



STATE FIRE MARSHAL
GENERAL FIREWORKS ADVISORY COMMITTEE

November 29, 2023, Meeting Minutes, 9:00 A.M. to 12:00P.M.
Pacific Daylight Time (PDT)

Office of the State Fire Marshal, Headquarters
715 P Street, 2nd Floor, Sacramento, CA 95814
Hybrid Zoom Meeting Conference Call

Meeting ID: 891 5743 9742

MEMBERS PRESENT

Ian Gilfillan, Pyro Spectaculars North
Gary Brown, Pyro Spectaculars
Dennis Revell, Revell Communications
Amy Nygren, Deputy Fire Marshal – Sacramento Metropolitan Fire District
Janice Van Mullem, Huntington Beach Fire Department
Tad Trout, TNT Fireworks
Julie Heckman, American Pyrotechnics Association
Mark Holthaus, Friends of Amateur Rocketry
Linda Hass, Phantom Fireworks
Antonio Solares, Orange County Fire Authority

MEMBERS ABSENT

Kevin Kelley, Disney Entertainment
Megan Quinn, Corona Fire Department
Sherry Souza, Fireworks & Stage FX America
David Nordling, Reaction Research Society
Gregory McCanless, Jake's Fireworks
Kevin Crews, Volt Live

GUESTS PRESENT

Sonia Cooley, Riverside County Fire Department

OSFM STAFF

Greg Andersen, Chairperson, OSFM
Caleb Phillips, Co-Chairperson, OSFM
Jeffrey Schwartz, OSFM
Cortney Walker, OSFM
Vijay Mepani, OSFM
Adam Stewart, OSFM
Taylor Machado, OSFM
Alexander Rapphahn, OSFM
Antonio Medina, OSFM

1. CALL TO ORDER

A. Welcome and Logistics Briefing

Co-Chairperson Caleb Phillips called the meeting to order at 9:05 A.M. Pacific Daylight Time (PDT). Logistics briefing was provided by Co-Chairperson Caleb Phillips.

B. Roll Call/Determine Quorum

Roll call was conducted by Adam Stewart and determined that a quorum (9 of 16) of members was present.

C. Introductions

All attendees introduced themselves.

D. Approval of Previous Minutes

Co-Chairperson Caleb Phillips asked for approval of the minutes for the August 25, 2023, meeting. It was moved by Member Dennis Revel to approve the minutes as presented; motion seconded by Member Ian Gilfillan. Motion was carried with a unanimous vote in favor of approval of the August minutes as presented.

E. Announcements

There were no announcements.

2. OLD BUSINESS

A. Fee Schedule Regulations Update

Co-Chairperson Caleb Phillips stated that the new fees are in effect. Caleb stated that the higher fees were presented multiple times to the committee and industry.

B. Fireworks Regulations Update

Co-Chairperson Caleb Phillips stated he, along with OSFM staff, have been meeting and working on the regulation's updates frequently. He stated that he anticipates the ISOR to be completed around the end of January or early February. He stated that changes to forms may be included in the regulations package. Caleb stated that Chief Jeffrey Schwartz and himself estimate the regulations to be filed at the beginning of 2025.

Member Tad Trout asked how the regulations process could be sped up. Chairperson Greg Andersen advised the committee members of all the steps that are needed to complete a regulations package and meet the Office of Administrative Law's requirements. Member Tad Trout asked if a written timeline could be provided to the committee. Co-Chairperson Caleb Phillips stated that the Office of Administrative Law has a rough timeline of the regulations process on their website. Caleb again stated the long process and steps of the regulations package process. Member Dennis Revell state that OSFM has made progress and that OSFM needs to be given the support to ensure they stick to the timeline. Chairperson Greg Andersen advised the committee of the lengthy regulations process and stated that it is a priority. Member Tad Trout state that the committee could assist with justification if needed.

- C. Follow up on Discussion on California Fireworks Statistics and +1 Codes
Member Dennis Revell stated that he had the impression that CalFire staff and USFA were going to have further discussions and report back to the committee. Chairperson Greg Andersen stated that he was in the meeting with CalFire staff and USAF, and no timeline was given. Chairperson Greg Andersen stated that working with OSFM Executives that +1 codes can only be done within the CalFire department and not statewide until the national level adds it as an option for everyone. Chairperson Greg Andersen stated that CalFire wants the +1 codes but does not have the authority to make the federal level do it.

Member Amy Nygren asked if there are challenges with the national level since what the State of California considers illegal would not be the same nationally. Chairperson Greg Andersen stated the State would just need the boxes marked as illegal and then determine whether it is illegal or not.

Member Julie Heckman joined the meeting.

Member Tad Trout stated that he would like to see CalFire be the model of the +1 codes and show the value to the across the United States. Chairperson Greg Andersen stated that data is being collected by some jurisdiction in the state, but it is needed at the national level. Member Tad Trout stated that it should be presented to the National Association of State Fire Marshals to sign on to.

3. NEW BUSINESS

A. Set Date for 1st Quarter GFAC Meeting for 2024 and Dates for all 2024
Co-Chairperson Caleb Phillips, along with the committee members present, set the 1st meeting for February 27th, 2024, in Long Beach, California. The 2nd meeting is scheduled for May 22, 2024. The 3rd meeting is scheduled for September 5, 2024. The 4th meeting is scheduled for November 20, 2024.

B. Discussion of Recommendations to SFM Berlant for Interstate Compact
Member Dennis Revell stated that an Interstate Compact is a legal contract between two or more states to solve a shared problem. Member Dennis Revell stated that he had a conversation with Special Assistant General Michael Redding whether to explore this since there is increasing numbers of California residence purchasing legal fireworks out-of-state, that are illegal in California, and transporting them back into California. Member Dennis Revell stated that the State of California would need to have discussions with the Nevada Gubernatorial Administration, the fire service familiar with Southern Nevada fire code, and law enforcement. Member Dennis Revell state that negotiations would need to take place between California and Nevada, and then both States taking the proposal to their respective legislatures and getting their approval. Dennis Revell stated that he sent an email to the committee to explore an Interstate Compact or agreement between the two States to require all Nevada fireworks retail store locations to download the record of any individual presenting a valid state ID with a resident address where the product being purchased is not allowed to be possessed. Member Dennis Revell stated that the Compact agreement between the two States would make the State of Nevada's website available to any fire or law enforcement agency within the two States, ATF, and U.S. Department of Transportation.

Chairperson Greg Andersen stated that the State Fire Marshal can submit a white paper discussing the issues to the Governor. Member Dennis Revell stated that a discussion has taken place with the Governor's Director Legislation, and they did not express an opposition. Member Dennis Revell stated that he would volunteer to assist Co-Chairperson Caleb Phillips with drafting the white letter. Co-Chairperson Caleb Phillips asked for approval of drafting a white letter. It was moved by Member Ian Gilfillan to draft a white letter, motion seconded by Member Julie Heckman. Motion was carried with a unanimous vote in favor of approval of drafting a white letter.

C. Discussion of Signed AB 1403 and Requirements Thereof

Co-Chairperson Caleb Phillips provided an overview of AB 1403 to the committee. Member Dennis Revell stated that AB 1403 states that the State Fire Marshal must run the methodology that is developed in consultation with the General Fireworks Advisory Committee. Member Dennis Revell stated that there is a deadline of January 2025. Co-Chairperson proposed creating a work group. Member Janice Van Mullem and Member Dennis Revell expressed interest in joining the work group. Co-Chairperson Caleb Phillips stated that a work group allows individuals not on the Advisory Committee to participate. The committee tentatively set a date for the work group of January 11, 2024. A unanimous vote in favor of approval of creating the work group.

D. Discussion of Certificate of Eligibility for Explosives Permit for Storage

Member Mark Holthaus stated that in Kern County, in previous years, he was able to obtain an explosive magazine permit by using his pyrotechnic operator license as proof of a security check. Now, he is required to get a new live scan to obtain the permit. Co-Chairperson Caleb Phillips stated that OSFM does not have jurisdiction and that local AHJ's have the authority to create their own methodology to obtain a explosives permit. Member Ian Gilfillan stated that Sacramento County is requiring the same new live scan. Member Gary Brown stated that San Diego County is also requiring the new live scan. Co-Chairperson Caleb Phillips reiterated that OSFM does not have jurisdiction.

4. OPEN FORUM

Co-Chairperson Caleb Phillips opened the floor to open forum.

Member Tad Trout stated that several meetings ago he was informed of an illegal fireworks task force made up of Federal agencies along with State Fire Marshal offices. Member Tad Trout asked if that task force still existed and if it is actively doing anything. Chairperson Greg Andersen stated that the ATF does some work for the task force and that he would follow up with a status on the task force.

5. PUBLIC COMMENT

Co-Chairperson Caleb Phillips opened the floor to public comment.

There were no public comments.

6. MEETING ADJOURNMENT

A motion to adjourn was made by Member Dennis Revell and seconded by Member Tad Trout. Motion was carried with a unanimous vote to adjourn the meeting. Co-Chairperson Caleb Phillips adjourned the meeting at 10:31 A.M. (PDT).

DRAFT