

Minutes
South Carolina Board of Pyrotechnic Safety
Regular Meeting May 23, 2007
Fire Marshal's Office Conference Room

Members Attending: Walker Kirby, Chairman; John Armstrong, Larry Godfrey

Members Not Attending: Brian Mixon, George Martin, Jr.

Staff Attending: Libby Hardwick, Admin Coordinator; Sharon Dantzler, Legal; Jerry Wingard, Investigator

Visitors: Mike Solomon - Fireworks Over America

- Chairman Kirby called the meeting to order at 10:00 AM. Public Notice of this meeting was properly posted at the SC Board of Pyrotechnic Safety Office, Division of Fire and Life Safety, State Fire Marshal's Office, 141 Monticello Trail, Columbia, and was provided to all requesting persons, organizations and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. A quorum was present at all times.
- Approval of Minutes – Larry Godfrey made a motion to approve the minutes for the 10-10-2006 meeting as submitted. The motion was seconded by John Armstrong. Motion unanimously carried.
- Management Report by Jerry Wingard –
Jerry informed the Board that Pyrotechnics was being added to the agency's Relaes data system. He gave the Board a short summary of some of the things that can be done through Relaes and how it works.

Jerry informed the Board that we were adding e-mail addresses to the pyrotechnic's applications.

Jerry mentioned that we had a new staff member, Barbara Foster (who was out on leave), who will be the assistant in the pyrotechnic's area.

Jerry informed the Board that he had discussed with John Reich the possibility of APA (American Pyrotechnics Association) Fire Service membership for the Board. APA has now created a category for fire service. He gave them some of the advantages of this membership.

Jerry stated that he had attended the APA's winter meeting and appeared before their code committee and communications committee regarding NFPA 1124. He updated the committee regarding fire testing on products that was scheduled to be done in Texas, but was cancelled because NFPA wanted to do a study on fireworks fires. This is on hold, but Jerry thinks that it may happen in August.

AFSL – Jerry stated that he had two meetings since the last Board meeting. A test device was designed to distinguish the difference between break charges and overloaded aerial reports. Also, AFSL has come up with a rating system for factories in China using the 2006 Compliance Reports. They will be rated gold, silver or bronze, giving importers the ability to judge factories. Jerry stated that AFSL is making fireworks safer for public use. Regarding rule making (where AFSL would take over basically regulating consumer fireworks), under the umbrella of consumer products safety, Consumer Products Safety would adopt the AFSL standards as a third party tester for compliance of fireworks. That is currently on hold for now because the President has not appointed another chair person for Consumer Products Safety, which leaves only two people – three people are required for rule making decisions. AFSL will double the number of test done for lead composition this year (200 last year, 400 this year).

- SC Criminal Justice Academy/The Line Up – Jerry informed the Board that he had done The Line Up, which is done for recertification. This CD's will go all across the state – to every police department in the state. This one is on consumer fireworks. He also stated that he more recently had done another CD on high explosives for the Fire Marshal's Office and for the Fire Academy. Board viewed the CD.
- Investigator's Report by Jerry Wingard –
Jerry did Powerpoint presentation on the Hyundai shipping explosion caused by fireworks exploding (shipment going to Russia and was not actually consumer grade fireworks). The container was marked refrigerators or refrigerator parts and got stacked further down and there was a fire in the engine or mechanical and it spread. A lot of the damage was blamed on the fireworks. This put a halt to the fireworks shipping from China and it has been an up hill battle for them every since. He showed several pictures of the damaged ship.

For information – Jerry said that a man had called wanting to sell cannons at his fireworks places. The man furnished a website for information, which is where Jerry got a picture of the cannon that he showed the Board. Some cannons are designed to shoot fireworks and some are designed to shoot black powder. The man was wanting to put black powder in different containers – something the industry does not need and is not safe. Jerry explained some of the problems and stated that he tried to discourage the man and hopefully he did.

Fireworks Store – Ft. Mill, SC – A company was looking to open a store in Fort Mill. They were going to lease, a 11,500 sq. ft. building. When they were working out the lease the attorney for the company called and stated that they were being told that they did not need sprinkler systems in this building, but thought they did and wanted Jerry to look into this. Jerry got Ralph Foster, Engineer from the State Fire Marshal's Office involved. They said that they had talked to International Code people and were told they did not have to sprinkle. Of course, according to Jerry, they were not giving all of the information. So, in

fact, they did need a sprinkler system. Hopefully this has been worked out with the building official.

Jerry stated that we had a couple of new storage sites in South Carolina. He showed the Board a slide of as Type 4 magazine (it's actually Pyrotecnico's new storage site in Saluda County). He informed Board how he handles these inspections for approvals. He stated that Zambelli has also opened a small site (only one magazine) in Berkeley County that has been licensed.

Jerry stated that he had an attorney call him re: what is basically a feud between two retailers. It is about fireworks and blue laws. One claiming that the other is selling fireworks on Sunday morning which he said was against the blue laws. No one has been charged, because this county is one that even allows Sunday alcohol sales. Jerry stated that it was a local issue. Jerry answered the attorney's question by stating that there was nothing in the statutes or regulations that addresses the issue of when fireworks can or cannot be sold.

- Unfinished Business by Jerry Wingard –
Report on the new law – copies were previously mailed to the board. It was also put in their binders. Jerry stated that Larry Godfrey, Brian Mixon, Sharon, Ralph Foster and himself had work on proposed changes to the regs and statutes. The intent was to get something in this year, but that is not going to happen. Hopefully it will be ready to introduce next session. Jerry reviewed the changes with the Board. He further discussed a few things that they were still working on before it was ready for submission and in particular he reviewed a few insurance issues.
- New Business by Jerry Wingard –
Jerry says one of the main things is getting the word out on the revision of the regs and statutes. Then everyone will know what is going on and will not be concerned that someone is trying to slip something in.

Getting the Word Out - Sharon gave the Board some info on the introduction of the new law. She stated that they actually had things under discussion and they are handled very differently. (1) The new regulations go through the administrative procedures side and Sharon asked the board to vote at this meeting to approve the publication of the Notice of Drafting. She gave further info on this process. This is part of getting the word out and this is a legal requirement. She also asked the Board to contact everybody they could think of about this process. If all goes well, the regulations could be ready to go to the General Assembly in January. (2) The other document, statutes, is a statutory change, and it too needs to be discussed by everyone involved. The target date to be happy with the new language in the statutes is November (prefile date for the 2008 session).

Sharon again asked for the board to vote to approve the publication of the Notice of Drafting. Larry Godfrey made a motion to approve the publication of the Notice of Drafting to amend the regulations. Motion was seconded by John Armstrong. Motion carried unanimously. Sharon had to leave at this point.

- Chairman Kirby thanked the committee on the review of the proposed changes to the regulations and statutes.
- Larry Godfrey made motion to adjourn. Motion seconded by John Armstrong. Motion carried. Meeting adjourned at 11:20 AM.