



# STATE FIRE MARSHAL General Fireworks Advisory Committee Meeting Minutes – October 27, 2022

VIRTUAL MEETING VIA ZOOM

Office of the State Fire Marshal, 9<sup>th</sup> Floor  
715 P Street, Sacramento, California 95814

## MEMBERS PRESENT

Kevin Crews, Volt Live  
Ian Gilfillan, Pyro Spectaculars North  
Megan Quinn, Corona Fire Department  
Gary Brown, Pyro Spectaculars  
Linda Hass-Kreman, Phantom Fireworks  
Julie Heckman, American Pyrotechnics Association  
Dennis Revell, Revell Communications  
Tad Trout, TNT Fireworks  
Mark Holthaus, Friends of Amateur Rocketry  
John Newman, Friends of Amateur Rocketry

## MEMBERS ABSENT

Kevin Kelley, Disney Entertainment  
Sherry Souza, J&M Displays  
Reggie Johnson, Los Angeles County Fire Department  
Gregory McCanless, Jake's Fireworks

## OSFM STAFF

Greg Andersen, Chairperson, OSFM  
Caleb Phillips, Co-Chairperson, OSFM  
Vijay Mepani, OSFM  
Daniel Berlant, OSFM  
Bryan Gouge, OSFM  
Ramiro Rodriguez, OSFM  
Steven Allred, OSFM

Cortney Walker, OSFM  
Megan Lopes, OSFM

### PUBLIC GUESTS

Daniel Hypes, Assistant Fire Marshal San Diego Fire  
Chris Kelly, Pyrotechnic Operator  
Carlos Hernandez, CALFIRE  
JD Street, ASEPO  
Steve Jeffries, Garden State Fireworks

## 1. CALL TO ORDER

### A. Welcome

Chairperson Greg Andersen called the meeting to order at 09:02 A.M. Pacific Daylight Time (PDT) on October 27, 2022.

### B. Roll Call/Determine Quorum

Roll call was conducted by Megan Lopes and determined that a quorum of members was established at 09:07 A.M. PDT.

### C. Introductions

All attendees introduced themselves.

### D. Approval of Minutes

Chairperson Greg Andersen asked for approval of the minutes for the February 23, 2022, meeting.

**It was moved by Member Dennis Revell to approve the minutes; motion seconded by Member Kevin Crews. Motion was carried unanimously, approved at 09:13 A.M. PDT.**

### E. Announcements

Chairperson Greg Andersen welcomed everyone to the meeting. He stated the committee meetings are very important for the office to keep informed of the issues that are going on with the industry. He also stated it is time for committee appointments. The applications were received, and letters should be going out in December. He also stated there will be some updates in the charter.

## 2. OLD BUSINESS

### A. Fee Schedule Regulations Update

Chairperson Greg Andersen stated the fee schedule and regulations updates have been submitted to OAL and are in process. They should be coming out for public comment approximately next week to open a 45-day public comment period.

Member Dennis Revell asked for an anticipated schedule for publishing the notice. Chairperson Greg Andersen stated it could happen as soon as next week, however OAL does have thirty days to review. Once OAL publishes the notice, public comment period is for 45-days. Once that is complete, the final statement of reasons will respond to all public comments. He stated the timeframe it could publish in regulations is around February.

## **B. Fireworks Regulations Update**

Chairperson Greg Andersen stated the workgroup has been working on the updates. They asked for one more review of the regulations before submitting to the committee. A line-by-line review will be set up so there are still opportunities for changes. Chairperson Greg Andersen stated new committee members may be appointed in January, and the charter may be changing to stagger the appointment timeframe. In January, people who are interested in joining the workgroup can do so at that time. He stated we will be looking for new faces for input on the regulations.

Member Dennis Revell asked if the workgroup then will not meet until after the first of the year. Chairperson Greg Andersen stated they may meet before that but may meet again with new people. He does not want to slow down the process of the workgroup.

Member Dennis Revell asked the workgroup members if there were any objections to meeting before the first of the year.

Member Gary Brown asked who the members of the workgroup are and what their task is exactly. Chairperson Greg Andersen clarified that the current regulation going out right now is just the fee schedule. The workgroup is working to update the prescriptive and performance standards in the text of the regulation. He stated it is important to have the input from the fire service, the industry, and the technical experts on the appropriate way of setting up and performing fireworks and special events for pyrotechnics. This is the work group that is moving forward.

Member Kevin Crews asked if the list of workgroup members could be sent out, as COVID resulted in some disconnect from the original tasks. Co-chairperson Caleb Phillips stated he will send out the information.

Chairperson Greg Andersen stated a line-by-line review would be appropriate at this time to ensure issues are addressed, and the proposals make sense for the fire service, industry, and safety standards.

Member Ian Gilfillan asked if Caleb will be heading the workgroup and calling meetings. Co-chairperson Caleb Phillips confirmed that he will.

Member Dennis Revell asked if there was any objection to sending a poll of available dates to meet in November or early December either in-person or via Zoom. Co-chairperson Caleb Phillips confirmed.

Chairperson Greg Andersen stated sometimes meeting in-person for this type of work is beneficial or offering a hybrid option for better interaction in technical discussions. Member Kevin Crews asked where the meetings would be held in Southern California or Sacramento? Chairperson Greg Andersen stated he is open for suggestions. It is possible to hold the meeting at the downtown Sacramento office. Co-chairperson Caleb Phillips stated he will include meeting location suggestions in the poll. Chairperson Greg Andersen stated the location can be moved around to allow for inclusivity and better participation with virtual always being an option. He stated dependent on the size of the workgroup the offices in Monrovia and Riverside also have conference rooms.

Chairperson Greg Andersen stated he is looking forward to the work that is being done on the proposals. He understood it is a heavy lift.

### **3. NEW BUSINESS**

#### **A. Scheduling of 2023 General Fireworks Advisory Committee**

Chairperson Greg Andersen presented the topic of scheduling next year's advisory committee meetings.

The first proposed date is February 22, 2023. Member Julie Heckman stated several members have a conflict with that date due to an educational conference in Las Vegas. Co-chairperson Caleb Phillips proposed February 28, 2023, as an alternate date. No objections were made, all in favor.

The second proposed date was May 24, 2023. No objections were made.

The third proposed date was August 30, 2023. Member Kevin Crews stated that is a big holiday weekend that may drive a few members away working on events. Co-chairperson Caleb Phillips proposed August 25, 2023, as an alternate date. No objections were made.

The fourth proposed date was October 25, 2023. No objections were made.

Chairperson Greg Andersen stated all dates are tentative and subject to change but discussing today will allow for the opportunity to have dates on the calendar.

Co-chairperson Caleb Phillips stated he will send out tentative invites for the proposed dates to the current committee members and include new committee members once appointed.

**The next committee meeting is scheduled for February 28, 2023, at 09:00 A.M. PDT.**

**B. Party Popper/Snap Cap Sales**

Chairperson Greg Andersen introduced Member Dennis Revell to present this topic, as he requested this agenda item for discussion.

Member Dennis Revell presented the topic to the board. He stated several years ago there was a State Fire Marshal informational bulletin posted that advised jurisdictions of the year-round use and sale of “Snap Cap” and “Party Popper” products. He stated there has been confusion in some jurisdictions, as well as challenges to retailers when they sell those products resulting in the generation of discussions. Member Dennis Revell proposed for the benefit of local jurisdictions and the industry a new bulletin with more clarity should be generated and the issues should also be addressed in regulation.

Chairperson Greg Andersen stated the information in the informational bulletin is still current. He asked to clarify if the informational bulletin should be reposted or possibly to update it. Member Dennis Revell stated it should be updated in terms of the date, because some jurisdictions may look at the posting date being ten years old and think it is no longer relevant today. He proposed some discussions be had with the industry and the OSFM to address the issues that have been raised and minimize the time and energy spent clarifying the parameters in which the local jurisdictions can act. Chairperson Greg Andersen stated he is familiar with the issues, and he stands by the informational bulletin because the regulations have not changed. He proposed that the workgroup work on the language for the regulations addressing this issue. He further explained with the informational bulletin it is just information, we must be careful not to create new regulations within the bulletin. If the regulations become clearer, it may provide the guidance that is needed for the AHJs and the industry. Chairperson Greg Andersen also stated a question and answers document could be generated and posted to the website to address this issue if needed.

**C. SB277 Update**

Chairperson Greg Andersen presented the topic of SB277. He stated for those who are not familiar with this bill it started out as a proposal that would allow the State Fire Marshal to sell seized fireworks back to the industry. This bill was drastically changed by legislation and the final language that was approved banned the State Fire Marshal from doing so. However, the State Fire Marshal could manage the seized fireworks. This allows the State Fire Marshal to use seized fireworks for training. Chairperson Greg Andersen further stated the office has had very minimal changes to current practices, other than for minor opportunities to use seized fireworks for training. A draft informational bulletin is under review with executive staff which will inform the

local AHJ they will not see any differences in the process of how to collect and seize fireworks.

Member Gary Brown stated the original well-intended legislation made so much sense to recycle and repurpose rather than go through the costly and unnecessary disposal process. With the drastic change, it seems like such a waste to destroy perfectly good products when many states permit their use and should be allowed to use them.

Member Dennis Revell commented in its original form the bill made it through the Senate without a single no vote, and CAL FIRE remained quiet on it until it got out of the Senate. He also stated there is a consultant in the assembly GO committee that has impacted fireworks legislation and prohibitions. He stated legislatively absent the consultant, there is a wide spectrum of support for repurposing. Member Dennis Revell also stated the only achievement out of the bill was to eliminate the mandate in SB839 that required the department to approve and utilize mobile destruction devices. Chairperson Greg Andersen explained when a new bill is presented that impacts the department, a bill analysis is performed and legally cannot be discussed. It goes up the chain of command and to agency prior to the governor's office.

Member Dennis Revell added that another piece of legislation AB2956 did pass and signed by the Governor which is going to have a significant impact as it relates to the consumer fireworks industry and transportation of hazardous materials by public entities. This bill relieves public entities from having to comply with hazardous material or waste requirements when transporting seized fireworks.

Member Tad Trout asked if once the department's opinion goes all the way to the Governor's office is the information made available for public view. Chairperson Greg Andersen stated once it is approved, yes. Member Tad Trout followed up by asking how that information is made available. Chairperson Greg Andersen stated that it becomes part of the record, and he will find out further information.

Member Tad Trout stated if legislation is presented again, it would be helpful to have the support and weighing in from the fire service on this subject. He agreed with Member Gary Brown that it makes sense to repurpose rather than endure costly disposal.

Chairperson Greg Andersen introduced Deputy Director Daniel Berlant. Chief Daniel Berlant stated the department has been analyzing and watching a lot of legislation the last couple of years, and this topic is always good for discussion. He wanted to take the opportunity to thank everyone for their efforts in the committee and in the regulations. He appreciated the

perseverance of what can be done within our regulations and the department is committed to doing so.

#### 4. OPEN FORUM

Chairperson Greg Andersen introduced open forum for committee members to present any ideas or issues.

Member Gary Brown stated with respect to the workgroup he has been looking at the proposed regulations regarding changing the education requirements for a basic commercial license. He wanted to present the idea of including more formal classroom training and reducing the time requirement to a lesser amount. He further explained, originally in the workgroup there was discussion about reducing two years to one and reducing State Fire Marshal approved training to six months. The timeframe for submitting an application for a new license is May 15<sup>th</sup> in order to then get a license issued in June to participate in the Fourth of July schedule. By reducing the timeframe, this individual would be eligible to apply for a license the following year.

Chairperson Greg Andersen stated this is something that should be considered. He confirmed with Co-Chairperson Caleb Phillips that an individual could apply for a license at any point in the year, however, dependent upon when this is done the timeframe their license is valid for will be cut down. Chairperson Greg Andersen stated it could also be looked upon if it is within 6 months of a renewal period that a prorated registration could be considered.

Member Mark Holthaus asked if the fee schedule will be sent out to the committee members. Chairperson Greg Andersen stated that yes, Co-Chairperson Caleb Phillips will ensure that committee members receive that information.

Member Mark Holthaus also stated many of the rocket holders are nonprofit or volunteer. He asked if the rocket fees were doubled and how to keep them at the level it was before. Chairperson Greg Andersen stated the fees did increase due to a statute requiring the program to recover costs. The program is 100% supported by their fees. Member Mark Holthaus stated he is hoping to freeze the fees at what it used to be not to eliminate them.

Member Mark Holthaus also asked about the fees for the display license. He stated there are a lot of groups that come out to launch rockets and are being requested to obtain a display license. With both fees increasing this will be a lot of out-of-pocket cost for non-profits. He further asked if there was a way to protest the increase and hold the fees at the current level. Chairperson Greg Andersen informed him the proposed fee increase is open to the public for comment. He asked for further clarification on the public display. Member Mark Holthaus stated what was thought in the past was that a college team launching a rocket was not considered to be part of the public. However, if they bring their

family members and friends, now there are public spectators at the rocket launch, which would move this event into a display license. Chairperson Greg Andersen stated he will look into the information presented and ultimately, we will have to fall back to what is in statute.

Guest Steve Jeffries stated he has spoken to Vijay several times over the fee increase, and just like the rocket community not many operators that have display licenses do it for a living. Most people do it as a hobby. He stated he anticipates a lot of operators turning in their license if the fees are increased because they will not want to pay that much for a license that is used a couple times a year. He also asked about the fee increase for company licenses. Chairperson Greg Andersen stated that all fees are being adjusted to meet statute and the cost of doing business. Guest Steve Jeffries stated California is already the most expensive state in the U.S. to do pyrotechnics with the fee increase it will cost companies almost up in the \$20,000 range to operate for a year. Chairperson Greg Andersen stated he understood the issues and thanked him for his comment. He asked if any members of the committee have further comments for open forum.

Member Julie Heckman stated from a national perspective because of the pandemic, the professional firework display industry was crippled. Companies furloughed the vast majority of their personnel and revenues plummeted by 90% including the loss of a lot of trained pyrotechnicians. She continued to state the industry is hurting for licensed and trained pyrotechnicians. In addition to state fees, technicians are subject to other certifications and licensing. The APA is working on a recruitment video due to so many nationwide shows cancelled because there were not enough pyrotechnicians. In addition to the fees, there are all the burdens many technicians face also having to get licensed in multiple states. Chairperson Greg Andersen stated he understood the personnel issues.

Member Kevin Crews stated from an industry perspective, if now is a good time to have these increases and asked if we could delay the fee increases if at all possible. There are other aspects of the industry that are driving prices up and companies simply cannot increase their prices. For example, increases in transport and cost of chemicals. He stated the hard costs in the industry overall are going up and will lead to a lot of public and municipalities with limited budgets to do fireworks shows going away. He thinks it would help to hold back on cost increases to keep the industry alive. Chairperson Greg Andersen thanked him for his comments.

Member Gary Brown stated that Member Kevin Crews' comments are both timely and accurate. If the mission of increasing the fees is to increase revenue, then he does not think it is realistic to assume the number of people paying the license fee will remain the same. He explained the number of licensees will drop and could result in a decrease in revenue. This issue goes hand in hand with the time it takes to become a licensee. He stated whether the fees increase now or not



the base of people that are paying the fee to sustain the industry in the State of California needs to increase. Chairperson Greg Andersen thanked him for his comment.

Member Mark Holthaus commented he understands the OSFM has costs for operating the program and personnel. He asked if the committee could assist in operation of the program with training and exams to reduce costs. He also stated the training should be modernized. Chairperson Greg Andersen stated they are looking to digitize and update processes, so it reduces workload.

Member Tad Trout stated one of the things that would save the office and the industry money is electronic filing of permits. He understood that it takes time to develop and implement. He asked where the office is on electronic permit filing. Co-Chairperson Caleb Phillips asked if this was regarding bulk application for retail stands? Member Tad Trout clarified that it was regarding paper applications. Co-Chairperson Caleb Phillips stated last year was the first-year electronic permits were issued through GOVMotus, there were no stamps or stickers on permits it was all handled electronically. Member Linda Hass confirmed it has gone electronic and the OSFM worked through any glitches so permits could be paid in batches.

Member Tad Trout also expressed concern about the deaths that have been occurring in the state of California and asked if there are ongoing investigations by the State Fire Marshal's office into the recent deaths. Chairperson Greg Andersen stated yes, there are multiple investigations going on and ongoing investigations cannot be discussed.

Member Dennis Revell asked about approvals on assortments that contain items that have already been approved. Member Linda Hass stated what has been done to submit a new assortment is to submit a product list and picture of the assortment. Co-Chairperson Caleb Phillips stated regarding assortments there is no mechanism in regulations to accept fees for assortments, so until it gets added or if it ever does get added the approach is to send in an email with the request and product list. The products are verified to ensure they are on the approved list, then the assortment gets added onto the safe and sane fireworks list.

Member Dennis Revell asked what the effective date of all the new fees for each category is. He stated previously the direction was that the fees would not take effect until after the Fourth of July for unity throughout the permit season. Chairperson Greg Andersen stated he will have to confirm, but believes they were held off for a year so the effective date will be before Fourth of July 2023. Member Dennis Revell asked if this information could be emailed because this could cause confusion within the consumer ranks if those requiring retail permits do so early in the calendar year before the regulations are adopted. Co-Chairperson Caleb Phillips stated the program receives retail booth applications

starting at the end of January early February, so there is potential for fee discrepancies dependent on when the fee package is chaptered.

Member Dennis Revell asked if an update could be provided on the work with the Attorney General's office regarding cases pertaining to illegal fireworks entering the state. Chairperson Andersen stated yes, the department has ongoing discussions with the Attorney General regarding this. He further explained we have been trying to stop the inflow of illegal fireworks and make progress on this issue. Bryan Gouge confirmed we have made efforts in working with the Attorney General's office. It is a hard enforcement at the state level until it gets to the federal level. The department has officers that are dually sworn, and can support federal cases, so it is something that takes priority in the enforcement efforts and is actively being worked on. Member Dennis Revell added for the benefit of the public display and consumer fireworks members in the meeting, a meeting was held with staff of the Senator's, Assembly Member's, and Attorney General's office stating the notices should go to licensed California wholesalers and import/exporters and not to the Nevada stores. He further explained this is like telling everybody that is doing things the right way they are on warning, while knowingly ignoring those who are facilitating the importation of illegal fireworks into California. Chairperson Greg Andersen thanked him for his comments and agreed that the information needs to get to the right people.

## 5. PUBLIC COMMENT

Chairperson Greg Andersen asked for any other comments from the public, interested parties, or committee members.

Guest Chris Kelly stated as a member and a shooter on the Fourth of July, many people only do Fourth of July and maybe one other show in a fiscal year. For basic commercial people specifically, they are making no money on the shows and do it for the love of their country and city they are doing the show for. He asked if there was any way to look at the fees, similarly to the rocket community who do it for the love of it and not for profit. Chairperson Greg Andersen thanked him for his comments.

## 6. MEETING ADJOURNMENT

Chairperson Greg Andersen thanked everyone for their comments. He appreciated the comments because it informs the office of the information that is out there. He understood everyone's perspective and looks forward to everyone's work in the workgroup on upcoming regulations changes addressing these issues while maintaining safety. Chairperson Greg Andersen stated appointment letters will be coming out for committee members, as well as, notices to committee members and interested parties to ensure they are informed of things going out including the public comment period.

Chairperson Greg Andersen asked for a motion to adjourn the meeting.

**It was moved by Member Ian Gilfillan to adjourn the meeting; motion seconded by Member Julie Heckman. Motion was carried unanimously. Chairperson Greg Andersen adjourned the meeting at 10:32 A.M. PDT.**

**DRAFT**