections as it relates to fireworks statistics and reporting, that this committee had discussed at the previous meetings in August and November.

Chief Andersen shared that the recommendations are just that, recommendations to NFIRS, it doesn't mean they will listen to us, but we have to keep asking in order to eventually get there. Additionally, CAL FIRE has the plus one codes that are available and working for us right now and that we can implement; however, they can only be implemented for CAL FIRE and not the entirety of California. We can only add to the statistical categories that are available to us via NFIRS, but we can at least ask for the options to be added within NFIRS therefore giving us the opportunity to implement these statistical categories statewide versus just the statistics for CAL FIRE.

- D. Status Report of White Paper for Interstate Compact.
Was sent to Chief Andersen in January from Committee Member, Dennis Revell and his group. Chief Andersen has spoken with Chief Berlant and will follow up with him in the coming weeks. Currently, CAL FIRE wouldn't be able to initiate this compact, rather Chief Berlant could present to the CA Governor's office, and from there they would discuss with the Nevada Governor to create an interstate compact to help limit the spread of illegal fireworks into California. The Compact would focus on identifying the material coming out of Nevada and the people who are purchasing it.

One mitigating factor is Nevada is not a full-time legislature, unlike CA, and Nevada will not be in back in office until February 2025. Compact will not be discussed until then, which thus requires California legislature to have the necessary discussions, documentation, and agreement in place before February 2025 so that Nevada can vote on the matter when in session.

- E. AB1403
Assembly Bill 1403 directs OSFM to identify methodology to track fire crime arrests, injuries, and seizures of fireworks in the state of California. Chairperson, Caleb Phillips, thanked Committee Member Dennis Revell for gathering support and the participation of fire and police chiefs throughout the state to discuss how they track and quantify illegal firework problems within their jurisdictions.

Chief Anderson commented that an analysis was done on this Assembly Bill, and we provided the needs and the necessary support to state legislature and it was approved, but then the state budget came out and it killed the funding for AB1403. The Bill itself is not dead but the funding to obtain the needs was cut and we are unable to meet the timelines laid out within the bill. OSFM supports this but due to funding we are not sure when or how this will be implemented. CAL FIRE will move forward with what we can but are limited by budget constraints.

3. NEW BUSINESS

A. AB3065

Chief Anderson shared that the information on this bill is out but that as OSFM we will not be making any recommendations or comments. What is shared about AB3065 is only informational.

Committee Member, Dennis Revell attended the meeting about AB 3065, and shared the following information. The bill would give local communities the opportunity and control to determine the use and sell of safe and sane fireworks between the week of Christmas to New Years. Local jurisdictions would be able to receive some of the costs associated with the sell, training, and registration of firework sales done by fundraising groups who obtain retail booth licenses.

B. Staff Updates to Regulations Package.

Two sub-committee groups worked on updated regulation packets and Chairperson, Caleb Phillips merged the two recommendations from each group and combined some of the suggested changes to share with this group.

The first big change focuses on the number of required letters for an operator to get an operator's license in any given class. The adjustment was made to allow the Fireworks Program Coordinator to waive the number of recommendation letters when there is an insufficient number of active licenses in any given operator license because some license classes that have 7 or less operators would make it difficult to get 5 letters of recommendation from that group of licensed operators being that many are not actively practicing their role as a partner operator. This should not be an issue being that the updates clarify who can write these letters for each license class.

The second larger change focuses on emergency signaling devices in Title 19, Chapter 6, Article 19. The change was not initially discussed in last year's advisory committee meetings; however, OSFM feels it needs to be addressed because of the number of fires and hazards these devices

are causing, and the lack of regulations surrounding the advertisement, marketing, and sale of these devices.

Many of these devices are sold without the necessary education and requirements of usage and is becoming an increasing problem, especially when it's sold outside of its intended purpose. This clarification does not change the usage for those licensed in motion picture and pyrotechnics, so long it is in an operator's scope of duties as outlined. Furthermore, the focus is not on the pyrotechnic operator side of things as so much for the standard person purchasing these devices that do not understand the California State Fireworks laws. ATF has begun to step in and require federal licenses to utilize these signaling devices outside of their scope, although being that State law doesn't prohibit the use of these devices there is some confusion, and the aim is to clear up the marketing aspect of these devices versus intended use. These changes will need to be reviewed and discussed at next meeting.

Some other minor changes include the jurisdictional notification of these devices when fire hazards prohibit their usage in certain geographical areas, license clarification and structure around the manufacturing and distribution of these signaling devices for organizations, and labeling and classification overhaul of the devices similar to that of "Safe and Sane" fireworks.

4. OPEN FORUM

- A. Chairperson, Caleb Phillips opened the floor to open forum. Committee member Mark Holthaus inquired about when pyrotechnic operators and public display licenses can start being renewed, Chairperson, Caleb Phillips shared that starting March 1st, 2024, renewals have been set-up in Govmotus to start renewing.
- B. Committee member Tad Trout, asked for an update on the illegal fireworks task force with ATF, Chief Anderson, does not have an update but will put on his to-do list. Member, Tad Trout, further added the reason he asks is because during the Winter Conference for American Pyrotechnic Association there was much discussion around the lack of the enforcement fueling the continued increase in trading of illegal fireworks. He believes that enforcement will help, and this is seen with other states, i.e. the state of Hawaii creating a state agency named the "Illegal State Fireworks Taskforce" that has made some substantial busts in recent months. Chief Andersen shared that the ATF taskforce is already working with CAL FIRE to help mitigate and create parameters to prevent the continued growth and enforcement of illegal fireworks. Committee member, Gary Brown reminded the committee that we have some

substantial resources at the table already but also sees that there maybe some untapped potential resources in homeowners who are voters, and what are we doing to resource their interests on preventing the spread of illegal fireworks across the state.

- C. Chief Henning shared that, for the last two years OSFM has been trying to divide up the responsibilities of CWPM and FE&I, which was held by Chief Bigelow. OSFM has been successful in doing so and has elevated Chief Henning to Assistant Deputy Director over a small portion of CWPM and FE&I. However, due to Chief Bigelow's promotion to Deputy Director of CWPM, OSFM is working on backfilling his old position of Assistant Deputy Director that will oversee a larger portion of CWPM and 2 staff chiefs for the support services/programs of CWPM.
- D. Chief Henning shared that FE&I are currently in the process of contracting with Sac State to review the efficacy and efficiency of the program exams from Pearson Vue and see how they are performing. Sac State folks are subject matter experts with the educational backing and awareness to conduct test analysis and provide formal recommendations, edits, updates, flags, and justification for exam strength. From there, industry reps will help FE&I rewrite and/or modify existing questions that are not performing. FE&I will start with the AES programs first and then move to other existing programs within FE&I.

5. PUBLIC COMMENT

Chairperson Caleb Phillips opened the floor to public comment.

There were no public comments.

6. MEETING ADJOURNMENT

No motion needed; quorum never established. Chairperson Caleb Phillips adjourned the meeting at 10:06 A.M. (PDT).