



CALFIRE - OFFICE OF THE STATE FIRE MARSHAL General Fireworks Advisory Committee Meeting Minutes - January 17, 2019

COMMITTEE GOAL

To provide a means of communications between the Office of the State Fire Marshal, representatives of industry, the public and the fire service; and to seek comments and specific views on proposed regulations and technical issues.

OSFM STAFF

Al Adams, Chairperson, CAL FIRE, Office of the State Fire Marshal
Ramiro Rodriguez, Co-Chairperson, CAL FIRE, Office of the State Fire Marshal
Daniel Berlant, CAL FIRE, Office of the State Fire Marshal
Greg Andersen, CAL FIRE, Office of the State Fire Marshal
Diane Arend, CAL FIRE, Office of the State Fire Marshal
Thomas Campbell, CAL FIRE, Office of the State Fire Marshal
Kevin Chan, CAL FIRE, Office of the State Fire Marshal
Dan Scott, CAL FIRE, Office of the State Fire Marshal

MEMBERS PRESENT

Gary Brown, Pyro Spectaculars
Ian Gilfillan, Pyro Spectaculars North
Linda Haas, Phantom Fireworks
Julie Heckman, American Pyrotechnics Association
Allen Hogue, Anaheim Fire Department
Kevin Kelley, Disney Entertainment
Dennis King, MP Associates
Mike Buck (alternate), Fulcrum Advocates
Dennis Revell, Revell Communications
Tad Trout, TNT Fireworks

MEMBERS ABSENT

Mark Holthaus, Friends of Amateur Rocketry
John Newman, Friends of Amateur Rocketry

GUESTS PRESENT

Greg McCanless, Jake's Fireworks
Tim Swickard, Greenberg Traurig
Sherry Souza, J & M Displays

I. CALL TO ORDER

Chairperson Al Adams called the meeting to order at 9:32 AM.

II. ROLL CALL and INTRODUCTIONS

All attendees introduced themselves. It was determined that a quorum was present. Chairperson Adams noted that there were still vacancies on the Committee and encouraged interested individuals to contact him for more information.

Acting State Fire Marshal Mike Richwine welcomed the Committee members and informed them that an annual allocation from the General Fund of \$3.6 million has been dedicated to fireworks disposal.

Chief Daniel Berlant also welcomed the Committee members and stressed their importance in helping the Office of the State Fire Marshal (OSFM) to increase customer service by facilitating communication with members of the fireworks industry.

III. RULES & RESPONSIBILITIES

a. State Fire Marshal Committee Intent Overview

The role of the advisory committee was reviewed by OSFM staff.

b. Charter

The Committee Charter was also reviewed. It was noted that this Committee will also work in conjunction with the OSFM Special Effects Advisory Committee.

c. Regulations Rules and Procedures

Chief Greg Andersen and Diane Arend from the OSFM Code Development and Analysis Division gave an overview of the rulemaking process, which the Committee members will be participating in by drafting regulatory suggestions to OSFM staff. OSFM will send the overview documents to the Committee.

IV. OLD BUSINESS

a. Proposed Regulation Update

Julie Heckman from the American Pyrotechnics Association gave a brief summary of the state of the pyrotechnics. She and other Committee members noted that there is growth in the US industry which is being driven by new technology and the adoption of special effects into public displays. Updating Title 19, California Code of Regulations (CCR) regulations needs to account for it. Globally, the supply chain is very reliable.

Chairperson Adams opened the discussion of the proposed regulatory update by stressing that a long-standing interest of the OSFM is to increase the number of licenses issued in California and facilitating more companies entering the industry.

When the General Fireworks Advisory Committee was previously active, two working documents with proposed regulations were created. The General Fireworks Advisory Committee drafted a regulatory packet in 2013 which focused on updating definitions, bringing California in line with national standards and focusing on “safe and sane” fireworks products. Fireworks storage requirements were not sufficiently addressed. A 2016 document was created internally by OSFM staff which gave recommendations to every section of the fireworks code. Both documents will have value in developing the new regulations, which has been calendared for November 2019. These documents can be looked at by a workgroup formed of both members from the OSFM General Fireworks Advisory Committee and Special Effects Advisory Committee. OSFM wants to keep the 2016 document internal at this time to evaluate the recommendations to be sure they still reflect the current values and direction of the program.

Dennis Revell pointed out that a third document was created in 2014, which he would share with the Committee.

The methods of licensing and fee increase will also be considered. It will be informed in light of a Department of Finance review of the operating budget of the Fire Engineering & Investigations (FEI) Division which is happening in 2019.

Gary Brown moved that the committee participate in a workgroup to review the 2013 and 2016 documents which Julie Heckman seconded. The motion passed unanimously.

Gary Brown moved and Ian Gilfillan seconded the motion that this workgroup meet in Southern California on March 12 and 13. The motion passed unanimously. Chairperson Adams will distribute the 2013 proposals to the committee and asked that these documents remain internal.

b. Fireworks Disposal Update

Chief Richwine mentioned a special allocation of \$3.6 million was in the current budget and an ongoing General Fund allocation of the same amount starts next year for fireworks disposal, staffing, education and enforcement activities. This funding will be available to OSFM this year and allows additional grants to local agencies in future budget years.

V. NEW BUSINESS

a. Import/Export Reporting Requirements

There was a discussion of the 21 import/export companies which the OSFM licenses and that OSFM is reorganizing their internal processes to better process paperwork and track activity. OSFM will update these companies on the processes when completed and asks that this process become electronically conducted through the general OSFM mailbox rather than through fax or paper forms.

Chairperson Adams discussed the OSFM of bring this process into compliance with Health and Safety Code (HSC) Sections 12615 and 12619. The Committee discussed the licensee responsibilities in reporting importation and transportation. There was also a discussion of the methods used to track fireworks coming into ports for use in California, those being imported into California and later sent to other states and those sent out of state and returned to California.

b. Metal Racks and Fiberglass Mortars

Co-Chairperson Rodriguez reviewed the codified definitions of mortars, aerial shells and mortar racks. National Fire Protection Association (NFPA) 1123 covers public display mortar racks, and California can consider using this language when adopting new regulations for national consistency. Mortar racks made of metal and other materials are currently used in California, including on State property, under Authority Having Jurisdiction (AHJ) definitions, Alternate Means of Protection with safety and success.

Companies such as J&M Displays have conducted safety studies with OSFM Fire & Life Safety Division on the use of new technology, but this information has not been made available to FEI. In developing new regulations, it is more flexible, practical and useful for California to adopt performance specifications that can be used to evaluate products rather than design specifications of specific products. Regulations should also consider defining systems rather than their components. The committee asks that new technologies be accepted when the workgroup and this committee move forward on developing regulations. OSFM will consult with Chiefs Steve Guarino and Wendy Collins on the testing which has already been conducted on these products.

c. Strapping

Co-Chairperson Rodriguez says that the strapping of racks has been used, but the code on this is silent. The code which discusses rack bracing is in CCR, Title 19, Article 15, §§1001, 1002 and 1003.

Chairperson Adams asked if this should be addressed in code or left up to the AHJ. The use of strapping is currently viewed as situational according to the safety from situation to situation. The Committee recommends that there be general standards for the straps or strap systems used, such as their tensile strength, materials, etc. and that OSFM should consider creating standard guidelines to assist AHJs on how to evaluate the safe use of straps. NFPA has guidance on this in their supplemental materials which OSFM can adopt.

Gary Brown moved and Julie Heckman seconded a motion that OSFM move forward on the codifying of new technology such as mortar racks made of metal and by developing standards and criteria for their use in conjunction with the OSFM. The motion passed unanimously.

Kevin Kelley moved and Ian Gilfillan seconded a motion that OSFM move forward on the codifying of new materials in mortar construction and by developing standards and criteria for their use in conjunction with the OSFM. The motion passed unanimously.

Gary Brown moved and Julie Heckman seconded a motion that OSFM will develop guidelines for the safe use of straps. The motion passed unanimously.

VI. OPEN FORUM

Gary Brown brought up the difficulty in getting operators licensed for a basic commercial license. Barriers include time and training requirements. OSFM will place qualifications for the Basic Commercial License on the agenda for the next General Fireworks Advisory Committee meeting.

The requirements for the Restricted Commercial License were discussed. This item may come up in future regulation discussions.

Kevin Kelley asked if OSFM can develop guidance in the issuance of variances for the use of new technology. Chairperson Adams asked that Disney Entertainment submit a request letter to him about this.

VII. NEXT MEETING

The next meeting will not be scheduled at this time but will be considered for late March/early April after the workgroup meets.

Volunteers for the workgroup include Gary Brown, Ian Gilfillan, Linda Haas, Julie Heckman, and Kevin Kelley. Chairperson Adams will send an email to all committee members soliciting their participation in this.

Action Items

- OSFM will send the regulation process documents to the committee.
- Dennis Revell will share the 2014 draft regulation proposal document with OSFM.
- OSFM will distribute the 2013 draft regulation proposals to the committee with a CONFIDENTIAL watermark and instructions to not disseminate.
- OSFM will update importer/exporter companies on their process improvements.
- OSFM will consult with Fire & Life Safety Division on the testing which has been conducted on new fireworks technology.
- OSFM will move forward on the codifying of new technology such as mortar racks made of metal and by developing standards and criteria for their use in conjunction with the OSFM.
- OSFM will develop guidelines for the safe use of straps.
- OSFM will send an email to the committee asking if they wish to participate in the regulatory language workgroup which meets in March.

VIII. ADJOURNMENT

The meeting was adjourned at 2:39 PM.