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# GENERAL FIREWORKS ADVISORY COMMITTEE MEETING

**Meeting Minutes – Thursday, September 18<sup>th</sup>, 2024, 9:00 AM – 12:00 PM**

*Meeting Minutes*

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## Location:

602 E. Huntington Drive, Ste. A,  
Monrovia, CA 91016

## Join Zoom Meeting

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**Meeting ID:** 277 510 9609

**Passcode:** GFAC

## 1. CALL TO ORDER

### A. Welcome and Logistics Briefing.

Meeting was called to order at 9:00am by Chief Andersen. Chief Andersen established some additional rules for discussion.

### B. Roll Call / Determine Quorum.

A Quorum was initially not established, however, several committee meeting members joined late, and quorum established at 9:33am. Introductions were conducted during the Roll Call for committee members.

Committee Member David Nordling, joined during the discussion of our regulations update, which was about an hour into the meeting. Chairperson Caleb Phillips wanted it notated that appointed Member David Nordling was able to join.

### C. Non-Committee Member Introductions.

Committee Chair Caleb Phillips coordinated the introductions of the non-committee members who participated in the committee meeting.

### D. Approval of May 23<sup>rd</sup>, 2024, Meeting Minutes.

Initially tabled due to a quorum not being established. Chief Andersen circled back to the approval of meeting minutes upon having a quorum established.

Member Amy Nygren would like the meeting minutes to be corrected regarding her decision to abstain from a vote last committee meeting regarding the Interstate Compact White Paper. Her vote of abstention was used against her towards her Fire Chief and the public she serves. She would like it clear that her abstention was because she did not have an appropriate timeframe to review any material related to the Interstate Compact White Paper. She notes on May 3<sup>rd</sup>, 2024, the committee received

the agenda, which noted the Interstate Compact White Paper as a new business item, which had no attachments associated for review at that time. It was not until the day of the meeting, May 23<sup>rd</sup>, and approximately 13 minutes before the discussion on the Interstate Compact White Paper when any material was made available for review. Additionally, Page 3 of the attachment did not contain any exhibits, in which case, Member Amy Nygren was unable to make an informed vote because the material was no received in an appropriate timeframe.

Member Dennis Revell noted some needed corrections on the meeting minutes. Section A of Old Business, there is a typo in the last paragraph, “licensed” needs to have a “d” added. Section C of Old Business under the last paragraph, should have the corrected name of “Dennis” and not “David”. Section E of New Business, paragraph under member Amy Nygren’s question, the name “Tony Grovara” should be corrected to “Anthony Guevara”.

Member Tad Trout noted additional corrections. Under New Business, Section 3A, Taskforce Updates, first and third paragraph has “border” spelled incorrectly. Under New Business, Section 3C, Interstate Compact White Paper, the “b” in “Board of Supervisors” within the question by member Amy Nygren, needs to be capitalized. Under New Business, Section 3E, Plan for Legislative Report for AB1403, under the ninth paragraph, Member Gary Brown’s last name is missing.

Chief Andersen noted that due to quite a few edits the committee will hold off on approving May 23<sup>rd</sup>, 2024, meeting minutes. FEI will get them corrected and resubmitted for approval at the next committee meeting in November.

## **E. Announcements.**

Chief Andersen shared some divisional updates and announcements pertaining to the Fireworks program. First and foremost, nearly all programs within Fire Engineering and Investigations (FEI) will be moving to Self-Certification Testing with Pearson Vue, effective October 1<sup>st</sup>, 2024. Individuals will be able to test prior to applying for a program license within FEI.

Additionally, FEI will be changing how license renewals are handled. Instead of sending yearly stickers for the renewal of licenses, FEI will be moving towards printing new cards each year with current year’s expiration dates. The cost for obtaining and sending out stickers outweighed the cost of printing new cards with expiration dates on them. FEI is aiming to roll this out come the beginning of 2025.

## **F. Division Updates**

Chief Andersen noted that this advisory committee will be receiving Bagley-Keene training from CALFIRE’s legal staff soon; unfortunately, they were unavailable for today’s meeting. It is being advised by legal counsel that all committees within FEI, comply with the standards laid out via Bagley-Keene, even though they do not necessarily qualify as an official committee under the Bagley-Keene definition of a committee. Some of the changes will affect the in-person and on-camera requirements as well as the requirements for posting of material related to the committee documents.

Chief Andersen further commented that the Committee Charter and roster are currently in the works of being updated, and that there will be more to come by the end of the year. During this time, all committee charters and rosters are being reviewed to make sure we have a balanced approach of representation and members in attendance.

Chief Andersen shared that FEI just recently added two new coordinators (Patricia Rock and Terrance Liszewski) to the Automated Extinguishing Systems (AES) program and our Portable Fire Extinguishers (PFE) program, respectively. Each will be cross trained to assist with inspections, so there is proper coverage and customer services in Northern and Southern California.

## **2. OLD BUSINESS**

### **A. Fireworks Regulation Updates**

Chairperson Caleb Phillips informed the committee that the regulations have moved and have been sent to FEI's Regulation Coordinators, in which they are being reviewed. Additional meetings are scheduled to work through the 128 pages of the Initial Statement of Reasons (ISOR) and the requirements around the Administrative Procedure Act.

Additionally, forms are also being worked on and will be added and incorporated into the regulations package.

Member Dennis Revell, asked about a timeline on where the regulations package is at in the process of completion. Chairperson Caleb Phillips noted that the regulations package is still early in the timeline and is still being reviewed by the division. Once the review is completed it will get moved to OSFM Code Development for review and analysis. The hold-up was due in part to the adoption of the updated forms into the regulation package, which was not initially part of the regulation update until the fireworks program was informed that we needed update the form and incorporate into the regulations update package.

Member Dennis Revell further inquired whether the regulations package will come back to this committee for additional review. Chairperson Caleb Phillips does not believe that it will because the updated forms do not have any substantial changes except for what we'll discuss later today under New Business. Basically, what is changing is the format of the forms and not so much any content or anything that this committee has worked on. Once the forms are updated with the correct formatting, we'll incorporate them into the regulations package and get them solidified into regulations going forward.

Chief Andersen added that we can provide copies of the forms to the committee for review, but echoed what Chairperson Caleb Phillips noted, that there are no substantial changes to the forms or anything the committee or workgroups have worked on. Chief Andersen further shared the big task is making our forms consistent across the division, so there is some continuity amongst the programs along with making the forms ADA compliant for accessibility purposes. The task has become more in-depth because it is not just one program, we are working through but rather all of them. Our Automated

Extinguishing System's program was a high priority along with this one, and it will take some lengthy work to get the regulations updated and into a more recent era.

Member Dennis Revell, followed up with a question pertaining to an estimated time of completion for the regulation update. Chairperson Caleb Phillips noted that it would be difficult to give an estimated time of completion, but Chief Andersen suggested likely sometime at the beginning of next year due to the extensive detail and descriptions needed on the forms by The Office of Administrative Law that is adding to the work and intricacies of the ISOR, just one form added approximately 20 pages to the ISOR.

## **B. Interstate Compact White Paper**

Chief Andersen shared that CA OSFM has opened discussions with the NV State Fire Marshall and they have been very productive. There were some challenges with folks not being there that should have been, but it was unavoidable being that those individuals were dealing with fires happening in their respective states. Furthermore, based on some of the feedback, Chief Andersen believes continue to have discussions on this topic with this committee but as it currently stands it is in the hands of the CA State Fire Marshal, Chief Berlant.

Barabara Law, Sac-Metro Fire Marshal, inquired about the attachments and links on the White Paper that is up on the Committee website, it appears none of the links or notations are active and none of the attachments have been posted on the website either. Have these attachments been provided to the committee at some point? It sounds like this has been moved forward but nobody has seen the entire document because it does not seem to be available.

Chief Andersen said he will confirm because the attachments were not formatted to be part of the document (The Interstate Compact White Paper), the attachments and links news stories and things but we will work to get that to everyone.

## **C. AB 1403 Update**

Chief Andersen noted that the Arson and Bomb Unit (ABU) is diligently working on providing a report to the legislation with the information that we have at this time. Also, AB 1403 did supply OSFM with staffing to work on this, but that has been on hold due to the state budget challenges. Input has been taken from this committee and we will continue to move forward on this.

Member Dennis Revell would like the minutes to reflect that HSC section 12556 which was amended via AB 1403, basically had 3 operational activities in section A. It required the department to evaluate methods to capture the data, and to do that by July 1<sup>st</sup>, 2024, that deadline previously existed as of July 1<sup>st</sup>, 2008, and the department hadn't done that, and in looking at it, the author decided to reaffirm the need to do that and establish July 1<sup>st</sup>, 2024, as the deadline. The other two deadlines are both January 1<sup>st</sup>, 2025, the first one in subsection B is to collect and analyze the data as it relates to issues caused by illegal fireworks as well as safe and sane fireworks. And then the second date is July 1<sup>st</sup>, 2025, requiring the department to do a workload analysis of the resources needed to further assist with the training of local departments on the subject.

There are many operational deadlines in this bill, and he wanted to make sure that we weren't confused as to what we were dealing with.

Chief Andersen added that as of January 1<sup>st</sup> of last year (2023), CALFIRE started collecting additional data on fires caused by fireworks, and that data falls under the plus one codes. This was implemented at the beginning of the year (2024) as we work this out, but it doesn't affect all the data from the local departments. We have collected some of the data from local departments that have the plus one codes but it is limited on certain jurisdictions that have this option. Currently, OSFM is focused on the workload analysis as well as the report that is due on January 1<sup>st</sup>, 2025.

### **3. NEW BUSINESS**

#### **A. Seizure of Illegal Fireworks**

Chief Andersen noted that we have a new contract for the disposal of seized fireworks and are working to get those seized fireworks shipped out, which totals close to 220,000 pounds. OSFM storage facilities are nearing capacity but having done some shipments for disposal OSFM has created some additional space. ABU is continuing to collect fireworks from the locals, and they've recently done sweeps in the north and south. There have been a couple of issues presenting themselves during this time, specifically with the reporting system a showing a little glitch. Law notates local jurisdictions must report to OSFM that they have seized fireworks within 3 days of confiscation, and it shows up on OSFM's dashboard that there is something to be picked up. However, it doesn't mean that those fireworks are ready for pickup and storage by OSFM. Those seized fireworks are sometimes held and needed by local jurisdictions for evidence purposes and so it reflects that they have fireworks for pickup, but they are not necessarily needing to be picked up, and it causes delays in retrieving the seized fireworks by OSFM and the storage of those fireworks by local jurisdictions. We are working on a solution that will allow local jurisdictions to report it but then also flag it for pickup when it is ready, instead of having this time delay for reporting and ready for pickup.

Chief Andersen further shared that OSFM is looking at different sites to expand our storage area and other opportunities to manage our seized fireworks, as this continues to be a significant issue in the office.

Member Janice Van Mullem asked if there was some guidance and/or regulations regarding the safe storage and transportation of seized fireworks, as this has become a reoccurring challenge for local jurisdictions. Chief Andersen and Chairperson Caleb Phillips, noted that historically, OSFM has followed Federal regulations and exceptions that permits local fire departments and law enforcement agencies to transport hazardous materials in an official capacity. As far as storage, they still need to be stored safely because local jurisdictions are not storing fireworks for sale or commerce. Storage requirements can be found in Title 24 of the fire code, which local jurisdictions should be following. Chief Andersen highlighted that OSFM is doing a code interpretation on this, but it has not come out just yet, once it does OSFM will get it into the hands of local jurisdictions.

Member Tad Trout inquired if the safe transportation of “hazardous waste” is part of the federal guidelines followed for transporting seized fireworks. Chairperson Caleb Phillips said its not classified as waste until OSFM determines it to be waste; however, Chief Andersen said to let’s double check before confirming that is the case, because transporting hazardous waste falls into the federal realm and we do not want to answer for them. Member Tad Trout followed up to say that if there is going to be some research into this for federal exemption of transportation of seized fireworks, please let us know if that is also inclusive of hazardous materials.

Member Tad Trout wanted to clarify that OSFM believes there to be some legislation that allows OSFM the authority to determine when seized fireworks becomes hazardous waste not the Department of Toxic Substances Control (DTSC). Chief Andersen said we are to be very careful in answering this because he does not want to speak for them and the fact that there are some talks about the State Fire Marshal managing fireworks, which then means it depends upon the definition of what “managing fireworks” entails.

Member Tad Trout suggests that it puts AHJs in a precarious situation because if DTSC says that if AHJs take possession of seized fireworks and its determined hazardous waste, then they are odds with potential conflicting standpoints. Member Janice Van Mullem agrees because when her city (Huntington Beach) wanted to do a “take-back” firework program, the local Certified Unified Program Agency (CUPA) said they could not do that unless they were permitted as a waste collection facility because it was considered hazardous waste and thus had to drop their “take-back” program. Yet, Member Janice Van Mullem noted that if it’s confiscated as part of “illegal activity” then she does not believe it is considered “hazardous waste”. Due to the intricacies of the questions, Chief Andersen will get an ABU person to address some of the questions that are being presented and the last thing he would want to do is give out wrong information.

Member Dennis Revell believes that the “managing” definition was in SB 277, the Archuleta Bill.

Member Dennis Revell inquired about the impact on available monies with regards to the largest seizure of illegal fireworks in the Gardena earlier this year. Chief Andersen shared that it filled up a lot of our storage and we are already in the process of disposing of it as quickly as we can thanks to a one-time disbursement of funds from CALFIRE to help. One of the bigger issues to note, was most of the seizure was commercial grade fireworks, which are more expensive for OSFM to dispose of as hazardous waste, but also limits OSFM’s ability to dispose of them because of the limited number of facilities that will take that grade of firework.

Member Dennis Revell asked if the source of those seized fireworks has been identified. Chief Henning noted that we cannot comment on that at this time.

Member Tad Trout asked which vendor is disposing of the fireworks for OSFM. Chief Andersen was not exactly sure who but did say that OSFM goes through a contractor who sets all that up for OSFM but that it is also public record. The Cost has increased over the years and has nearly doubled from a few years ago.

## **B. Regulation Proposal for New Labeling Requirements**

See Staff Report (Attachment 2) titled “**Regulation Proposal for New Labeling Requirements**”. Chairperson Caleb Phillips and Chief Andersen noted that this is an open discussion, and OSFM is not moving forward with anything at this time. OSFM is wanting to just notate the issues, discuss the possible solutions and see about any alternative approaches that can be taken.

Member Dennis Revell notes that this should be addressed in the new regulations pack, under section 987.4, and that change would be not having the manufacturer number on there because it is pointless but that we require the Importer/Exporter, and Wholesaler numbers on there, as the new section requires.

Chairperson Caleb Phillips explained that the only reason why we would consider keeping the manufacturer number on there is for the non-safe and sane products. There are a handful of manufacturers in the state that do manufacture products, and they wouldn't need an importer/exporter and would only need a wholesaler license. Granted the majority of the products would not need a manufacturer number on it but for ease of writing into regulations it would just be easier to keep all three on the products versus specifying it out.

Member Tad Trout shared that if we want to keep the manufacturer number that is fine but maybe let's remove it from “safe and sane” approved fireworks. It often clouds up the factories when they are working with the industry in trying to make sure it's on there. The industry seems fine with it and there is no problem keeping the importer/exporter and wholesaler number on it, but it is too much with the manufacturer number. Chairperson Caleb Phillips agreed but saw the difficulty in regulating that difference because the manufacturer license does not distinguish between safe and sane products. Holding a manufacturer license allows you to manufacture any firework. However, there is a possibility that we just put in regulations, that any “safe and sane” approved product does not require a manufacturer number.

Member Tad Trout wanted to comment on the EX/FC number. He does not believe that the industry has an issue with adding that to the “Safe and Sane” book, but he doesn't think it is currently required to be on the packaging per American Pyrotechnics Association (APA) Standard 87-1A but does need to be on the corrugated shipping carton case because the EX/FC number is all about transportation. Chairperson Caleb Phillips likes the idea of having it on the cases and the packaging in order to help link particular fireworks with their shipment cases.

Member Tad Trout is concerned about the retesting aspect of the proposal. He does not believe there is statistical information from fire injury supporting the necessity of this. Statistical analysis from LA County shows the last fire from a safe and sane firework was approximately 10 years ago. Member Tad Trout also noted that Southern Nevada fire prevention did the same thing a number of years ago. They retested 25% of all items over a four-year period, and they ended up quitting due to the time and effort it required with little to no violations or statistical changes noted. He recommends discussing with the folks at Southern Nevada Fire Protection before we decide on retesting.

Member Tad Trout wanted to challenge OSFM on another bigger item relating to packaging issues with aerial products coming out of China, that have the California State Seal on them; essentially going after the organization and persons bringing in aerial products that have M123 on it when they have not been approved in California for use. Tad Trout and Linda Hass' organization are always on the factories reminding them not to put the California Seal on them unless they have been approved in California. It seems to be the factories putting the Seal on everything because they see it on other manufactured fireworks that have been approved and assume that the California Seal must go on it. Maybe what is needed is OSFM should start working with the American Fireworks Standard Laboratory (AFSL) to help combat this rising issue by testing items at the factories in China that have manufacturer numbers M123 so that they can tell the factories to just stop putting M123 on everything.

Chief Andersen is interested in knowing what the typical industry lifecycle of a safe and sane firework is because doing a retesting program would require a lot of cost for OSFM staff and the industry. Member Tad Trout said it's the items you find in the assortment firework packages that are changing more rapidly but the items that the industry dubs as "counter items" they can be reproduced on regular basis anywhere from 20 to 25 years and in some incidents, they could be up to 50 years, items like the Piccolo Petes or Rambling Flowers. Chief Andersen wanted to see the feasibility of retesting, and really identify that the product has not changed over the years but also as a way of cleaning up the lists that many of the firework organizations have. Some fireworks have been on an approved list for 20 plus years but have not been produced in a long while, but when they get brought back into production, there likely should be some sort of retest required. Member Tad Trout and Linda Hass agree that it is an acceptable reality, but they would also want to question the cost of relisting the approved firework item. Prior to now it used to be \$50 per safe and sane firework but at \$250 the feasibility of it becomes a little cost heavy for the industry.

Chairperson Caleb Phillips had another question about how long it takes to phase out old packaging of a particular product. Member Tad Trout suggested instead of knowing the amount of time, because it would vary depending upon the popularity and movement of the product, instead pick a date, where any product manufactured after that particular date must comply. Chairperson Caleb likes the idea but see's an issue with knowing if that particular product has been tested or not. Member Tad Trout recognizes that issue and suggests that Chairperson Caleb Phillips would need to get a hold of the point of contact for each company so that he can validate testing but then rises the issue of not all manufacturers having similar, consistent, and readily available data that shows lot numbers and shipment records, even though it's required by federal law. However, the challenge further comes when retail booths are being inspected and those approved and tested fireworks are out of the packages and cannot be linked back to a particular lot of manufactured and tested fireworks. Member Tad Trout recognizes the challenge with this, and Chairperson Caleb Phillips suggests offering a grace period of approximately 36 months for retesting of approved fireworks but both members Tad Trout and Linda Hass believe they'll need more than 36 months on certain products, since they may not move off the shelves as quickly. The bigger picture is that if they go down this road, Chairperson Caleb Phillips would like to see that this is a strong and enforceable regulation, and that OSFM, local fire authorities and the Industry can close the loopholes that are affecting regulation enforcement of safe and sane fireworks, and preventing manufacturers from just putting M123 and the California Seal on the

packaging, making the claim that it is an approved and tested firework even though it is not.

Chief Andersen wants to make the committee aware that we are just looking at options about helping to combat the sale and use of illegal fireworks in California. Chairperson Caleb Phillips has some great ideas and OSFM wanted to bounce those ideas off of the group at large and see what could be drawn up to help create a clear path forward in a more functional and easier process. Overall, the problem is not so much the retail booth per se but it's the sale and importing of illegal fireworks that have not been approved or tested for use in the State of California, and knowing if those products are still safe for use in California. Chief Andersen believes there are some good ideas being shared and the committee will need to continue to vet those ideas. Member Tad Trout believes it is good that OSFM is looking to address these issues. And He along with Linda Hass want to be part of the solution and will work to get together, along with other manufacturers, and see what they could come up with idea wise to assist in being part of that solution.

To help facilitate that, Member Tad Trout, asked if Chairperson Caleb Phillips has a list of wholesalers and importer/exporters that can be provided. Chairperson Caleb Phillips said he can pull that information and send it over to Member Tad Trout.

#### **4. OPEN FORUM**

Member Mark Holthaus inquired about the notification process for obtaining a Certificate of Eligibility (COE) for explosives but being that OSFM does not oversee that certification, OSFM is unaware of the renewal notices. Member Tad Trout, jumped in and said renewal notices are not sent, and the person is on their own for being aware of when to renew.

Member Ian Gilfillan wanted to know when referencing confiscated fireworks and their weight, are we talking about gross weight, inclusive of cartons and the whole thing? Chief Andersen confirmed it is the gross weight but also, that it is an estimate though from the local jurisdiction that confiscated it. However, when we ready it for disposal OSFM will often strip it down to remove any excess weight.

Member Mark Holthaus inquired about having discussions on the implementation of the proposed "limited export license". Chairperson Caleb Phillips informed Member Mark Holthaus and the committee that OSFM is still working through the recommendations from the committee regarding the regulations update. Once we have agreement internally on moving forward, we will bring it back for further discussion on compliance and implementation.

Member Dennis Revell asked if there was anyone on the call or from OSFM that could give an update on the communication with U.S. Fire Administration (USFA) regarding National Emergency Response Information System (NERIS). Chief Andersen mentioned that it had sounded like they have made some progress but pointed to Chief Henning on if he has heard anything pertaining to the changes from USFA on the NERIS system. Chief Henning was unavailable and Chief Andersen noted that he will follow up with Mike Moreland to see if he

can obtain further information. Member Dennis Revell requested an update at the next committee meeting if possible. Member Tad Trout highlighted that there was a work group being formed by USFA and implementation is planned for October. He knows there is a lot of discussion happening and some major concerns nationally that are being pushed by California and that needs to continue to be the case. Chief Andersen agreed and will work to get an update at the next committee meeting.

Member Mark Holthaus asked when the Self-Authorization testing will go into effect. Chief Andersen and Chairperson Caleb Phillips pointed to the Information Bulletin currently on the OSFM website discussing this very topic and point Member Mark Holthaus to review that for guidance and direction.

Member Dennis Revell wanted to share about the offer to have two technicians from AFSL, at no cost, to assist OSFM with the training of local jurisdictions regarding firework enforcement. The proposal and offer have been sent to OSFM, and Chief Gouge regarding if there would be some merit and desire there for conducting some training and educational courses to assist with the burden of delivering training to local jurisdictions by OSFM. Member Tad Trout additionally noted that these training programs and courses have assisted many other areas and states with their firework enforcement have been extremely effective in developing and creating better processes for enforcing firework ordinances. Both Tad Trout and Dennis Revell are wondering if this would help OSFM regarding the requirement for training from AB1403, and if so, they recommend getting it scheduled fairly quickly and that it come from OSFM. Chief Andersen thinks the training provides an interesting opportunity and will discuss further with Members Tad Trout and Dennis Revell.

## **5. PUBLIC COMMENT**

No public comments noted.

## **6. MEETING ADJOURNMENT**

Chief Andersen motioned for meeting adjournment, Member Tad Trout seconded motion, all member voted in favor of adjourning. Meeting adjourned at 11:07am.

*This notice and copies of the written materials have been posted on the Office of the State Fire Marshal website <https://osfm.fire.ca.gov>. For information concerning the Committee meeting, please email Caleb Phillips at [Caleb.Phillips@fire.ca.gov](mailto:Caleb.Phillips@fire.ca.gov). Any written reports being provided to the Committee members in advance of the public meeting will also be available to the public upon request.*

*In accordance with Title II of the Americans with Disabilities Act of 1990, reasonable accommodations are available. Request for reasonable accommodations should be made at least five (5) working days prior to the meeting date. To request reasonable accommodations, including documents in alternative formats, please contact Caleb Phillips at [Caleb.Phillips@fire.ca.gov](mailto:Caleb.Phillips@fire.ca.gov).*