



MINUTES

SAFE & SANE FIREWORKS ADVISORY COMMITTEE

Meeting Date: January 5, 2005, at 10:00 a.m.

Meeting Location: Office of the State Fire Marshal
Sacramento, CA

Members Present:

Mike Richwine, Chair, Division Chief Fire Engineering Division
Tony Guevara, SFM Fireworks Program Coordinator
Caroline Fudge, SFM Staff/Program Assistant
Linda Hass, Big Bear Fireworks
Joe Elkins, Blockbuster Fireworks
Don Petro, An American Tradition
Tad Trout, American Promotional

Guests:

Daniel Gearhart, Battalion Chief Monterey Co. Fire and Arson Task Force
Dennis Revell, Revell Communications
John Kelly
Jim Mattesich

CALL TO ORDER

Mike Richwine called the meeting to order at 10:00 a.m. **Roll** was called and a quorum established.

INTRODUCTIONS AND ANNOUNCEMENTS

Chief Richwine announced many changes since the last meeting on April 29, 2003, Chief Ruben Grijalva has been appointed, not yet confirmed as the new State Fire Marshal (SFM).

Patty McKinnon - will be retiring effective July 2005. She will stay on a few days a week to help assist Chief Richwine. Tony Guevara, lead investigator, has agreed to take over the Fireworks Program.

Caroline Fudge joins us as the new program assistant to the Fireworks Program.

Nancy Wolfe asked to be reassigned as Pipeline Safety Division Chief.

Changing our name in the Code Enforcement Arena from Code Enforcement to Fire and Life Safety Division North/South, Chief Grijalva continues to meet with the management team and we have a lot of challenges facing the OSFM office in the next three years.

Ginny Krippner has retired.

NEW BUSINESS

Dennis Revell adds discussion on follow up to the discussions we already had with the Chief Grijalva and Chief Richwine, the committee structure of consolidated meetings, and discussion of Legislative Agenda.

- Enforcement Discussion
- Status of CAIRS Reporting Process

CHAIR REMARKS

1. Chief Richwine announces that in April 2003, we were under Executive order from the previous administration to limit our meetings, it is now our intent to go back and to meet at least three times a year, more if requested.
2. Committee Membership - Chief Grijalva will solicit more fire service representation.

APPROVAL OF MINUTES

Chief Richwine calls for **Motion** to approve of Minutes from April 29, 2003. Moved by Tad Trout, motion 2nd by Joe Elkins. Minutes approved by committee.

OLD BUSINESS

1. Proposed Safe and Sane Regulations

Latest copy of proposed regulations handed out. We need to do an Initial Statement of Reason, which is the justification for proposed changes. Dennis Revell recommends that maybe Tony Guevara convene a conference call of interested parties from this committee one more time and look for things that were not included, such as:

- a.) Fee increase for retail (Safe and Sane)
- b.) Disposal recovery provisions for local government (Safe and Sane)
- c.) Other changes Tony Guevara might think of, conference call by a couple of members to get this done, this is #1 package to get out.

Chief Richwine is going to need help with justifications initial statement of reason.

Reason for regulations changes include: 1) Labeling, fuse burn time, construction, but no performance based criteria. Need to take to next step. 2) Main reason AFSL was established to be 3rd party testing in China to be sure they meet the requirements, which is a higher standard than CPSC. Tad Trout to email Tony Guevara standards, Tony Guevara to send questions to Dennis Revell.

Workgroup was established to re-address Safe and Sane Regulations: Linda Hass, Tony Guevara, Dennis Revel, Don Petro, Joe Elkins, Mike Richwine, Tad Trout. Meeting on Feb. 1, 2005, location 1131 S Street, Sacramento, @10:00 a.m. (Location to be changed to Monrovia Office, same date and time)

Don Petro handed out package of his observations. These will be addressed in the workgroup on date shown above. In light discussion Dennis suggests to amend Title 19, 987.4, insert Importer/Exporter (I/E) number rather than the Manufacture number, and opposes any effort to allow I/E to directly sell to retailer because there are many people who have I/E licenses in the state primary who are importing product that is classified dangerous in California but it is legal in other states. It would open an incredible can of worms to allow some of those people who are not reputable individuals in this industry sometimes to allow them to turn around and directly sell.

2. FIREWORKS MANAGEMENT

In the past two years OSFM has been involved in assessing the quantities and realized we didn't have the funds to do it. We requested federal assistance, focusing on the Los Angeles area, conducted a minimum of eight operations that lasted three to four days each, we were able to get rid of stock piles that existed for seven years, in addition to that we were able get rid of every know quantity that Fire Departments and Police Departments had stored away. We were able to get rid of 143 tons since 1996, w/out soft cost from the OSFM office, (travel, our time, fuel) the hard cost was in the neighborhood of \$900,000+. EPA conditions to that were that the state develop a long term solution so that we would never have to go back and request this federal assistance again, since that time we have been working with DTSC on long term.

In addition to that the enforcement side we have a current Legislative proposal to strengthen penalties.

ACTION ITEM: *Chief Richwine to send out proposed Legislation.*

In addition we know that there's a task force in Los Angeles area that is very active. Chief Smith is working on an operational plan.

Chief Grijalva arrives at the meeting at 12:40, asking if anyone has heard of Cal-OSHA developing regulations on fireworks. Tad Trout adds that they have a joint task force working with Cal-OSHA, but not so much for manufacturing as much as work place, they have a joint deal going on with them right now. Chief Grijalva heard from Chief Konefal that he had heard that Cal-OSHA was looking into developing some regulations related to manufacturing of fireworks, he was concerned that in the past they had developed regulations that superseded ours and Chief Grijalva wants to make sure that didn't happen. Dennis Revell would like to meet with Chief Smith and Chief Konfal in regards to these issues.

NEW BUSINESS

1. Ban on Piccolo Pete's/Whistling Fountains

Guest Speaker Dan Gearhart, Battalion Chief, and currently Director of the Monterey County Fire and Arson task force, is asking that the SFM consider the ban on Piccolo Pete's and Whistling Fountains. State Fire Marshal received a letter from B/C Gearhart explaining the damage and harm it has caused. (Letter handed out to committee) Chief Richwine added that it is a growing issue with the Fire Service. Dennis Revell states that 58 counties show it is a growing problem. Chief Richwine hasn't discussed this in detail with Chief Grijalva, Chief Richwine suspects that he would want to collect data. Committee would also like to encourage tamper proof construction and add an education component. Chief Richwine asked companies to look into tamper proofing packaging in the near future; maybe we can add public education campaign as a separate item.

Tad Trout moves to accept letter, and that our recommendation at this point would be; that we get a hold of the Arson Department District Attorney regarding any prosecution of improvised explosives; that we collect data; that we institute a DA enforcement education program; that we look at changing the Legislative destructive device section; and that the industry go to the factories and see if there is a way that we can make the item somehow tamper proof. **Joe Elkins 2nds the motion. All in favor, motion carried.**

2.) Snap Caps/Party Poppers

Dennis Revell proposed new regulations that Safe and Sane change the Party Poppers/Snap Caps seal, so it doesn't have the word "Fireworks" seal on it, asking committee if they oppose to this. It would minimize our problem. In new regulations we believe they are listed under Novelty items, rather than "Fireworks", they say "Snap Caps", it now shows both Fireworks and Snap Caps, just want to remove the word "Fireworks". No opposition.

Chief Richwine on the same line, Sprit Bombs are being sold by ice cream vendors, kids are getting burned/hurt by these things. This will need follow up-FYI at this time.

3.) NFIRS and CAIRS – Issue is software on data collecting. Chief Grijalva stated, if FEMA made the changes in the interest of the database that they distributed for free then some people would have to modify their system and the Fire Department would have to modify their system to comply with the INFIRS requirements coming out of FEMA, changes are going to have to come from FEMA.

4.) Enforcement –Supervising Arson and Bomb Investigators Smith and Konefal, are working on a plan, as soon as the plan is developed, Chief Grijalva will arrange a meeting with the CHP Commissioner. When the plan is ready Chief Grijalva will let the fire service know what we are planning, Chief Smith is going to work on something for Chief Grijalva to go out under his signature to tell them we are stepping up enforcement and were working on disposal issue and to ask every fire agency in California to coordinate their enforcement and disposal issues with our office. Chief Grijalva mentioned that the issue of stronger enforcement of fireworks and the disposal issue are one of my top five priorities for this office to accomplish.

Workshop scheduled for February 1st, 2005, in Sacramento at 10:00 a.m.

Meeting Adjourned.