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OFFICE OF THE STATE FIRE MARSHAL  
FIRE ENGINEERING AND INVESTIGATIONS**

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**Date:** August 1 ,2024

**To:** General Fireworks Advisory Committee

**From:** Caleb Phillips, Fireworks Program Coordinator

**SUBJECT/AGENDA ACTION ITEM:**

Regulation Proposal for New Labeling Requirements (Phillips)

**Recommended Actions:**

Motion

**Background Information:**

California Code of Regulations Title 19 Chapter 6 Article 7 Section 987 requires that the "The Seal of Registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler, and shall indicate the classification assigned by the State Fire Marshal or any State Fire Marshal approved laboratory."

Section 987.4 requires that "Before reproduction of the Seal of Registration, there shall be inserted in the box at the bottom of the reproduction, the registration number assigned by the State Fire Marshal to designate the category of the licensee. The category shall be designated by the capital letter proceeding the registration number as follows: "M" for manufacturing, "I/E" for importer/exporter, "W" for wholesaler. The designation for model rockets and signaling devices shall be as follows: "MR" for model rockets, "HPR" for high-power rocket motors, "L" for land signaling devices, "S" for sea signaling devices and "A" for air signaling devices. Signaling devices intended for more than one function shall use all of the appropriate letters."

Section 987.6 (2) requires importer/exporters to "Enter the Office of State Fire Marshal manufactures registration number in the box at the bottom of the seal. The seal that must appear on all Party Poppers and the seal that must appear on all packaging for all Snap Caps must also include the Office of State Fire Marshal importer/exporter's registration number.

Section 987.6 (3) requires manufacturers and importer/exporters to verify the list published by the State Fire Marshal and only permits import and distribution for sale of fireworks indicated on their list.

Current practice in the industry is to only place the manufacturer license number on the seal of registration on each product.

Currently only one license is issued for the manufacture of safe and sane products. M-123 is held by American Promotional events on behalf of the manufacturers located in China. This license is held to satisfy the requirements of Health and Safety Code 12637. HSC 12637 requires that if a firework is imported and is not manufactured by a licensed manufacturer then each lot of that firework is required to be tested instead of each product.

### **Analysis/Summary of Issue:**

OSFM is aware that license number M-123 is used throughout the country to apply counterfeit OSFM seals to fireworks sold outside of California. Many public relations campaigns organized by Public Safety Entities focuses on identifying California legal product by the OSFM seal.

During recent enforcement action conducted by OSFM staff many non-approved fireworks were found in licensed retail booths with this OSFM Safe and Seal bearing the M-123 license number. Staff then had to compare the name of the product with names of products in the published Safe and Sane Book and not only ensure that the product was present in the book, but also ensure that it was present under the importer/exporters section of the book.

Staff is proposing to amend Section 987.6 to require that the Seal now contain the Importer/Exporter number, the Wholesaler number and the Manufacturer number. This will make identification of counterfeit products simpler as the importer/exporter of the product can be contacted to verify this is a product that was imported by them. This will also make it easier to identify who has imported what fireworks in retail booths that contain products from multiple importer/exporters.

To further reduce the impact of counterfeit products staff recommends collecting EX/FC numbers and company product number to include in the published Safe and Sane Book and requiring placing these numbers on the packaging. The EX/FC number is already a requirement under federal law and most manufacturers add their product number to the product. This will reduce instances where products share the same name but are sold by different importer/exporters and wholesalers. This would also require an amendment of Title 19 to add this requirement to regulation as part of the application process.

Lastly staff recommends a retest or recertification period for each product. Many products existing on the Safe and Sane List were tested decades ago and staff is aware that even between the time a product is tested and certified and when it is imported for sale variations in manufacturing conditions can allow dangerous products to be sold. As well as ensuring that the Safe and Sane book contains only products have been reviewed within the near past. Further, this would allow a phase in period to provide the EX/FC number

and product number to the OSFM. If retesting is considered too onerous, a recertification requirement could be added to Title 19 to allow importers to certify that a device is still in their product line.

**Potential Industry Impacts:**

At a minimum, this would require importer/exporters to change artwork for all of their products to modify the OSFM Safe and Sane Seal. Per Section 986.4 of Title 19 this would require a re-test as this would constitute a change in content.

**Action Items:**

Information Only