

MINUTES
South Carolina Board of Pyrotechnic Safety
Board Meeting
February 15, 2022, 10:00 a.m.

Meeting Called to Order

Chairman Rodney Wyndham called the meeting to order at 10:02 a.m.

Other members in attendance included: Kelly Campsen, Stewart Robertson, and Joshua Spencer.

Staff members in attendance included: Molly Price, Board Administrator; Christine Currie, Administrative Assistant; Zahid Chinwalla, Program Assistant; Donnell Jennings, Office of Advice Counsel; Nathan Ellis, Assistant State Fire Marshal; and Shawn Stickle, Chief Deputy Fire Marshal.

Members of the public included: David Dumm, Fireworks Over America; Michael Hughes, Discount Fireworks; and Tom Elliot, SC Fireworks Association.

Court Reporter for the meeting was Kathy Boone.

Public Notice

Mr. Wyndham announced that public notice of this meeting was properly posted at the Synergy Business Park, Kingstree Building, and on the Agency's website, and provided to all requesting persons, organizations, and news media in accordance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Approval of Agenda

MOTION:

To approve the agenda of the February 15, 2022 Board Meeting
Spencer/Campsen/approved.

Introduction of Board Members and Others

The Board Members and staff introduced themselves.

Approval of Excused Absences

There were no excused absences for this Board Meeting.

Approval of Meeting Minutes

MOTION:

To approve the minutes of the May 26, 2021 Board Meeting.
Spencer/Campsen/approved

Board Chairman's Remarks – Rodney Wyndham

Mr. Wyndham welcomed everyone to the meeting. He stated that he hoped we are done with the virtual meetings and looks forward to working with everyone.

Staff Reports

Administrative/Financial Report – Molly Price

Ms. Price introduced two staff members: Christine Currie, Administrative Assistant and Zahid Chinwalla, Program Assistant to the Board to the Board members. She briefly described the duties for both staff members with the Board.

She also spoke about the new permit and inspection software that the Board began using in 2021. She briefly described how licensing statistics are measured using that software and that permits are not issued until the inspection is completed.

Ms. Price reported that staff processed approximately 706 applications for temporary fireworks retail permits for the 2021 July 4th season, 395 applications for temporary fireworks retail permits for New Year's Season and 256 annual retail permit applications. Ms. Price stated that there has most likely been a lower number of annual permits due to insurance issues and some carriers not wanting to insure temporary structures year round. Ms. Price stated that there are currently 43 Display Firework Magazine licenses, 4 Jobber licenses and 25 Wholesaler licenses that have been issued and are valid through August 31, 2022.

Ms. Price informed the Board that there have been a few minor issues with the roll-out of the new permitting and inspection software, but that overall everything is working great. Ms. Price stated that many licensees who applied for the 2021 July 4th season had little-to-no issue with signing back in to reapply for New Year's season.

Ms. Price reminded the Board that their statement of economic interest filing is due by March 30, 2022. In addition, she also informed the board members to please provide a letter to the Governor if they would like to continue serving on the Board.

Office of Disciplinary Counsel (ODC) Investigative Report – Molly Price

Ms. Price informed the Board that Robert Elam was in a Investigate Committee meeting for another board and was unable to attend, but that he informed her there are no pending cases at this time.

New Business

Update to Retail Inspection Guidelines for temporary stands to include Regulation 71-7405.5(A)

Ms. Price stated that she would like to amend the approved inspection guidelines to add that wheels shall be removed in accordance with Regulation 71-7405.5(A). The regulation goes on to say each temporary structure shall be located in such a manner as to make it immobile and to prevent it from shifting or blowing over. Ms. Price stated that she would also like to discuss tie down requirements and whether or not that should be an additional checklist item to ensure that the stand is properly secured.

Mr. Wyndham stated that these are actually two separate issues, and that wheel removal is in the regulation and is cut and dry. He went on to say that the board cannot regulate everything and that tie downs are left to the discretion of the inspectors and local jurisdiction, and that some

jurisdictions already require that they be tied down. Mr. Wyndham expressed that this is not something he is concerned about at the moment and that it can be discussed at a later time.

MOTION:

To update the Retail Inspection Guidelines for temporary stands to include Regulation 71-7405.5(A) as a checklist item.

Spencer/Robertson/approved

Permitting requirements for facilities that are exempt under Section 7.3.1.1 of NFPA 1124, 2006

Mr. Wyndham stated that stands and stores receive a sticker as part of the inspection process and at times the process can be a little tricky because some inspections are for limited quantities of pyrotechnic composition, meaning the requirements of NFPA 1124 do not apply. Mr. Wyndham suggested changing the sticker color or shape to allow the general public and retailers to easily differentiate between inspections performed for facilities under the exempt amount, and make it clear that they must remain under the exempt amount. Ms. Price stated that the current permitting stickers do not indicate whether they are under the exempt amount. She clarified that stores can order as much product as they would like, but when they are exempt from the inspection guidelines, they must keep the limited amount in the store and the rest in a secure container, such as a Conex box or trailer, appropriately distanced from the store. She said clarifying the amount with a permitting sticker would be helpful and also hopefully help limit calls from the local jurisdictions. Mr. Wyndham stated that he was comfortable with a sticker change being an administrative decision.

Regulatory Review Process

Ms. Price stated that in 2017 the Board conducted a regulatory review and identified items that they felt needed to be amended or changed. The Board identified seven (7) regulations that they intended to amend, but the changes were never submitted. Ms. Price also added that in accordance with Section 40-56-70(C) of the Practice Act, the Board can recommend statutory changes as well. She explained that this means they can submit both regulatory and statutory changes at the same time if necessary, and they could hopefully have everything filed by the end of the year.

MOTION:

To empower the agency under to publish notice with intent to change the regulations and statutes.

Spencer/Campsen/approved

Election of Officers

MOTION:

To nominate Mr. Wyndham as Board Chair for 2022.

Spencer/Campsen/approved

MOTION:

To nominate Mr. Spencer as Board Vice Chair for 2022.

Wyndham/Robertson/approved

Public Comments

None

Board Chair Remarks

None

Adjournment

MOTION:

To adjourn the meeting.

Robertson/Spencer/approved

The meeting was adjourned at 10:33 a.m.