



STATE FIRE MARSHAL General Fireworks Advisory Committee Meeting Minutes – May 24th, 2023

HYBRID MEETING VIA ZOOM AND IN PERSON

Office of the State Fire Marshal, 9th Floor
715 P Street, Sacramento, California 95814

MEMBERS PRESENT

Kevin Crews, Volt Live
Ian Gilfillan, Pyro Spectaculars North
Megan Quinn, Corona Fire Department
Gary Brown, Pyro Spectaculars
Linda Hass-Kreman, Phantom Fireworks
Dennis Revell, Revell Communications
Dave Nordling: President Reaction Research Society
Mark Holthaus, Friends of Amateur Rocketry
Antonio Solares: Orange County Fire authority, Assistant Fire Marshal.
Amy Nygren, Deputy Fire Marshal with the Sacramento Metropolitan Fire District
Sherry Souza, Fireworks & Stage FX America
Janice Van Mullem Huntington Beach Fire Department
Tad Trout, TNT Fireworks
Julie Heckman, American Pyrotechnics Association

MEMBERS ABSENT

David Nordling, Reaction Research Society
Gregory McCanless, Jake's Fireworks
Antonio Solares, Orange County Fire Authority
Kevin Kelley, Disney Entertainment

OSFM STAFF

Greg Andersen, Chairperson, OSFM
Caleb Phillips, Co-Chairperson, OSFM
Vijay Mepani, OSFM
Cortney Walker, OSFM
Jeff Schwartz, OSFM
Cortney Walker, OSFM
Yevonne Costa, OSFM

PUBLIC GUESTS

JD Streett: representing, local 44, on the board of the Directors Board for ASEPO
John Newmann,

1. CALL TO ORDER

A. Welcome and Logistics Briefing

Chairperson Greg Andersen called the meeting to order at 09:05 A.M. Pacific Daylight Time (PDT) on May 24th, 2023. Chief Daniel Berlant joined and welcomed everyone to the meeting as well

B. Roll Call/Determine Quorum

Roll call was conducted by Caleb Phillips and determined that a quorum of members was established at 09:07 A.M. PDT.

C. Introductions

All attendees introduced themselves.

D. Approval of Minutes

Chairperson Greg Andersen asked for approval of the minutes for the February 23 2022, meeting.

It was moved by Member Ian Gilfillan to approve the minutes; motion seconded by Member Dennis Revell. Motion was approved at 09:21 A.M. PDT.

E. Announcements

Chairperson Andersen mentioned that the day prior there had been the State Fire Marshal Centennial Celebration.

2. OLD BUSINESS

A. Fee Schedule Regulations Update

Chairperson Andersen provided an update on the fee schedule regulation. The Office of Administrative Law (OAL) had comments regarding the justification for the fees and the package will need to be resubmitted for a 15-day period once Staff has updated the justification and made some changes to the fees in response . Co-Chairperson Phillips gave a presentation to the Committee detailing the updates to the fees as well as fees that did not change as a result of OAL's comments. Phillips explained that the company licenses had changed and that the device permits and the operator license fees did not change. Chairperson Andersen explained that a lot of them had a 50% originally and some were 75% increases, and for the sake of consistency the company licenses were changed to 55% across the board. He also said the package is not completed and we are providing this information now to get it out as quickly as possible. Co-Chair Phillips presented the spreadsheet to show how the license fees were adjusted to 55%.

Member Dennis Revell asked if the reason for these changes was to be consistent across the company license types irrespective of the workload. Co-Chair Phillips explained that one of the comments from OAL was that there has not been a substantial change in regulations or industry to justify changing the fees in the licenses by different amounts. A comparison made to the operators and the devices, where across the category all licenses increased by the same amount. Chair Andersen explained that OAL would allow for disparity in fees if we had justification, and due to the large disparity in fees between the company licenses it was simpler to make a consistent change across the board. Chair Andersen explained that there was deadline to meet and we wanted to complete this. Chair Andersen opened this for comments. Member Ian Gilfillan asked for confirmation that company licenses increased by 55% and operator licenses increased by 100%. Chair Andersen asked if there was agreement that this was a good approach, Member Gilfillan said this was a justifiable approach. Member Mark Holthaus brought up that the Rockets operators are working for non-profits and volunteering their time and that it wasn't fair that their fees were doubling. Member of the public JD Street spoke that he sympathized with Mark's position and they get reimbursed for their license fees. He also stated that there is concern that it would reduce the number of special effects 3rd class operators and that operators that hold 1st class licenses and don't use it often may give up their license because of their fees. Ian Gilfillan agreed that the same concern exists for basic commercial operators, that there is an acute need for operators and those that don't use the license often may also give it. Kevin Crews agreed with Ian and JDs position that it would reduce the number of operators. Sherry Souza also said that a lot of operators lost their licenses during covid because they did not renew the license and with the hit of the increased fees more operators will walk.

Chair Andersen spoke about the need for the fees increase and the mandate to cover our costs and asked if there were any other comments related to the fee package.

Dennis Revell asked if a workload study would generate significantly more cost and time. Chair Andersen agreed it would. JD Street asked for consideration to the Rockets Licensees as they do not make money from their licenses. Ian Gilfillan asked for a quantification of the impact from not increase Rockets License fees.

Kevin Crews suggested to look at other ways to derive revenue, such as charging fees for permitting fireworks shows on state property. Vijay Mepani answered that it would be an hourly rate from the Fire and Life Safety division and that for filming we do not charge for permit fees. Kevin Crews responded that most agencies charge a permit fee and for inspection fees. Andersen responded that the state is only allowed to capture fees to cover exact costs and it would take a new law to change that. Amy Nygren added that for local jurisdictions it typically includes processing fees and inspection time. Chair Andersen also added that Fire and Life Safety has proposed two regulatory packages to change the fee structure for events on state property and that they had not successfully been chaptered. Phillips provided a quick analysis of the fee impact from rockets licenses that it would represent a loss of \$2400 to not increase the rockets license. Several other alternatives were provided such as increasing every other license by approximately \$1 as we issue 2100 retail booths, 1100 operator licenses and about 100-200 company licenses per year. Gilfillan asked if the OSFM could absorb the \$2400 loss, and Andersen responded that no we could not. Gilfillan asked if the largest single license type was Retail Booths. Phillips

answered that about 2500 have been issued this year and the next largest category was operators at 1100. Revell asked if the workload was any different and Phillips responded no, renewing operators are all around the same amount of work. Sherri Souza asked if the fees could be increased slowly over 3 years, Andersen responded that each increase would take a new code package. Tad Trout asked if there was any way to cut the expenses, because the retail booths were going from \$50 to \$150 but the whole process had moved online and that the non-profits shoulder that increased fee. Andersen responded that the division is working on making the processes more efficient but that the division had to meet the financial marks set by the department of finance. Kevin crews seconded the comment regarding the workload and efficiencies. He asked what work is involved in renewals that could justify the cost. Andersen responded that the renewals don't take as much time but we don't make the money we need on the upfront initial issuance due to the workload there. Andersen then asked if there was any proposals. Revell commented that the audit was done under the old system and now that the streamlining had been implemented had the costs changed. Andersen responded that things had changed to save time, but there were increased costs to provide the technology. Andersen for asked for comments or motions. JD asked that if special effects licenses were increased by \$5 would it cover the money for the rockets. Phillips confirmed that the \$5 increase on special effects operator licenses would cover the rockets licenses. JD asked to make a motion to increase the special effects operator fees by \$5 to not increase the rockets operator licenses. Phillips reminded JD that he is not an appointed member of the committee and cannot make motions. Kevin Crews made the motion in his place, Gary Brown seconded. Andersen called for comments on this motion. Nygren asked if rockets were held at \$50 would it not cover the fees needed for the rockets. Andersen confirmed that yes it would not cover the fees and if the rockets licensees exploded then it could be an issue. Holthaus commented regarding the need for the display licenses, so they will be paying more money either way. Van Mullem commented that working for the city, Non-profits do not get a break and that all parties should have to pay the same amount. Andersen proposed a justification that because the rockets groups hold two licenses, the operator license and the display license, it would be hitting that group with a double fee. The motion passed 8-2 at 10:10 AM.

B. Fireworks Regulations Update

Chairperson Greg Andersen requested an update for the committee from Caleb Phillips. Phillips said that not much had moved but that a meeting was scheduled for June 21st with the theatrical and special effects licensees and once that was completed the proposals would be merged for recommendation at the upcoming committee meeting.

C. State Enforcement/Investigation activities

Chief Andersen provided a brief update on ongoing investigation activities. Revell asked a question regarding the letter sent by Norcal FPOs, requesting enforcement in Northern California. Nygren asked if this was the letter sent by the Sacramento Task Force not the FPOs. Andersen stated the office is looking at the availability of

resources to conduct enforcement. Revell stated industry's support of the enforcement and pledged support if needed.

E. Safe and Sane Fireworks Assortments

Andersen discussed the safe and sane fireworks assortments and the enforcement challenges associated with seizing one product out of an assortment. Trout spoke of the approach TNT fireworks would do if one product in an assortment was not approved, they would pull the entire assortment from sale. Phillips asked for the industry's opinion on the best way to list assortments in the safe and sane book, and discussed the challenges associated with manually editing the book each year, because we cannot collect fees to add assortments to the book. Phillips also asked if each year are the companies changing their assortments or do they mostly stay the same each year? Linda asked if we can pay the \$50 fee to list the assortments. Phillips stated that there is not a mechanism in regulation to collect fees for assortments.

3. NEW BUSINESS

A. OSFM Data Collection Discussion

Revell requested this item be added regarding the Cal-Stats data collection for fireworks. Revell stated that the information included on the State Fire Marshal's website is less than clear and that information was used in the Assembly's analysis of AB 1403. Revell explained some historical information that in 2008 he was authorized by SFM Kate Dargan to interface with USFA on NFIRS database regarding issues with the collection of the Fireworks Data. NFIRS agreed changes were needed but did not have the funds to make the changes. California still uses this database and it is insufficient to collect data on fireworks fires. The data presented is causing confusion in legislative circles, and Revell asked that someone from the SFM who is responsible for developing this data be present. Andersen explained that the issue with this data is that it doesn't separate out between legal and illegal fireworks. He then asked the Fire Service representatives if that data was even possible to collect. Van Mullem responded that it would typically be found in the fire narrative. Nygren agreed and added that it would be difficult to determine what the firework was before determining if it was legal or illegal. Nygren added that in 2025 USFA is changing the reporting system. Revell said that there are plus 1 codes that can be added to the reports in the NFIRS system, and that in the CFIRS system you used to be able to pull a lot of data from it, prior to the 5.0 system. Andersen asked that staff follow up with Cal-Stats. Andersen stated that we can request that a representative from CALFIRE be present at the next committee meeting. Brown brought up a concern about the data being presented at all because it is so misleading and can be used to justify anything, because it doesn't separate out display fireworks, he asked why provide it to the public if its not mandated. Andersen said that the data had some worth in using the data in regards to public safety but agreed that it was not helpful in discussion of legal versus illegal fireworks. Revell said that local jurisdictions do a great job each year in preparing reports regarding fireworks caused fires. Revell asked that a representative from CALFIRE be present at the next meeting and see if the data can be removed from the website.

B. Nitrocellulose Candle Discussion

Trout explained a nitrocellulose candle is a special formula that does not include black powder and is used a lot on birthday cakes and that from the federal perspective this device is deregulated. The industry asked that this device be included with party poppers and snap caps as a deregulated item in California. Revell asked for a meeting with working group to discuss adding this to the regulation and to regulate them. Phillips said these devices are currently regulated and if they are not tested and approved they are dangerous fireworks. If the devices are tested they are considered safe and sane fireworks, after testing and must be imported with a import/exporter, and sold by a wholesaler to a retail booth and sold during the June 28th to July 6th window. Revell clarified that they are requesting the device be classed as novelty because they do not burn hot. Van Mullem recounted some past experience she had with this product in a restaurant where the jurisdiction did not allow them because they are a firework and were used in an A occupancy. Andersen clarified that the industry is requesting this device be sold as novelty and sold throughout the year, and Revell added that the product would be subject to local restriction. Trout also said that they are proposing a much smaller device in line with the federal de-regulation, limited by the composition amount. Andersen said that the working group should decide whether to add the language regarding the candles to the open regulatory package. Revell asked for a meeting with the working group prior to the next General Fireworks advisory committee meeting. Revell made a motion to call the working group meeting, seconded by Julie Heckman. Motion was passed at 11:05 PDT.

C. Set Date for 3rd Quarter GFAC meeting

The meeting was set for Southern California for August 25th.

OPEN FORUM

At 11:10 PDT Chairperson Greg Andersen opened the forum and Tad Trout asked to set a date for the Nitrocellulose candle meeting. The meeting was set for the 25th at 9:00 A.M.

PUBLIC COMMENT

At 11:13 PDT Chairperson Greg Andersen, opened for public comment. No Public comments were made.

MEETING ADJOURNED

At 11:14 the meeting was adjourned.