

OFFICE OF THE STATE FIRE MARSHAL

Department of Forestry and Fire Protection

Fire Engineering Division

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**SPECIAL EFFECTS FIREWORKS
ADVISORY COMMITTEE
MINUTES**

**Wednesday, November 10, 2004
Warner Brothers Studio**

Members Present:

Mike Richwine, SFM, Division Chief
Caroline Fudge, SFM Program Assistant
Al Adams, SFM, Technical Assistant
Marge Yarbrough, SFM, Technical Assistant
Cal Acord, Warner Bros. Studios
Gary Brown, Pyro Spectaculars
Tassilo Baur, ASEPO (for Jon Belyeu)
Dennis King, AMPTP
Chuck Hughes, NBC Studios
Don Martin, Universal Studios
Harold (Mickey) Aronson, Disneyland Entertainment
Craig Canfield, Burbank Fire Department

Members Absent:

Russ Laurie, Western Pyrotechnic Association
John Belyeu, Alliance of Special Effects Pyrotechnic Operators (ASEPO)
Kevin Brueckner, Fireworks America
Larry Shipp, Los Angeles City Fire Department
Thaine Morris, M.P. Associates
George Jackman, De La Mare Engineering, Inc.

Guests:

Tom Newman, Pyrotechnician
Thomas Richards, Los Angeles Co. Fire Department
Tim Vanderlip, Los Angeles Co. Fire Department
Ron Ibaven, Inspector

CALL TO ORDER

The meeting was called to order at 10:05 hours by Division Chief Mike Richwine, Chairperson of the Special Effects Fireworks Advisory Committee.

I. ROLL CALL

Roll call of the Advisory Committee Members was conducted.

II. INTRODUCTIONS

Self-introductions of committee members and guests were conducted.

III. ANNOUNCEMENTS

Chief Richwine announced that all member terms on the committee would expire in December 2004. If committee members desire to be re-appointed, they were asked to submit a letter of interest to the Office of State Fire Marshal, Chief Ruben Grijalva. Chief Grijalva was unable to attend today's meeting due to other appointments. It was also noted that William Carmack has retired from Code Development.

Cal Acord stated that turn out for this meeting on this date is Poor – wants meeting noted.

Marge Yarbrough's duties have been redirected she is now back in the Fire Engineering Unit in Southern California as an investigator.

IV. APPROVAL OF MINUTES FROM MAY 4, 2004

Chairperson Richwine asked for the approval of Minutes from May 4, 2004. **Motion: Richwine to approve May minutes;** Minutes were approved as amended. **Dennis King 2nd motion.** Changes will be made. (Subsection c, 5th line after the word Authority, "and that Orange Co. FD doesn't have any jurisdiction at all" will be taken out) (Subsection c, second paragraph, "Appendix H" should read "Entitled Appendix H") Page 5, subsection f, line 4, should read "Proximate Pyrotechnics". Changes were noted and corrected.

Mike Richwine asks for approval of the Amendments to the May 4th minutes. Approved

APPROVAL OF MINUTES FROM AUGUST 25, 2004 – Chairperson Richwine asked for the approval of Minutes from August 25, 2004 meeting. **Gary Brown move to approve, Dennis King 2nd the motion.** Under New Business- correction to be made. Motion for August 25, 2004 be Amended to section VII Title Proximate Pyrotechnics with following action item, "ASEPO will provide a written comparison of NFPA Documents with Title 19 with a view toward why the California Code of Regulations provide the same of greater level of safety with greater flexibility", all in favor, approved. **Gary to amend his motion, to approve the minutes of August 25, as corrected with the language that Tassilo has provided with respect to the second action item in paragraph VII in New Business. And that language be changed to a new sub-heading under New Business called "Proximate Pyrotechnics". Tassilo to second the motion, no discussion, all in favor, approved Aug 25, 2004 w/amendments.**

Chief Richwine announced to the committee that the workgroup would no longer be referred to as NFPA1126 Workgroup but would be changed to Proximate Pyrotechnics Workgroup.

OLD BUSINESS

- **CAL OSHA REGULATIONS** – Chief Richwine had a discussion with Chief Grijalva and Dennis King, regarding an MOU, there where changes from the past, comments etc. The MOU will be sent out to members, Len Welsh, interim Director of CAL OSHA wants to get back together and complete this MOU, it's been in draft form for almost eight years, would like to get this signed and executed. The whole reason for this MOU is so that the SFM can regulate the materials for motion picture production.

*****ACTION ITEM** Chief Richwine will send out Memorandum of Understanding to members, all comments are to be sent back to him for consideration. (Relevant comments to their domain)

- **FIREWORKS MANAGEMENT (NOT FIREWORKS DISPOSAL)**

Chief Richwine stated we have eliminated many stockpiles of illegal fireworks and we are now working on a long term solution, Arson and Bomb Investigators are meeting with DTSC on a regular basis to develop some kind of treatment unit or units that could be used when local public safety agencies seize illegal fireworks and then it is up to this office to dispose of them. In addition there's a Legislative proposal that was just completed to increase penalties.

We are proposing to increase and clarify those statutes where it will be a gross weight of 25 pounds possession of gross weight of dangerous fireworks without a permit. Twenty-five pounds is a felony, 500 pounds is possession with intent to sell and increase penalty and over 1,000 pounds, conspiracy, Marge Yarbrough stated that 1,000 pounds or more is a felony, with a \$10,000.00 fine or more 10,000.00 pounds or more is a felony with a \$50,000.00 fine. Importing without a license is a felony, regardless of the amount.

Chuck Hughes states that the current concern lies with the film company's purchasing product in the State of California, that was made in California and then going out of state with their truck to do a film shoot location and then coming back into California. Discussion regarding film company importing.

*****Action Item** *Committee to email member Tassilo with concerns about the import/export license, we will see if we can catch that to clarify that in this proposal.*

- **PYROTECHNIC OPERATOR EXAMS:**

Chuck Hughes gave update on Exam Re-write progress.

Motion by Chuck Hughes to adjust the people on the Pyrotechnic Exam workgroup at this point for new members to participate on the Pyrotechnic Exam work group. Don Martin 2nd Motion.

Gary Brown-will volunteer for those subject matters related to Public Display.

New Workgroup Volunteers – Don Martin, Cal Acord, Gary Brown, Dennis King, George Jackman, Craig Canfield, Chuck Hughes as the leader.

Workgroup would like to see exams compiled now, date on line for exams January 2005.

DRAFT

Meeting Reconvenes at 12:15p.m.

- **LEGISLATIVE UPDATE-FLAMETHROWERS**

Governor signed SP 1781, where the OSFM is now in the Flamethrowers Business. We are going to have to develop regulations for that. Committee makes motion to establish a workgroup for Flamethrowers regulations.

Group will consist of, Al Adams as Work Group Lead, Chuck Hughes, Craig Canfield, Tassilo Baur, Thaine Morris, Eli Popoff, Mickey (Harold) Aronson, Dennis King, Cal Acord. DOJ to assign Representative. Tassilo suggested Chris Adad in view of his prior experience with the issue.

Chief Richwine stated that we are working with code development to insure that the regulations for flamethrowers is a stand alone section not to be confused with pyrotechnics, even though there is some overlapping in the licensing issues we do have to try and separate that. He also asked that if any of you know of another interest group that may be effected by these regulations I would like to know so that we can get them to the table so that we don't have to deal with them late in the game. Fire side, or business in the film industry or else where.

- **FIREWORKS ADVIORY COMMITTEE CONSOLIDATION**

Chief Grijalva has approved, consolidating the fireworks advisory committees into a single fireworks advisory committee. Currently we have Rockets, Special Effects, Fireworks, due to staffing issues, and time constraints, as mentioned before, we are proposing we have a State Fire Marshal's Fireworks Advisory Committee, a single committee. That committee has existed since the late 70's early 80's, somewhere along the line it went away, then we broke it up into three a couple of years ago, given that, we are still going to deal with Special Effects issues, Public Display issues, Rocket issues and what it is going to require is that a single committee is really going to have to be sensitive to other people issues and to prioritize issues that come forward to the State Fire Marshal's Office.

Tassilo Baur moves: Committee requests that the existing system of multiple committees be continued and that the consolidation not be pursued, in the interest of efficiency, **Motion 2nd by Mickey Aronson/Chuck Hughes** Committee stated they would like to alternate North and South so that we have the opportunity to bring fire officials and other industry representatives from different parts of the state, we are not limited to one meeting a year now, currently we don't have any budget restrictions. Chief Richwine asked if any committee members would be able to help with minute taking and other services needed to be fulfilled for future meetings. If you can provide us with that help from your own staff or your companies, we would be open to that, we would certainly appreciate that. This is a time issue, not a budget issue.

- **ASEPO "QUESTIONS AND ANSWERS REGARDING TITLE 19 AND NFPA 1126"**
(comparison of NFPA Documents with Title 19)

Tassilo Baur provided background on development of NFPA 1126, NFPA 1126 is fireworks before proximate audiences, that committee was formed in the early 90's, basically in response to requests from touring rock and roll folks, who wanted some sort of regulations to fill a void in areas where, unlike California, there were no applicable regulations.

VI. **NEW BUSINESS**

Proximate Audience – Chief Richwine is still interested in those areas of chapter 5 that was in your analysis of putting those into Title 19. Chief Richwine stated the group hasn't meet in a while; the work group is Kevin Brueckner, Tassilo Baur, Don Martin, Dennis King, Chuck Huges, Craig Canfield and Mickey Aronson. I'm proposing that we put this workgroup back together and refocus on setting some objectives for it, I am asked from time to time as to the status of this project, trying to give the local Fire Department, Los Angeles Co. and Burbank they've got it pretty much dialed in. Talking about the rural California, a show shows up in their town and they don't know what to use. Committee would like to see a standardized training package that is delivered on a more frequent basis throughout California.

Dennis King motion to reconvene the committee and make one more attempts to come up with recommendations for requirements that may be needed in Title 19 for Proximate Pyrotechnics.

Don Martin 2nd the Motion with discussion

Committee voted in favor of motion

DISCUSSION

The committee feels in conflict with Prescriptive and Performance, since Title 19 is descriptive and NFPA is performance, which way do we go? Whether prescriptive or descriptive it will be very difficult to move forward unless we come

*****Action Item:** To be placed on next agenda. *Regulations package for unlicensed assistants and letters of references.*

The question was brought up on whether or not a State Fire Marshal official could share that committee.

Mike entertains motion to adjourn meeting, Gary Brown moves, Chuck Hughes/Gary Brown second. Meeting was adjourned at 1:55. Next meeting scheduled for February 15, 2005, Universal Studios.