

Public Safety Fireworks Enforcement Task Force Report

March 2026



California Department of Forestry and Fire Protection
Office of the State Fire Marshal
Fire Engineering & Investigations

Public Safety Fireworks Enforcement Task Force Report

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The CAL FIRE – Office of the State Fire Marshal coordinated the development of this report. Before its publication, the Public Safety Fireworks Enforcement Task Force developed and recommended the substance of this report for approval by the Office of the State Fire Marshal. The General Fireworks Advisory Committee (GFAC) reviewed the report, and GFAC comments are included in Appendix A.



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Office of the State Fire Marshal Overview

History

The CAL FIRE - Office of the State Fire Marshal (OSFM) supports the mission of CAL FIRE by focusing on fire prevention. The Office of the State Fire Marshal provides this support through a wide variety of fire safety responsibilities including: regulating buildings in which people live, congregate, or are confined; by controlling substances and products which may, in and of themselves, or by their misuse, cause injuries, death and destruction, including by fire; by providing statewide direction for fire prevention within wildland areas; by regulating hazardous liquid pipelines; by developing and reviewing regulations and building standards; and by providing training and education in fire protection methods and responsibilities. These achievements are accomplished through several major program elements, including engineering, education, enforcement, and support from the State Board of Fire Services.

The OSFM's Fire Engineering & Investigations Division (FEI) manages nine statewide programs completing licensing, product evaluation and approval, and enforcement, with a focus on consumer services. Our team requires expertise in fire protection engineering and laboratory testing. One of these nine programs is the Fireworks Program.

California's Fireworks Law, originally passed in 1938, established the OSFM as the only fireworks classification authority in California. Fireworks are classified through laboratory analysis, field examinations, and test firing. As part of the program, the OSFM requires licensing for all pyrotechnic operators, fireworks manufacturers, importers/exporters, wholesalers, retailers, and public display companies. Pyrotechnic operators who discharge fireworks at public displays or launch high-powered and experimental rockets must also pass a written examination and provide proof of experience.

The State's Explosives Law authorizes the California State Fire Marshal to adopt regulations for the safe use, handling, storage, and transportation of explosives. Under those regulations, local law enforcement agencies track the location of storage magazines within their jurisdictions through a permit process. Special exemptions within the regulations allow limited possession and storage of some explosives, such as black powder, used by hunters and the sporting community.

OSFM's Fireworks Program

The OSFM's Fireworks Program implements the State Fireworks Law by adopting regulations under the authority granted to the OSFM and by enforcing the law and those regulations. Generally, the program's focus is on import, export, wholesale, storage, and use of fireworks within California. As part of regulating these activities, the program currently oversees 32 different licensing types. Those licenses are generally divided into four categories: pyrotechnic

operators, company licenses, device classifications, and retail booths. Pyrotechnic operators are individuals who discharge dangerous fireworks in displays for the public or on film sets. Company licenses are issued to companies for specific actions, such as import, export, wholesale, or public display. Device classifications are used to determine the classification of products for public use. Lastly, retail booths are permitted for the retail sale of Safe and Sane Fireworks. Any device that meets the definition of a firework under Health and Safety Code (HSC) § 12511, with a few exceptions, is regulated by the OSFM's Fireworks Program.

The Fireworks Industry Within the Regulatory Framework

The Fireworks Program oversees several industries involved in the sale and use of fireworks: retail sales, public displays, rocketry, and motion pictures. In each industry, it's generally the same process:

- Fireworks are manufactured by a licensed manufacturer within the State of California, or imported to the State of California by a licensed Importer/Exporter, then sold to a licensed wholesaler, who in the case of Safe and Sane fireworks to either a licensed retail booth for retail sale, or for dangerous fireworks provides them to a licensed public display company who in turn will provide the fireworks to a license pyrotechnic operator, who in conjunction with a permit from the Authority Having Jurisdiction (AHJ) will discharge the fireworks in a public display.

One notable exception to this process is that fireworks used on a motion picture set do not require a public display license. In addition to the State requirements for these processes, the fireworks industry is also regulated by the federal government, primarily the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the U.S. Department of Transportation (DOT). Although the State and Federal Agencies share some areas of authority, each maintains its own distinct mandate and powers.

The U.S. Department of Transportation organizes explosives into several categories based on the hazards they pose to the public and the risks associated with transportation. Most fireworks are classified as either 1.3G explosives or 1.4G explosives. Fireworks designated 1.3G are always for professional use only. These devices pose a significantly higher risk to the public and are much more tightly regulated by the federal government, including the ATF. 1.3G fireworks are never permitted to be possessed by the general public in California.

Fireworks designated 1.4G are either designated for professional use or consumer use. 1.4G fireworks may or may not be designated as Safe and Sane Fireworks. 1.4G fireworks are usually exempted from most regulations by the ATF. The OSFM regulates both 1.3G and 1.4G fireworks. 1.4G fireworks are legal for the general public only if designated Safe and Sane by the OSFM.

In California, consumer use 1.4G fireworks are further separated into Safe and Sane and Non-Safe and Sane Fireworks. Non-Safe and Sane Fireworks are not permitted for sale or use in California. Consumer use, non-safe-and-sane fireworks are generally legal to purchase and use

in other states. They are legally purchased in out-of-State retail stores and are illegally imported into California for sale or use year-round. These fireworks include skyrockets, bottle rockets, roman candles, aerial shells, firecrackers, and other types that explode, go into the air, or move uncontrollably on the ground.

Overarching Statutory Authority

The HSC authorizes the OSFM to adopt regulations implementing the State Fireworks Law under Division 11 Explosives, Part 2 Fireworks and Pyrotechnic Devices, Chapter 3 Administration:

The following sections are reprinted from the HSC.

HSC § 12550

The State Fire Marshal shall enforce and administer this part.

HSC § 12552

The State Fire Marshal shall adopt regulations relating to fireworks as may be necessary for the protection of life and property not inconsistent with the provisions of this part. These regulations shall include, but are not limited to, provisions for the following:

- (a) Granting licenses and permits for the manufacture, wholesale, import, export, and sale of all classes of fireworks.
- (b) Classification of fireworks and pyrotechnic devices.
- (c) Registration of employees of licensees.
- (d) Licenses and permits required for presentation of public displays.
- (e) Granting licenses and permits for research or experimentation with experimental or model rockets and missiles.
- (f) Investigation, examination, and licensing of pyrotechnic operators of all classes.
- (g) Registration of emergency signaling devices and the classification and use of exempt fireworks.
- (h) Transportation of all classifications of fireworks, model rockets, emergency signaling devices, and exempt fireworks.

Regulatory Background

The regulations adopted by the State Fire Marshal pursuant to the authorities in the State Fireworks Law are promulgated in Title 19, California Code of Regulations, Division 1, State Fire Marshal, Chapter 6, Fireworks.

Public Safety Fireworks Enforcement Task Force

Task Force Background and Structure

On July 1, 2025, a tragic explosion occurred at a fireworks facility in Esparto, CA, tragically killing seven people. This explosion is one of the most significant incidents involving fireworks since the inception of the Fireworks Program. The initial findings from the Esparto incident, coupled with other recent firework-related incidents, prompted the OSFM to assemble and convene the Public Safety Fireworks Enforcement Task Force (Task Force). The purpose of the Task Force was to conduct a comprehensive review of current state laws and regulations related to fireworks, propose changes to enhance public safety, and develop a robust Fireworks Program enforcement plan. The Task Force consisted of local public safety professionals from police, sheriff, and fire agencies, representing various organizations and agencies throughout the State. The Task Force met the week of November 3, 2025. The week featured presentations by the OSFM staff on multiple aspects of the Fireworks Program, focusing primarily on licensed fireworks companies and pyrotechnic operators. Throughout the week, the OSFM staff provided presentations on relevant statutes, regulations, inspection practices, enforcement strategies, and law enforcement operations. These presentations were followed by breakout sessions and Task Force discussions, which led to recommendations from the Task Force to the OSFM.

Task Force Recommendations

The goal of the Task Force was to improve public safety by reducing both the fire and injury incidents related to fireworks. The overall recommendations from the Task Force fall into the following categories:

1. State Fireworks Law
2. State Fireworks Regulations
3. Fireworks Program Application Process
4. Fireworks Program Inspection
5. Training Requirements for Individuals Involved in Handling Fireworks
6. Fireworks Enforcement Strategies

1: State Fireworks Law

The Task Force received an overview of the State's Fireworks laws, which grant the OSFM the authority to adopt fireworks regulations and enforce the law.

The recommendations from the Task Force included:

- 1.1. Clarifying The OSFM's Jurisdiction Over Fireworks Imported Via State Ports
- 1.2. Align The Health And Safety Codes' Felony Disqualification With The Department Of Justice
- 1.3. Review The Chain Of Approvals For License Issuance

- 1.4. Move License Scope From Statute To Regulation
- 1.5. Remove The Exception For Paper Caps
- 1.6. Expanding Or Clarifying The Definition Of A Fireworks Kit
- 1.7. Increasing The Suspension Timeframe
- 1.8. Inclusion Of Law Enforcement Agencies In The Inspection Authority
- 1.9. Increase To Allowable Fines For County Ordinances Relating To Fireworks

1.1. Clarifying The OSFM's Jurisdiction Over Fireworks Imported Via State Ports

The Task Force recommends that the OSFM promulgate a regulation adopting a definition of transit pursuant to the authorities in Health and Safety Code (HSC) section 12552 and determine whether changes to the HSC are needed. California has some of the largest ports and serves as one of the primary hubs for importing fireworks. The State Fireworks Law is very broad in definition and scope of importation regulations and requirements. One challenge is when fireworks are brought into ports for transportation to destinations outside California. Under the current regulatory framework, the OSFM receives no notification of these containers. This is exploitable by bad actors, who can claim the destination is outside California and then divert the container within the State. To address this, the Task Force recommends that the OSFM request an Attorney General interpretation of the limits of the OSFM's authority to require out-of-state importers to obtain licenses and to notify the OSFM of importation before import activities. This would impact Health and Safety Code § 12673, 12513, 12509, 12615, and 12675. If the Attorney General provides an opinion that does not give the authority for OSFM to regulate fireworks transiting through the State, the Task Force recommends that the OSFM be designated this authority.

1.2. Align The Health And Safety Codes' Felony Disqualification With The Department Of Justice

To ensure public safety and prevent felons from obtaining fireworks licenses, the Task Force recommends that HSC § 12607 align its licensure disqualifiers with the California Department of Justice's [Firearms Prohibited Categories](#). The Task Force believes that the hazards to the public of dangerous individuals obtaining explosives mirror the dangers of them obtaining firearms.

1.3. Review The Chain Of Approvals For License Issuance

The OSFM is not the sole authority in the fireworks regulatory framework. The ATF serves as the other primary licensing authority, alongside local permits issued by the Authority Having Jurisdiction (AHJ). The Task Force recommends that the OSFM review its licensing process to ensure that applicants have both an ATF license and a local permit, when required. Under the current statute, HSC § 12640 requires that the OSFM licenses be obtained before an application for a local permit. If the statute is amended, the OSFM could require applicants to obtain the local permit and ATF license before applying for or receiving an OSFM license. Alternatively, OSFM could issue a conditional license that becomes effective only after the local permit is submitted and verified by OSFM.

1.4. Move License Scope From Statute To Regulation

Currently, many of the licenses the Fireworks Program issues are set out in the State Fireworks Law. This means that to change the license scope, legislative action is required. The Task Force identified a need for the OSFM to change license scope and definitions. To allow these changes to occur more timely in the future, the Task Force recommends that the licensing scope and definitions be moved from the State Fireworks Law to regulation.

1.5. Remove The Exception For Paper Caps

The State Fireworks Law and regulations currently regulate snap caps. However, the State Fireworks Law has an exemption for paper caps containing less than 0.25 grains of pyrotechnic composition. The Task Force identified a challenge in ensuring that devices claiming to meet this exemption actually contain the legal amount or less. Removing this exemption would enable their contents to be controlled while still allowing them to be sold year-round. The exception for paper caps is difficult to confirm without verifying the pyrotechnic composition of the devices; therefore, we recommend deleting the exception for clarity.

1.6. Expanding Or Clarifying The Definition Of A Fireworks Kit

HSC § 12512 defines a fireworks kit as any assembly of materials or explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would come within the definition of fireworks in Section 12511. There are challenges in using this definition in legal proceedings for those who possess precursor chemicals for making fireworks. The Task Force recommends expanding this definition in statute to, at a minimum, include an expanded definition and a list of precursor chemicals.

1.7. Increasing The Suspension Timeframe

Currently, HSC § 12591 only allows the OSFM to suspend a license for 30 days while it conducts an investigation. Most investigations, especially complex ones like in Esparto, can take much longer than 30 days. The Task Force provided a recommendation that the statutory timeframe for suspensions be increased from 30 days to 90 days. This extension will allow the OSFM program staff to conduct a thorough investigation and prevent those licensees under investigation from operating.

1.8. Inclusion Of Law Enforcement Agencies In The Inspection Authority

California Health and Safety Code § 12721 provides a list of agencies with explicit authority to seize fireworks. HSC § 12558 provides authority to conduct inspections and points to the listed authorities identified in HSC § 12721. The Task Force identified that local law enforcement agencies were not included in the list. The Task Force recommends that the law be updated to include local law enforcement's ability to assist, but not to be included in the right of entry in this statute.

1.9 Increase To Allowable Fines For County Ordinances Relating To Fireworks

The Task Force identified a limitation with county ordinances. Many Fire Jurisdictions throughout the State rely on county ordinances to enforce their regulations. California

Government Code § 25132 places a limit on the fine imposed for violations. Typically, those fines are either \$100 or \$130, depending on the basis for the violation. AHJs that rely on county ordinances would either be limited to this fine amount or would be required to approach each city served by that AHJ and support an ordinance that is not subject to this limit. This would also prevent these higher fines from being imposed in unincorporated county areas. The Task Force recommends increasing the limit in this statute specifically for fireworks to allow county jurisdictions flexibility in issuing administrative citations and to allow for more punitive fines, in line with other cities' ordinances and state fines for dangerous fireworks. This amendment should include a longer time frame than the existing one-year limitation, given that the majority of fireworks violations happen during the Fourth of July period.

2. State Fireworks Regulations

The OSFM staff presented on the existing regulations in Title 19, California Code of Regulations, Division 1, Chapter 6. The Task Force provided recommendations on proposed amendments to those regulations as follows:

- 2.1. Improve The Usability Of The *Safe And Sane Book*
- 2.2. Safe And Sane Product Retesting
- 2.3. Fireworks Identification
- 2.4. Including A Marking Provision For Overpacking Fireworks
- 2.5. Require Import Notification
- 2.6. Requiring Storage Facilities To Maintain Logs
- 2.7. Improve The OSFM's Testing Abilities

2.1. Improve The Usability Of The *Safe And Sane Book*.

The Task Force identified the challenges of identifying approved Safe and Sane products in the field. Currently, the only way to identify approved products is to observe the seal on the product and look up the name in the OSFM's published *Safe and Sane Book*. However, the *Safe and Sane Book* only publishes the product name and the importer who tested it. The Task Force recommends several improvements to this process, including the use of a unique identifier for each product that can be matched in the *Safe and Sane Book*, and improving the *Safe and Sane Book* to include more information, including but not limited to, photos of each device. These changes would improve information sharing and enforceability with partner agencies.

2.2. Safe And Sane Product Retesting

Approved Safe and Sane products are tested only once for a lifetime approval, and the OSFM has no authority to conduct additional tests as needed. The Task Force recommends implementing periodic retests to confirm that products are continually manufactured to the same specifications as when initially tested. Additionally, the Task Force recommends that OSFM be granted the authority to conduct sampling and targeted retests, either randomly or upon receipt of information that the OSFM believes requires a retest.

2.3. Firework Identifications

The Task Force identified the difficulty in identifying dangerous fireworks from other fireworks. The Task Force recommends that the OSFM adopt regulations that specify more robust marking and labeling requirements for fireworks. This will lead to greater clarity and enforcement of the State Fireworks Law and the regulations adopted pursuant to it.

2.4. Including A Marking Provision For Overpacking Fireworks

Bulk illegal fireworks are often on pallets, with the explosives placard obscured by black plastic wrap, to obfuscate the actual items being shipped. While this is already a violation of DOT regulations, the Task Force recommends that the OSFM address the matter by requiring that all fireworks packages be clearly labeled and that any labeling or placarding on the exterior of the boxes be visible when overwrap is used. This regulation would give the OSFM direct regulatory authority over fireworks packaging.

2.5. Require Import Notification

Existing import notifications do not specify the destination of the fireworks. The Task Force recommends expanding import notification specifications to include the shipment's destination. This would help ensure that fireworks were being stored correctly in locations with required permits.

2.6. Requiring Storage Facilities To Maintain Logs

Existing ATF regulations require that storage facilities for 1.3G fireworks maintain logs showing the disposition of fireworks. The OSFM has no such requirement for the storage and disposition of 1.3G or 1.4G fireworks. The Task Force recommends that the OSFM adopt a requirement to maintain records on the storage and disposition of all fireworks. This will help ensure fireworks are transported, stored, and sold in compliance with the State Fireworks Law and the regulations adopted pursuant to it.

2.7. Improve The OSFM's Testing Abilities

The OSFM previously could conduct in-house laboratory tests on fireworks. The OSFM enforcement officials spoke on the need for testing capacity for enforcement. The Task Force recommends that the OSFM consider the need for fireworks lab testing and either reinstate an in-house laboratory or contract with a 3rd party for testing. This would assist with investigations, seizures, and licensing actions.

3. Fireworks Program Application Process

The Task Force received an overview of the Fireworks Program license application process and provided input. The recommendations from the Task Force include:

- 3.1. Collect Storage Locations Of Fireworks
- 3.2. Mirror The ATF Requirements For Applications
- 3.3. Require AHJ Input On Prospective Applications
- 3.4. Require A Background Check For Company License Applications
- 3.5. Require Explosive Operational Permits At Renewal

3.1. Collect Storage Locations Of Fireworks

The Task Force found that companies are not currently required to list all their fireworks storage locations when applying for a license. Adding this requirement would give the OSFM a complete inventory of where fireworks are stored across California. This would help the OSFM track storage sites, conduct safety inspections, and share accurate information with local fire and safety officials. The recommendation also requires the contact information for each storage site be included. This ensures the OSFM can quickly contact the proper person at every storage site if questions or safety concerns arise.

3.2. Mirror The ATF Requirements For Applications

The Task Force recommends that the OSFM consider aligning parts of its licensing process with federal requirements used by the ATF. This alignment would help close gaps between state and federal laws and regulations and ensure stronger oversight in situations where a state license is required but a federal one is not.

One key recommendation is to require a site plan for every fireworks storage location as part of each license application. This would give the State a clearer understanding of where fireworks are stored and how those sites are organized. The Task Force also recommends adopting a process similar to ATF's for updating company ownership or officer information on licenses. This would help verify who is responsible for each licensed operation. In addition, the Task Force recommends verifying employees in a way that mirrors the ATF's employee-possessor process, ensuring that individuals working with fireworks meet appropriate safety and background standards. This would ensure public safety and consistency across both state and federal levels of fireworks regulations.

3.3. Require AHJ Input On Prospective Applications

In accordance with existing statute, the OSFM's fireworks license must be issued before any application for a permit to the AHJ. The Task Force recommends a method that requires AHJ input before issuance of the final OSFM fireworks license. This will allow AHJs to be aware of fireworks activities before the issuance of the OSFM fireworks license and increase clarity for the regulated community that the state fireworks license is only one of the necessary regulatory documents to be obtained before commencing operations.

3.4. Require A Background Check For Company License Applications

The Task Force found that the current fireworks licensing program does not require background checks for individuals who act as company officers or owners of fireworks businesses, or for individuals who apply for licenses. The Task Force recommends adding these applicants to the background check process conducted by the OSFM. This change would prevent individuals with felony convictions from serving as officers or owners of licensed fireworks companies, ensuring stronger oversight and greater accountability within the industry.

3.5. Require Explosive Operational Permits At Renewal

The Task Force recommends that the OSFM require companies to provide a current Operational Permit from the Authority Having Jurisdiction (AHJ) as required by HSC 12640 when renewing their state fireworks license. This permit is issued by the local AHJ, such as a city or county fire department. Requiring this documentation at renewal would ensure that local officials are fully aware of every site where fireworks are being stored within their community. It also strengthens coordination between the state and local agencies, helps identify any unreported or outdated storage locations, and supports more effective oversight and safety inspections.

4. Fireworks Program Inspections

The Task Force received an overview of the Fireworks Program's inspection authority and available enforcement actions. Suggestions from the Task Force include:

- 4.1. Conducting Joint Inspections With Allied Agencies
- 4.2. Reimplementation Of Port Authorizations For The OSFM
- 4.3. Administrative Citation Program

4.1. Conducting Joint Inspections With Allied Agencies

The Fireworks Program inspection process was an area where the Task Force identified an opportunity for OSFM to work more closely with allied agencies. The Task Force recommends conducting inspections with the ATF, AHJs, and other agencies at least once a year at all storage locations. As part of this recommendation, the Task Force identified the creation of a mandate for inspection as part of the permitting and license process.

4.2. Reimplementation Of Port Authorizations For The OSFM

Previously, the OSFM would be contacted by U.S. Customs and Border Protection to approve the release of containers of fireworks from the port. This program was terminated in the early 2000s due to staffing. The Task Force recommends reimplementation of a similar program that would also notify AHJs of fireworks containers arriving in their jurisdictions.

4.3. Administrative Citation Program

The Task Force identified a need for the OSFM to develop an administrative citation program. This will provide the OSFM with greater flexibility to conduct enforcement operations. OSFM currently has the authority to revoke licenses or, instead of revocation, under the authority granted by HSC § 12606.1, assess financial penalties on licensees. However, this process requires a hearing before an administrative law judge in accordance with California Government Code § 11500, et seq. before revocation and is only available against licensees. The Task Force recommends that OSFM develop an administrative citation program. This program would allow citations to be issued to non-licensees and provide flexibility in enforcement against licensees.

5. Training requirements for individuals involved in handling fireworks

The OSFM gave an overview of required and available training. The Task Force identified improvements to the training requirements for individuals who handle fireworks. Areas for improvement identified by the Task Force were to:

- 5.1. Create Training Requirements For Employees And Contractors Of Licensed Fireworks Companies
- 5.2. Improve The OSFM Course Delivery To AHJs
- 5.3. Creation Of A Webinar for AHJs

5.1. Create Training Requirements For Employees And Contractors Of Licensed Fireworks Companies

The Task Force identified a need for improved training requirements for non-pyrotechnic operator employees and contractors of licensed fireworks companies. The goal is to improve safety for people handling fireworks. The OSFM staff could inspect these training requirements to confirm compliance. There are currently no qualifications required, including training, for personnel who handle fireworks that are exposed to the hazards of working with explosives, and who may not fully understand those hazards.

5.2. Improving The OSFM Course Delivery To AHJs

Another item identified by the Task Force was to increase the delivery of the OSFM fireworks training opportunities to AHJs. Improved training for AHJs would enhance local jurisdictions' ability to understand and enforce laws and regulations governing fireworks programs. Currently, FEI offers three classes through the OSFM's State Fire Training Division: Outdoor Aerial Public Display Fireworks, Proximate Audience Pyrotechnics, and Motion Picture Television – Fire Safety Officer. These classes are limited in their offerings, and the Task Force expressed interest in more frequent offerings, as well as in these and newly adopted courses.

5.3. Creation Of A Webinar For AHJs

One method to expand the OSFM fireworks program's training opportunities, as suggested by the Task Force, was to create webinars or online training for public safety agencies on the safe handling of seized fireworks to enhance their knowledge and safety. The OSFM currently does this annually at the end of June. A webinar would allow a broader audience to access and utilize the training.

6. Fireworks Enforcement Strategies

The OSFM staff presented the challenges for fireworks enforcement staff. After a discussion of the specifics, the Task Force recommends the following:

- 6.1. Workforce Analysis
- 6.2. Disposal Funding Solutions
- 6.3. Implementation Of A Processing Facility
- 6.4. Creation of an Enforcement Task Force
- 6.5. Meeting With District Attorneys
- 6.6. Increasing Penalties For Sales Of Illegal Fireworks
- 6.7. Collaboration With DMV For Suspension Of Commercial Driver Licenses
- 6.8. OSFM Bomb Squad Certification
- 6.9. Improve Public Outreach
- 6.10. Increasing Penalties For Use Of Illegal Fireworks

6.1. Workforce Analysis

The Task Force recommends that the OSFM conduct a workforce analysis to determine the number of enforcement personnel needed to improve the OSFM's enforcement, training, and disposal capabilities.

6.2. Disposal Funding Solutions

The Task Force recognizes that the cost of disposing of seized fireworks has continued to rise. This creates significant challenges for OSFM and local agencies responsible for enforcement and disposal. To address this issue, the Task Force recommends establishing a stable funding source based on the average annual cost of disposal. In addition, the Task Force discussed options to help offset expenses, including creating a buy-back program that allows the State to resell seized fireworks that are safe and legally permissible, thereby reducing waste and generating revenue. Another option discussed was to implement a civil cost recovery program requiring individuals from whom fireworks are seized to pay for disposal costs. This approach would enable OSFM to recover expenses directly, reinforce accountability, and reduce the financial burden on state and local agencies.

6.3. Implementation of a Processing Facility

The Task Force recommends that the OSFM seek a facility to process, store, and ship fireworks. Existing OSFM facilities utilized for this are not centrally located and are in outdoor areas that are not ideal for processing. The Task Force recommends that OSFM seek or build centrally located facilities in the northern and southern parts of California that are protected from the elements and provide a safe place to receive, process, store, and ship fireworks.

6.4. Creation of an Enforcement Task Force

The Task Force recognizes a need for a task force funded by the OSFM to combat the sale and use of illegal fireworks throughout California. The Task Force would operate similarly to other law enforcement task forces, with task force officers from departments across the State. Some positions would be funded, and others would be voluntary assignments funded by the agency. This task force would prompt inter-agency information sharing and streamline enforcement.

6.5. Meeting with District Attorneys

The Task Force recommends that the OSFM work more closely with District Attorney offices and associations to strengthen enforcement of California's fireworks laws and regulations. This would include meetings to explain the penalties under state law and to ensure they understand the risks associated with illegal fireworks activity. By improving communication and providing this education, the OSFM can help encourage prosecutors to pursue charges when violations occur. This collaboration would support more consistent enforcement across the State, deter illegal activity, and reinforce the importance of holding violators accountable for actions that put communities at risk.

6.6. Increasing Penalties for Sales of Illegal Fireworks

The Task Force identified an increase in the sale of illegal fireworks and suggested increasing penalties for their sale, above and beyond those for simple possession. The Task Force

recommends upgrading these crimes to a felony. This would allow the OSFM and prosecutors to secure more serious charges against those who possess dangerous fireworks with the intent of selling them.

6.7. Collaboration with DMV for Suspension of Commercial Driver Licenses

The Task Force suggests meeting with the Department of Motor Vehicles to utilize an existing statute, HSC 12703, that allows suspension of a commercial driver's license when the driver is transporting dangerous fireworks without proper licensure or authorization. The Task Force recommends that the OSFM meet with DMV to discuss the possibility and to establish a process.

6.8. OSFM Bomb Squad Certification

The Arson and Bomb Unit of the OSFM was previously an accredited bomb squad; that accreditation lapsed in the 2000s due to staffing constraints. In the years since, the OSFM has restaffed the Arson and Bomb Unit and has been working to reobtain the accreditation. The Task Force recommends that the Arson and Bomb unit continue working to obtain the certification.

6.9. Improve Public Outreach

The Task Force suggests that the OSFM improve its public outreach to reduce demand for illegal fireworks. This outreach education could include purchasing illegal fireworks, storage of fireworks, and developing a social media toolbox for local agencies that covers the impacts on children, animals, veterans, fire agencies, and other injuries that can occur.

6.10 Increasing Penalties for Use of Illegal Fireworks

Existing state law does not provide a sufficient deterrent to the use of illegal fireworks. The Task Force recommends increasing penalties for the use and possession of illegal fireworks. These penalties could scale for repeat offenders over a given time frame. Increased penalties should serve as a deterrent to reduce demand for black market fireworks.

Conclusion

The Public Safety Fireworks Enforcement Task Force was convened to conduct a comprehensive review of current state laws and regulations related to fireworks, propose regulatory and programmatic changes to enhance public safety, and develop a robust enforcement plan.

The recommendations in this report reflect the combined expertise of California's fire service and law enforcement professionals. They outline a clear path to modernize oversight, close regulatory gaps, and strengthen coordination among state, local, and federal partners. The recommendations will require changes to laws and regulations, as well as increased funding and staffing for the Office of the State Fire Marshal to implement them.

Key priorities include clarifying and refining statutory provisions to improve enforceability, improving licensing and application processes, expanding inspection and enforcement tools, enhancing training for those who handle fireworks, and ensuring adequate resources for the safe disposal of seized fireworks. These proposals offer both immediate improvements and long-term strategies to create a more resilient and accountable regulatory system.

The Task Force emphasizes that effective fireworks safety depends on a coordinated, multi-agency approach. Collaboration among regulators, local fire and law enforcement agencies, licensed fireworks companies, and communities is essential. By implementing these recommendations, California can reduce the risks associated with fireworks, protect first responders and the public, and prevent future tragedies.

OSFM extends its gratitude to the Task Force members for their commitment and expertise, and looks forward to working with policymakers, local partners, and industry stakeholders to implement these recommendations and strengthen public safety statewide.

Appendix A: General Fireworks Advisory Committee (GFAC) Input

Overview

The General Fireworks Advisory Committee (GFAC) serves as a communication channel between the Office of the State Fire Marshal, industry representatives, the public, and the fire service. Its purpose is to gather comments and specific perspectives on proposed regulations and technical issues related to fireworks.

GFAC was presented with the Task Force's draft report during its January 2026 meeting. Below are the comments that were received prior to the April 2026 meeting.

MEMORANDUM

To: Office of the State Fire Marshal (OSFM)
Public Safety Fireworks Enforcement Task Force
Members of the General Fireworks Advisory Committee (GFAC)

From: Dennis C. Revell
GFAC Member

Re: Response to March 26, 2026, Public Safety Fireworks Enforcement Task Force Report

Date: April 17, 2026

I. INTRODUCTION

I appreciate the work of the Task Force and share its commitment to preventing tragedies such as the July 1, 2025, Esparto explosion.

However, after reviewing the March 26, 2026, report alongside stakeholder input and publicly available information regarding recent enforcement incidents, I have significant concerns regarding the report's framing, conclusions, and overall effectiveness in addressing the true sources of public safety risk.

II. CONTEXT FOR THE TASK FORCE ANALYSIS

The Task Force report is premised, in substantial part, on the Esparto incident as the driving basis for its recommendations. However, the Esparto incident remains the subject of an ongoing criminal investigation, and key facts regarding the sequence of events, operational decisions, and enforcement actions have not been fully established in the public record.

At the same time, the report proceeds from the assumption that statutory and regulatory gaps were a primary contributing factor. This creates a fundamental analytical issue: policy conclusions are being drawn before it has been established whether existing authorities were effectively utilized.

As reflected in prior comments submitted to the Task Force and OSFM, California law already provides substantial enforcement authority, including inspection, seizure, licensing oversight, and shipment notification requirements.

Accordingly, a threshold question should be whether existing tools were used in a coordinated, timely, and effective manner prior to the incident.

Without addressing that question, there is a risk that recommendations will:

- Focus on expanding regulatory frameworks
- Without identifying whether the underlying failure was one of execution, coordination, or operational follow-through

This distinction is critical to ensuring that policy responses are directed at the conditions that actually contributed to the incident.

III. CORE ISSUE: MISALIGNMENT BETWEEN PROBLEM AND SOLUTION

Available enforcement data, seizure records, and investigative reporting consistently demonstrate that the most serious risks arise from **illegal importation, warehousing, and distribution networks operating outside the regulatory system.**

Yet the report focuses primarily on:

- Licensed entities
- Administrative compliance
- Expanded regulatory requirements

This creates a misalignment between **where the risk originates** and **where the proposed solutions are directed, potentially limiting the effectiveness of the recommended measures in addressing the highest-risk activities.**

IV-A LESSON FROM ESPARTO: EXECUTION AND COORDINATION

The Esparto incident raises a critical question regarding the effectiveness of existing regulatory and enforcement systems.

There is no clear indication that the incident resulted from a lack of statutory authority or regulatory requirements. California law already provides substantial tools, including inspection authority, seizure authority, shipment notification requirements, and licensing controls.

Rather, publicly available information suggests that:

- Relevant intelligence existed across multiple agencies;
- Risk indicators were present over a period of time;

- Enforcement actions occurred without sustained follow-through; and
- No coordinated intervention occurred at the highest-risk location.

Taken together, these factors point to a failure of execution — specifically, the timely and coordinated use of existing authority—rather than a gap in regulation.

The Esparto incident also demonstrates that licensing status alone does not eliminate risk. A licensed operator was able to engage in unlawful activity despite multiple indicators of elevated risk.

This underscores that public safety depends not only on regulatory frameworks, but on the ability to identify, share, and act upon risk indicators with urgency and precision.

Accordingly, policy responses should prioritize:

- Effective intelligence sharing;
- Clear coordination protocols;
- Risk-based enforcement; and
- Timely action on known indicators.

Recent public disclosures, including the Yolo County Criminal Grand Jury indictments, further reinforce the conclusion that the Esparto incident involved a long-running, large-scale illegal explosives enterprise operating over an extended period (see Appendix “A”).

The allegations describe substantial import activity, warehousing, and distribution of explosive materials, along with multiple indicators of elevated risk across multiple years.

While the indictment appropriately focuses on criminal liability, it also highlights a broader policy question: whether available intelligence, licensing data, and enforcement authority were effectively integrated and acted upon in a timely and coordinated manner prior to the incident.

This reinforces the importance of focusing not only on regulatory frameworks, but on execution, coordination, and the ability to respond to known risk indicators with urgency and precision.

V. ENFORCEMENT GAP — NOT A STATUTORY GAP

California law already provides substantial authority, including:

- Inspection and seizure powers
- Shipment notification requirements
- Licensing controls and revocation authority

- Recordkeeping and audit requirements

Publicly available information indicates that:

- Significant illegal activity had been identified prior to major incidents
- Enforcement actions occurred without sustained follow-through
- Available intelligence was not always translated into coordinated intervention

This suggests that the primary issue is **execution and coordination**, rather than lack of statutory authority.

The Esparto incident further highlights that expanding regulatory requirements directed at compliant operators does not necessarily address the conditions that led to the incident, which appear to have involved known risk indicators that were not acted upon.

The scale and duration of activity described in recent criminal proceedings further underscore that the central issue is not the absence of authority, but the consistent and coordinated application of that authority in response to known risks.

VI. SYSTEM COORDINATION AND ENFORCEMENT GAPS

A critical issue not addressed in the Task Force report is the apparent gap between **available intelligence, enforcement authority, and coordinated action across agencies**.

Illustrative Timeline of Escalating Risk

- **June 2023** – Fireworks import activity tied to known actors identified through import shipment data. No apparent follow-through or investigation by state agencies.
- **May 2025** – Major enforcement action in Commerce resulting in the seizure of a significant volume of illegal, over-loaded and/or non-compliant illegal fireworks tied to the same actors.
- **May–July 2025** – Period of heightened awareness of illegal activity tied to same actors and Esparto, yet no state agency visits Esparto facility.
- **July 1, 2025** – Esparto explosion resulting in seven fatalities.

Viewed collectively, this sequence suggests that relevant information and indicators existed across multiple points in time and across multiple entities, but were not consolidated into a coordinated enforcement response at the highest-risk location.

Based on publicly available information and stakeholder observations:

- State-level entities had access to **import data, licensing information, and enforcement intelligence.**
 - Local jurisdictions had **site-level and land-use awareness.**
 - However, there is no clear indication of **coordinated intervention at the highest-risk location prior to the incident.**
-

VII. SYSTEMIC ISSUE

This sequence highlights a broader structural challenge:

State licensing and enforcement functions, local land-use authority, and intelligence tracking operate in parallel—but are not fully integrated.

As a result:

No single entity is clearly responsible for:

- Connecting supply-chain intelligence
 - Identifying high-risk actors
 - Linking activity to specific locations
 - Initiating coordinated enforcement action
-

VIII. POLICY IMPLICATION

This is not primarily a question of whether additional regulatory requirements have value, but whether such requirements address the failure that led to Esparto.

Rather, it underscores the need for:

- Integrated intelligence systems
 - Cross-agency coordination protocols
 - Defined responsibility for high-risk escalation
-

IX. MISALLOCATION OF REGULATORY BURDEN

The report proposes numerous measures that increase requirements for:

- Product testing
- Labeling
- Documentation
- Inspections

These measures primarily impact consistently compliant operators while having minimal effect on illegal actors.

As widely recognized and as the Esparto criminal indictments demonstrate:

Individuals operating outside the law do not comply with labeling, licensing, or recordkeeping requirements.

X. FAILURE TO ADDRESS SUPPLY-CHAIN ENFORCEMENT

The report does not present a comprehensive strategy addressing:

- Importation pathways
- Interstate trafficking
- Illegal warehousing networks

Effective enforcement must prioritize:

- Early detection,
 - Interdiction, and
 - Disruption of illegal supply chains
-

XI. RESOURCE AND ENFORCEMENT TRADEOFFS

Expanded administrative requirements may:

- Divert limited enforcement resources
 - Reduce capacity for investigative work
 - Limit focus on high-risk illegal operations
-

XII. CONSTRUCTIVE PATH FORWARD

To address the coordination and enforcement challenges identified above, stakeholders have proposed several practical, actionable improvements that align with existing statutory authority and focus on real-world enforcement outcomes.

These include:

1. Dedicated Enforcement Capacity

- Establish a specialized OSFM fireworks enforcement unit
- Focused on:
 - Investigations
 - Intelligence development
 - High-risk operations

2. Integrated Intelligence Systems

- Develop real-time data sharing between:
 - OSFM
 - Local agencies
 - Federal partners
- Incorporate:
 - Import data
 - Licensing data
 - Enforcement records

3. Supply-Chain Enforcement Strategy

- Prioritize:
 - Importation tracking
 - Warehouse interdiction
 - Distribution network disruption

4. Multi-Agency Task Force Model

- Formalize coordination between:
 - OSFM
 - ATF
 - Local law enforcement
 - Fire agencies

5. Risk-Based Enforcement Prioritization

- Focus resources on:
 - High-volume operators
 - Repeat offenders
 - Intelligence-driven targets

These approaches focus on execution, coordination, and targeting of illegal activity, rather than expanding regulatory requirements on compliant entities.

XIII. CONCLUSION

The Task Force report reflects a serious and well-intentioned effort.

However:

It focuses on expanding regulation of compliant actors while insufficiently addressing the illegal systems that pose the greatest threat to public safety. **The question is not simply what additional rules could have been written, but whether the information, authority, and indicators already available were translated into timely and coordinated intervention.**

I respectfully recommend that future efforts prioritize:

- Coordinated enforcement strategies
- Intelligence integration
- Supply-chain disruption
- Effective use of existing authority

I remain committed to working collaboratively to develop solutions that meaningfully improve public safety.

Appendix A

Summary of Yolo County Criminal Grand Jury Indictment (Esparto Incident)

A summary of the indictment is attached for reference, providing additional context regarding the scale, duration, and nature of the illegal explosives enterprise associated with the July 1, 2025 incident.

Appendix “A”

Summary of Yolo County Criminal Grand Jury Indictment (Esparto Incident)

Summary of Yolo County Criminal Grand Jury Indictment

Esparto Fireworks Explosion – July 1, 2025

1. Defendants

The indictment charges **seven primary individuals**:

- Kenneth Kin Chee
- Gary Y. Chan Jr.
- Jack Y. Lee
- Douglas Michael Tollefsen
- Craig Allen Cutright
- Ronald John Botelho III
- Samuel Elmo Machado

2. Core Allegation

The Grand Jury alleges a **long-running, coordinated criminal enterprise** involving:

- Illegal importation, storage, manufacture, and sale of explosives
- Misrepresentation of operations as lawful fireworks activities
- Use of rural properties in **Esparto (Yolo County)** as a hub for illegal activity

This enterprise culminated in the **July 1, 2025 explosion and fire (Oakdale Fire)** that resulted in **multiple deaths**.

3. Homicide Charges (Most Serious)

- **7 separate murder counts** (Counts 1–7)
- Each tied to individual victims killed in the explosion
- Allegation: deaths occurred during the commission of a felony (felony murder doctrine)

👉 Key point:

The prosecution is **not alleging accidental deaths**, but **criminal liability tied to illegal explosive activity**.

4. Conspiracy & Organized Criminal Activity

Multiple counts allege a **structured conspiracy dating back to ~2009**:

Key elements:

- Creation of businesses such as:
 - *Devastating Pyrotechnics*
 - *Devastating Pyro Displays*
- Use of **federal explosives licenses (FELs)**—sometimes in others' names
- Systematic effort to:
 - Evade regulations
 - Conceal true operations

- Expand storage and distribution capacity

👉 This is framed as a **deliberate, coordinated enterprise—not isolated misconduct**.

5. Illegal Explosives Operation

The indictment repeatedly emphasizes:

Massive Scale

- Over **11 million pounds** of materials imported into California (2015–2025)
- Over **1 million pounds present on-site** at time of explosion
- This was not a small or informal operation. The indictment describes a large-scale, commercial enterprise that developed and distributed multiple branded product lines of illegal explosive fireworks.¹

These included:

- **“Bean Day Ho” fireworks** — associated with **Kenneth Kin Chee**
- **“For the Streets” / “FTS”** — associated with **Douglas Michael Tollefsen**
- **“Big Bully” fireworks** — associated with **Ronald John Botelho III**
- **“Double OG” fireworks** — associated with **Craig Allen Cutright**

The existence of multiple branded lines underscores the scale, sophistication, and intentional market presence of this illegal operation—functioning as a parallel, unregulated fireworks industry.

Types of Materials

- Explosives disguised as fireworks
- Components used to manufacture explosives (e.g., potassium perchlorate)

Storage Methods

- Shipping containers (“storage containers”)
- Structures like the “Yellow Shop”
- Rural properties not compliant with safety regulations

👉 Key point:

This was **industrial-scale illegal explosives handling**, far beyond consumer or regulated fireworks.

6. Fraud, Deception, and Regulatory Evasion

The defendants are accused of systematically misleading authorities:

- **False statements** to:
 - Local officials

¹ “These counts (8,10 & 13) allege a decade-long conspiracy which turned the property of a former Sheriff Lieutenant, Dan Machado, into the Northern California hub for an illegal enterprise that imports themselves illegal explosives on the black market. This is not a case just about fireworks. These are devices that have so much more explosives than fireworks that the law allows that they can’t be considered fireworks. They are explosives, but they were designed and packaged for consumer sales under private labels.” Yolo County Deputy District Attorney Clara Nability at news conference on April 10, 2026.

- State regulators
- Federal agencies (ATF)
- **Fictitious business filings**
- **Backdated or fabricated lease agreements**
- Misrepresentation of facilities as:
 - “Agricultural buildings”
 - Legal fireworks storage sites

👉 This shows intentional circumvention of regulatory systems.

7. Licensing Abuse

- Use of legitimate federal explosives licenses (**FELs**) in improper ways
- Licenses transferred or used under other individuals’ names
- ATF denial of Chee’s license (2009) did not stop operations

👉 Important distinction:

The indictment suggests **abuse of licensing**, not compliance with it.

8. Additional Criminal Counts

Beyond murder and conspiracy, the indictment includes:

Explosives & Weapons

- Possession of explosives
- Possession of materials to make explosives
- Transportation of explosives
- Possession of destructive devices
- Possession of assault weapons

Fire & Public Safety

- **Unlawfully causing a fire** (Oakdale Fire)

Child Endangerment

- Exposure of a minor to dangerous explosive materials

Animal Cruelty

- Injury/killing of animals in connection with incident

Financial Crimes

- Tax fraud (2023 & 2024)
- Insurance fraud
- Workers’ compensation fraud

Workplace Violations

- Failure to disclose dangerous conditions to employees
-

9. Physical Site & Operations

The primary operational hub:

- Properties in **Esparto, CA (Yolo County)**
 - Key features:
 - Storage containers
 - Warehouses
 - “Yellow Shop”
 - Used for:
 - Storage
 - Assembly
 - Distribution of explosive materials
-

10. Narrative the Prosecution is Building

The indictment presents a very clear theory:

A **multi-year illegal explosives enterprise**, disguised as a fireworks operation, knowingly violated laws, misled regulators, and created dangerous conditions that ultimately **caused a deadly explosion and fire**.

Key Takeaways

1. This is **NOT** a “fireworks case”

The conduct described involves:

- Illegal explosives
- Industrial-scale materials
- Criminal conspiracy

👉 This is fundamentally different from **state-approved consumer fireworks operations**.

2. Strong Evidence of Illegal Supply Chain

The indictment highlights:

- Cross-border importation
- Mislabeling of explosives as fireworks
- Use of shell entities and licensing loopholes

👉 Reinforces the argument:

Illegal fireworks/explosives networks are sophisticated and organized.

3. Regulatory Evasion is Central

Repeated emphasis on:

- False filings
- Misuse of licenses
- Concealment of activities

👉 Supports TNT’s position that:

The problem is enforcement and illegal actors—not legal fireworks.

4. Scale and Severity Matter

- Millions of pounds of material
- Multiple fatalities
- Extensive criminal conduct

👉 This is **orders of magnitude beyond legal retail fireworks activity.**

5. Policy Implication

The indictment strongly supports:

- Need for **targeted enforcement against illegal explosives networks**
- Differentiation between:
 - Licensed, regulated fireworks
 - Criminal explosive operations

MEMORANDUM

To: Office of the State Fire Marshal (OSFM)
Public Safety Fireworks Enforcement Task Force
Members of the General Fireworks Advisory Committee (GFAC)

From: Logan Herrera, GFAC Member (Rocket Representative)

Re: Rocketry Perspective on the March 26, 2026 Task Force Report; Supplement to D. Revell Memo (April 17, 2026) and G. Brown Memo (April 20, 2026)

Date: April 21, 2026

The Esparto Disaster killed seven, injured more, and further impacted the community with property damage, smoke, evacuations, and wildfire. I share the OSFM, Task Force, and GFAC commitment to preventing future tragedy.

I join Dennis Revell and Gary Brown in endorsing the analysis that this was a failure of enforcement coordination rather than a gap in statutory authority, and in supporting the upstream-focused recommendations that target the illegal supply chain the Yolo County indictment now documents.

I write briefly from the rocketry perspective. Rocketry is the smallest of the communities the fireworks statutes cover and differs from the others in key ways:

- **No company-operator model.** California rocket pyrotechnic operator licensees are individuals. There is no rocketry equivalent of a display company or a retail booth organization.
- **Scale.** Total annual U.S. production of hobby and experimental rocket motors is a fraction of the material reported to have been present at the Esparto site at the time of the explosion. Rocketry is not capable of producing a comparable incident.
- **Negligible foreign imports.** The California supply chain for commercial rocket motor product is entirely domestic. The upstream import and port-interdiction recommendations (Recs 1.1, 2.5, 4.2) are aimed at a display fireworks supply-chain pattern that does not describe rocketry.

Rockets are nevertheless affected whenever the term “fireworks” is invoked. The comments that follow address recommendations whose drafting will have particular consequences for rocket users.

Comments on specific recommendations

Rec. 1.3 — Chain of Approvals for License Issuance

This recommendation contemplates coordination between OSFM licensure, ATF licensure, and local permits. For most Rocket licensees, the ATF element does not exist: APCP is not an ATF explosive, and therefore Rockets Third Class licensees (the bulk of the community) have no ATF license to coordinate. Many also have no personal storage. Motors are purchased, shipped, or manufactured at the launch site and flown the same day. The implementing language should contemplate that ATF and personal-storage often will not apply to rocketry licensees and should not be drafted in a way that makes an ATF license or a standing storage location a prerequisite for OSFM issuance of a Rockets license.

Rec. 2.7 — Improve OSFM’s Testing Abilities

OSFM may reasonably wish to develop testing capability, but rocket motor testing is distinct from consumer fireworks testing. It requires thrust-stand instrumentation, data acquisition systems, post-test data reduction, and personnel expertise specific to measuring motor performance. The current practice, consistent with all other U.S. jurisdictions with consumer rocket motor oversight, is to accept performance data from approved third-party laboratories as the basis for SFM motor classification under Article 18 § 1031. I recommend that regardless of internal capability, the OSFM continue to accept third-party lab data for rocket motor classification. Requiring in-house rocket motor testing would create certification backlogs with no corresponding safety benefit.

Recs. 5.2 and 5.3 — Improve OSFM Course Delivery to AHJs / Create Webinar for AHJs

Strong support. AHJs are, in my experience, often unfamiliar with rockets generally and with their role in launch oversight specifically. A blanket “fireworks” local ordinance frequently blocks consideration of legitimate rocket activity that would otherwise support a jurisdiction’s own goals. For example, a middle-school class flying egg-loft rockets in the American Rocketry Challenge. A baseline knowledge product for AHJs covering the rocketry license classes, the Article 18 framework, and their role in the permitting process would materially improve efficient administration of rocketry at the local level. I would be glad to contribute content or review draft material.

Rec. 6.9 — Improve Public Outreach

Strong support. The Rocket community would benefit from outreach that helps existing and prospective users understand their privileges and obligations under the California framework. Bringing more users into the OSFM system increases safety and legal compliance. I am glad to collaborate with OSFM on rocketry-specific outreach materials.

Closing

The Report's strong upstream-focused recommendations can and should be implemented precisely enough to reach the illegal enterprise the Task Force and Yolo grand jury has identified while contemplating the resulting impacts to all Fireworks user types. The refinements above improve applicability of the Task Force recommendations to the Rocket community. I welcome discussion at the April 21 meeting and individually.

MEMORANDUM

To: Office of the State Fire Marshal
Public Safety Fireworks Enforcement Task Force
General Fireworks Advisory Committee (GFAC) Members

From: Gary Brown, General Counsel, Pyro Spectaculars Group, GFAC Member

Re: Display Industry Perspective on the March 26, 2026 Task Force Report,
Supplement to D. Revell's Memo of April 17, 2026

Date: April 20, 2026

Why this matters

Seven people died at Esparto, people loved by their families, people earning a living and expecting to come home. That tragedy deserves the serious work OSFM, the Task Force, and my fellow GFAC members have brought to preventing the next one. The Task Force Report reflects that work. Many of its recommendations, like upstream import notification, port authorization, a dedicated enforcement task force, criminal disqualification, and expanded penalties, directly address the conditions that enabled the Esparto operators to use their licenses as a front for illegal activities. These deserve our clear support.

I endorse Dennis Revell's April 17 analysis that Esparto was a failure of enforcement coordination, not a gap in statutory authority, and I write to add the display-side perspective. OSFM organized the GFAC to span the various aspects of fireworks activities. The Report does not consistently distinguish among the different regulated activities being regulated. The distinctions matter because they determine whether enforcement resources reach the illegal enterprise the Yolo County Grand Jury has now documented or land on the segment of the industry that was never the problem.

Who I am

I have served as in-house counsel for Pyro Spectaculars, California's largest professional display fireworks company, since 1995. For over thirty years, I have worked on codes and standards through the NFPA Technical Committee on Pyrotechnics, the APA Code Committee, GFAC, and with local officials that permit and inspect the displays performed throughout California and the nation. I hold a pyrotechnic operator license and speak to the display side from both the legal and the operational perspective.

Display is already regulated from the top down

Effective oversight of the display industry comes primarily from two agencies whose data and reach span the full picture throughout the state. ATF at the federal level and OSFM at the state level, supported by USDOT and PHMSA on transport and product approval, and by local fire authorities on individual show permits.

- **ATF:** federal explosive permits; manufacturing and magazine storage standards; acquisition and disposition records for every movement of 1.3G product; import verification; inspection of magazines

and manufacturing facilities; criminal background screening of responsible persons and employee possessors.

- **OSFM:** company licenses (Importer/Exporter, Manufacturer, Wholesaler, Display Contractor); individual pyrotechnic operator licensing and testing; storage-facility approval coordinated with ATF.
- **USDOT:** Safety Permits; hazmat transport; placarding; CDL drivers; shipping papers.
- **PHMSA:** approval of imported and domestically manufactured fireworks and issuance of EX numbers.
- **Local fire authorities:** general fire safety, display permits, and on-site inspections for individual events.

This top-down structure works because ATF and OSFM hold centralized records that reveal national, state, and regional patterns no local jurisdiction could see on its own. Local authorities have a vital role at the show level, but they do not and have not provided the systemic state and federal oversight the display industry requires. The Yolo indictment makes the point starkly: among the defendants was a sitting deputy sheriff who owned the property and used that authority to conceal the manufacturing activity and illegal distribution behind a facade of legitimacy.

Recommendations the display industry supports

Several Task Force recommendations directly address the Esparto enterprise's operating conditions and deserve clear support:

- **Upstream interdiction.** Clarifying OSFM jurisdiction over imports transiting state ports (Rec. 1.1), expanded import notification with destination (Rec. 2.5), and reimplementing of port authorizations (Rec. 4.2), together, close the gap that the Esparto enterprise exploited.
- **Dedicated enforcement capacity.** A multi-agency enforcement task force (Rec. 6.4), coordination with District Attorneys (Rec. 6.5), OSFM workforce analysis (Rec. 6.1), and increased penalties for the sale and use of illegal fireworks (Recs. 6.6, 6.10) target the criminal supply chain where the harm originates.
- **Criminal disqualification.** Aligning HSC § 12607 with DOJ's Firearms Prohibited Categories (Rec. 1.2) and adding background checks for company officers and owners (Rec. 3.4) would prevent disqualified individuals from holding or benefiting from fireworks licenses, a display-industry priority of long standing.
- **Precursor chemicals and suspension authority.** Expanding the fireworks kit definition to include precursor chemicals (Rec. 1.6) and extending the suspension timeframe to 90 days (Rec. 1.7) give OSFM the tools to act on the activity the Esparto indictment describes.

Where the Report misses on the display side

Several recommendations, as drafted, apply across license types and product classes without distinguishing activities already regulated at the federal level from those that are not. The result is duplication without added safety.

- **Storage logs and site inventories (Recs. 2.6, 3.1).** ATF already requires 1.3G storage facilities to maintain acquisition and disposition logs, and ATF-licensed manufacturing, processing, and storage premises are already subject to federal site inspection based on federal requirements. New parallel OSFM

requirements for 1.3G magazines would duplicate federal records without reaching illegal operators, who maintain no records at all.

- **Joint inspections (Rec. 4.1).** Annual joint inspections at 1.3G storage locations would layer state and local inspection onto existing ATF inspection authority. The better focus is on facilities and actors outside ATF licensing, the unregulated universe where Esparto operated.
- **AHJ input and local inspection authority (Recs. 3.3, 1.8).** These push regulatory activity toward the local level, where capacity and training vary widely and where, as Esparto showed, local oversight can be compromised. For 1.3G operations, ATF and OSFM already hold the information these provisions would require AHJs to assemble without the training, experience, and ongoing individual responsibility. ATF inspections often involve teams of agents and multiple days of reconciling records.

These concerns are not arguments against the recommendations in principle. They are arguments for making them more precise, distinguishing the regulated display industry, the consumer-side retail and Safe and Sane channels, and the illegal explosives activity that caused Esparto.

Esparto was not a display-side failure

The Esparto operation performed some display work, but the indictment (CR2026-1424) clarifies that display activity was a facade for an illegal explosives enterprise: importation and stockpiling of precursor chemicals, manufacture of devices using flash powder (Division 1.1 high explosive), and packaging of branded consumer product lines already illegal in California for street sale. Over one million pounds of material were on site at the time of the explosion. That is wildly disproportionate to any legitimate licensed operation.

That disproportionality is the signature of illegal activity, and it is exactly what top-down enforcement by ATF and OSFM, using importation information, is positioned to detect. Illegal operators do not file reports. Their conduct must be ferreted out from the data that legitimate operators do file. A fire that might have been manageable at a compliant facility became catastrophic because of what was underneath. The distinction between this criminal enterprise and the licensed display industry is not subtle. The Report's recommendations should reflect it.

The display side proposes

To ensure the Report's strong recommendations reach where the harm originates without imposing duplicative burden on operators already under sustained federal oversight, I propose that the Report and its implementing actions include:

1. **Industry segmentation** — maintain obvious distinctions among display (1.3G), consumer (1.4G / Safe and Sane), special effects, hobby rocketry, and illegal products throughout the development and implementation of statutes and regulations.
2. **Federal-state coordination** — preserve existing jurisdictional lines so that ATF-regulated activities, like 1.3G storage logs, magazine inspections, and licensed-premises oversight, are coordinated with rather than duplicated by new state requirements.
3. **Upstream focus** — prioritize implementation of Recs. 1.1, 2.5, 4.2, and 6.4, which target illegal operators rather than compliant licensees. This could be adapted to have some flexibility for the

movement of small quantities of fireworks to and from display sites and distribution centers and avoid the noise that additional reporting would add to the system.

4. **Criminal disqualification** — implement Recs. 1.2 and 3.4 with scope sufficient to prevent convicted individuals from holding or benefiting from fireworks licenses, whether as operators, officers, owners, or beneficial interests.

What these refinements accomplish

These refinements are aimed at sharpening enforcement and focusing budgets on meaningful efforts. Enforcement resources directed at compliant operators are resources not directed at the illegal supply chains and concealment that caused Esparto.

[END]