

OFFICE OF THE STATE FIRE MARSHAL
Department of Forestry and Fire Protection
Fire Engineering Division



P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: <http://fire.ca.gov>
(916) 445-8373
(916) 445-8458 - Fax

MINUTES
SPECIAL EFFECTS FIREWORKS
ADVISORY COMMITTEE
Tuesday, May 4, 2004
NBC Studios

Members Present:

Patricia Williams, SFM Fireworks Program Coordinator
Al Adams, Technical Assistant
Caroline Fudge, SFM Program Assistant
George Jackman, De La Mare Engineering
Cal Acord, Warner Bros. Studios
Gary Brown, Pyro Spectaculars
Tassilo Baur, ASEPO (for Jon Belyeu)
Dennis King, AMPTP
Thaine Morris, MP Associates
Chuck Hughes, NBC Studios
Don Martin, Universal Studios
Curt Fasmer, Los Angeles Fire Department (for Larry Shipp)
Harold (Mickey) Aronson, Disneyland Entertainment

Members Absent:

Russ Laurie, Western Pyrotechnic Association
John Belyeu, ASEPO
Kevin Brueckner, Fireworks America
Craig Canfield, Burbank Fire Department
Larry Shipp, Los Angeles City Fire Department
Richard Mommii, Culver City Fire Department

Guests:

John Bordeauex, Calbor Enterprise Two, Inc.
Tom Newman, Pyrotechnician
Gini Krippner, SFM Code Development
Chuck Seely, City of Downey Fire Department
Hugo Wei, Magician

CALL TO ORDER

Supervising DSFM Patty Williams, Acting Chairperson of the Special Effects Fireworks Advisory Committee, called the meeting to order at 1020 hours at NBC Studios, Burbank.

I. ROLL CALL

Roll call of the Advisory Committee Members was conducted; a quorum was present. It was announced that there is a new committee member, Russ Laurie, of Western Pyrotechnic Association. He took the place of Kief Adler, who recently resigned from the committee.

II. INTRODUCTIONS

Self-introductions of committee members and guests were conducted.

III. ANNOUNCEMENTS

Chairperson Williams announced that committee member, Richard Mommii of Culver City Fire Department, is retiring and will need to be replaced on the committee. It was announced that all member terms on the committee expire in December 2004. If committee members desire to be reappointed, they were asked to submit a letter so indicating. Division Chief Mike Richwine (Chairperson) will not be present at today's meeting as he has been assigned to a fire. Caroline Fudge was introduced to the committee. Caroline was recently appointed as the Program Assistant to the Fireworks Program.

IV. APPROVAL OF MINUTES FROM APRIL 30, 2003

Chairperson Williams called for additions or corrections and approval for the minutes from the April 30, 2003 meeting. **Motion: Brown/Jackman; Discussion: None; Vote of Members: Unanimous for Approval. Motion carried.**

V. CURRENT WORKGROUP ASSIGNMENTS

The committee was provided with a list of current Workgroup assignments. Chairperson Williams had inadvertently removed Manny Chavez's name from the Workgroups that he had been assigned to previously. His name would be added back to the correct Workgroups.

VI. OLD BUSINESS

a. Limitation on Meetings/Workgroups

Chairperson Williams discussed the limitations that were instituted by the Governor's Executive Order that only allowed one meeting annually. The SFM has not heard whether this Executive Order would be cancelled because of the change in Administration.

The question was asked whether the committee could continue to meet through other means; i.e., conference calls. Chairperson Williams cautioned the committee that, because of the Bagley Keene Act, regulations couldn't be discussed without a public notice being posted.

Chairperson Williams stated that the Workgroups could proceed with their meetings as long as the Bagley Keene Act is followed when necessary.

Chief Krippner indicated that, in a lot of regulation developments, we have the Administrative Procedures Act (APA) Law that we have to follow. This requires that we have to go through a public process, which means that we have to send notices out for our meetings. This doesn't prohibit us from doing internal work within our Workgroup.

b. High Explosive Materials

The Cal OSHA regulations that were referenced in the past Advisory meeting minutes stated that Chief Richwine was going to contact Cal OSHA to discuss developing a new MOU between their office and the SFM. Dennis King indicated that Chief Richwine did contact Cal OSHA and that there was a verbal understanding but nothing was written. Nothing has happened with this issue as of this date. Dennis King said that, "on behalf of our industry we are real concerned about getting that taken care of because of what happened last time. The documents keep floating around and never get taken care of. We were working very closely with Cal OSHA on the regulations".

Action Item: Patty Williams will check with Chief Richwine on status of MOU between Cal OSHA and CSFM.

c. Orange County Shows

Al Adams indicated that on the last agenda he had talked about Orange County adopting a local ordinance for required shows and that they were going to delete that ordinance. However; it cannot be deleted until the next adoption due to language that is on the books. Gary Brown received word late yesterday that there was a change in their Firework's Coordinator for Orange Co. Fire Authority and that Orange Co. FD doesn't have any jurisdiction at all. They were discussing floating platforms and they have relied on a very old appendix to a training manual as their standard for barges that have certain minimum requirements before NFPA 1123 was amended to take care of these things for public displays. Gary said he thinks they are now looking at the revision of NFPA 1123.

Al said that there was a standard that the CSFM has on letterhead. Gary said he doesn't think it was on letterhead, and he doesn't have it in front of him. This standard was about Appendix H. He had tracked it down and the closest he got was that it was simply a suggested standard passed along to the training program and was given out several years ago when floating platforms first became popular. This item was considered a closed issue and will be removed from future agendas.

d. Reference Letters/Unlicensed Assistant

Gary Brown distributed copies of the proposed revisions to regulations pertaining to Reference Letters and Unlicensed Assistants. The information provided did not change other than the “justification” for the proposed changes. The proposed changes to the Reference Letters were not voted on at the last meeting; however, the proposed changes to the Unlicensed Assistant was voted on and approved.

Don Martin introduced Hugo Wei who is a Magician and works as a Performer. A discussion was held between the committee members regarding the packages. **Motion: Brown, to adopt the proposed revision of the regulations with respect to unlicensed assistants and letters of recommendation. Discussion followed.**

George Jackman abstained from voting on the Unlicensed Assistant justification.

Motion: Brown, that the committee adopts the proposed revision to regulations including the justification for letters of recommendations on Title 19 Sections 984 and 984.4. Discussion followed.

Motion: Brown, that the committee adopts the proposed revision to regulations for Sections 984 and 984.4, including the recommended justification on the condition that the work group, along with the State Fire Marshal’s office, work together to draft the proposed forms of recommendation which will then again be presented to the committee in a written package, for acceptance before the entire package moves forward. King seconded the motion. Vote of members: Unanimous for Letters of Recommendation; one abstention and 10 votes to approve for Reference Letters. Motion carried.

e. Mitey Mite Mortars

Gary Brown asked that this item be removed from the agenda because a representative from Mitey Mite had previously been invited to submit a testing plan and that it has not taken place. Dennis King recommended that a standard be adopted for Mitey Mite Mortars.

Action Item: This item will be removed from future agendas and SFM will research the possibility of developing a standard for the use of Mitey Mite Mortars.

f. Rewrite of Pyrotechnic Operators Exam

A lengthy discussion took place regarding the direction the work group should go with regards to rewriting the Pyrotechnic Operators Exams. **Motion: Brown, (1) to prepare an action plan for the work group that would involve any reviewing and eliminating any problematic questions from the existing question pool. (2) Prioritizing the tests that have the most problems in order to repair them first. From the remaining pool to create new tests that can be administered as quickly as possible. (3) To begin drafting additional questions based on the existing material to improve the test that already exists and after that to prepare a Phase II action plan that would involve the development of either additional materials or cross reference materials to be included in the exam process. Motion 2nd by Chavez. Discussion followed. Chavez again 2nd the motion to amend it to include having some kind of expedition with delivering the exams. Discussion again followed. Vote of members was called, motion carried unanimously for approval with the amendment.**

g. Fireworks Disposal Operation

Tony Guevara provided an overview of the Firework's Disposal Operation that was conducted in conjunction with CDF, SFM, LASO, LAFD, Department of Toxic Substances Control, and the U.S. EPA that commenced in September 2003. The need for changes to the legislative mandate for the SFM to be responsible for disposal of illegal or dangerous fireworks was discussed. Also discussed was whether we needed to maintain the work group committee that was established earlier on this subject.

Gary Brown stated he wanted to abstain from this discussion and to have his name removed from the disposal committee.

Motion: Chavez made a motion to move the committee to continue working on developing solutions for disposal of illegal fireworks, dangerous fireworks, with other local, state, and federal agencies for the disposal of illegal materials. Motion 2nd by Baur. Discussion followed. Gary Brown changed his mind about abstaining following the discussion. Vote of members was called, Yes votes: Chavez, Jackman, Baur, Hughes. No votes: Martin, Acord, King, Brown. Motion failed

h. NFPA 1126

Al Adams advised the committee on the work that has been done, by the work group thus far, on comparison of NFPA 1126 to the regulations that are contained in Title 19 CCR. **Motion: Hughes, to drop the term NFPA 1126 as the guideline for the amendment to the regulations and call it Proximate Fire Tech. 2nd by Baur. Discussion: None, Vote of Members: Unanimous for Approval.**

Chairperson Williams explained that the NFPA 1126 (Proximate Audience) issue is not priority at this time with SFM and that the work group would reassemble once other issues were completed.

i. Civil War Reenactments

Al Adams reported on a meeting that was held the previous day with representatives of the Civil War Reenactors. He explained that there currently are no regulations that address this type of activity and that they discussed the possibility of developing a new license for these activities. SFM will be researching some technical data on this issue to see what type of license may be required, if any. Al asked if any members of the committee would be interested in assisting with this issue. Don Martin, Tom Newman and Tassilo Baur volunteered to work on this issue if the meetings could be held in Burbank.

NEW BUSINESS

a. Model Rockets

Al Adams reported on a meeting that was held the previous day with representatives of the Model Rocket industry. He explained that they were concerned with the regulations being outdated. They indicated that the fees are driving their industry out of business because they work as non-profit. Chairperson Williams stated that the SFM has a separate advisory committee for the Model Rocket industry and that that group will hear this issue at a later time and date..

b. SB 1781

This is a bill relating to flame throwing devices. Members of the committee discussed this bill at length. **Motion: Baur, to advise the support from SFM for SB 1781 and that all Special Effects Pyrotechnic Operator activities should be regulated by the SFM, including the use of Flame throwing devices. Acord 2nd the motion. Discussion: None; Vote of Members: Unanimous for Approval.**

c. AB 2401

This is a bill relating to fire protection on inspections and licensing. Members of the committee discussed this bill. **Motion: King, that the committee requests from the SFM Office that any current regulations or legislation that is being proposed for development that pertains to this Advisory Committee be submitted to the committee for comment prior to submission because it could potentially effect the industry and the committee. Baur 2nd the motion. Discussion: None; Vote of Members: Unanimous for Approval.**

d. Permit Applications

Dennis King discussed the Special Effects Pyrotechnic Application that was developed for use by Fire Departments. It was recommended that this be posted on the web site. Gary Brown suggested that we separate the two forms, Model for Special Effects Form and SFM Public Display Fireworks Application side by side. ***Motion: King, that the committee approve the documents and add in the language that Gary recommended so that there is no confusion. The form will then be submitted to the SFM to post on the web site so that it can be downloaded. Morris 2nd the motion. Discussion: None; Vote of Members; Unanimous for Approval.***

Meeting Minutes Developed by:
Caroline Fudge
Fireworks Program Assistant