

**Minutes**  
**South Carolina Board of Pyrotechnic Safety**  
**Regular Meeting July 30, 2008**  
**Fire Marshal's Office Conference Room**

Members Attending: Walter Kirby, Chairman; John Armstrong; Larry Godfrey; Brian Mixon

Staff Attending: Jerry Wingard, Investigator; John Reich, Deputy Director/State Fire Marshal; Sharon Dantzler, LLR General Counsel; Bob Selman, LLR Governmental Affairs; Barbara Foster, Administrative Assistant

Visitors Attending: Boone Kirby, Progressive Auto; Mike Daniel, Shelton-Livingston; Tom Sudik, Shelton Fireworks; Tom Elliott, SC Firework Association

- Chairman Kirby called the meeting to order at 10:05 AM. Public Notice of the meeting was properly posted in the SC Board of Pyrotechnic Office, Division of Fire & Life Safety, State Fire Marshal's Office, 141 Monticello Trail, Columbia, SC and was provided to all requesting persons, organizations and news media in compliance with Section 30-4-80 of the SC Freedom of Information Act.
- Approval of Minutes – John Armstrong made a motion to approve the minutes of the December 4, 2007, meeting as submitted. The motion was seconded by Larry Godfrey. Motion unanimously carried.
- Management Report by Jerry Wingard

Jerry welcomed everyone and informed everyone that Barbara Foster was now assisting him with the Pyrotechnic Board.

John introduced the guest and thanked them for coming.

Jerry presented the Annual Report totals of active credentials for each area of the Pyrotechnic Board. He said licenses were issued for 22 wholesale distributors, 3 jobbers, and 4 display storages. Also, there have been 336 display permits issued, 199 pyrotechnician's licenses issued, and the record indicates 838 active retailers.

Brian Mixon questioned the high increase of retail licenses since the last reporting period.

Jerry said that it could be that the Clerk's Office is getting more accurate in their reporting of the retail licenses, along with an increase in licenses.

John asked Jerry to explain the procedure of reporting retail licenses to the Pyrotechnic Board.

Jerry proceeded to explain the process of reporting the Annual Retail License to sell fireworks. Jerry said that inspections are done by the sheriff's office or fire department and a copy of the inspection then goes to the Clerk of Court's office where the Annual Retail License to Sell Fireworks is issued. The Clerk of Court's office forwards the State Fire Marshal's Office a copy of the permit which is recorded. Jerry also said that he carries inspection forms with him when he is in the field which allows him to distribute them to inspection officers when needed, or refers them to the State Fire Marshal's office.

Jerry informed the Board of the success of the Southeastern Fire School on March 7-9, 2008. He said the school consisted of 27 students and was hosted by Mike Solomon of Fireworks Over America, Brian Mixon of the Pyrotechnic Board and TNT Fireworks, Ellen Estes of CPSC and Jerry Wingard. Responses to the event were overwhelmingly positive.

Jerry informed the Board that the first group of test for NFPA 1124 was performed at the Southwestern Research Facility in San Antonio Texas on December 19, 2007. He told them that he was one of 24 people speaking at the NFPA Standards Council Hearing on Consumer Fireworks on June 2, 2008. He was selected because of his participation in the test that had been performed to date and his seat on the AFSL Standards Committee. Jerry also told the Board that he, along with John Reich, responded by letter to maintain the scope of Chapter 7. They were assisted by Sharon Dantzler in this matter.

Jerry informed the Board of his attendance at the AFSL Standards Committee meeting in May, 2008, where items were evaluated for testing approval. He said the majority of the time was spent developing a test vessel to measure break charges in reloadable shells. Jerry told the Board that the next committee meeting will be on August 14-16 of 2008 and Dr. John Conkling will submit his results on testing different grades of black powder and he, Jerry, will be submitting a new standard for reloadable fountains.

- Investigative Report by Jerry Wingard

Jerry stated the number of inspections for this period was 265. There were 8 investigations.

Jerry stated that due to the increase in fuel prices, several display companies near the coast added new storage magazines for explosives. Jerry stated that Hard Rock Amusement Park in Myrtle Beach is one of the large fireworks venues in the state with an addition of several new magazines, numerous display permits

and operator permits. Jerry told the Board that Hard Rock Park had type 2 magazines which are the maximum storage available.

Jerry informed the Board that the Consent Form from Alan Fore' was signed by Board Chairman Walter Kirby on April 9, 2008.

Jerry informed the Board of complaints received from the past New Year and the Fourth of July, 2008. He told them that complaints included tents, no tie downs, drop cords, tires left on stands, under-aged sales people, complaints of not being able to get inspected or being told no one was at work that does inspections, fireworks outside of stands, owners operating without a license and discrepancies in different counties on inspection requirements.

Jerry informed the Board of the continuous inquiries of whether or not Public Fireworks Display permits were required. He states that all public firework displays, whether they use 1.4g fireworks or 1.3g fireworks, must have a permit.

John told the Board that several inquiries came from Relays for Life questioning the need for a permit. He also emphasized that if there is an audience, the Public Display permit is required.

Jerry informed the Board of the need for a Complaint form to keep a record of what is reported, and also as an aid in facilitating actions taken. He said that the majority of our Boards uses a complaint form for recording purposes and that the Pyrotechnic Board should be consistent with the other Boards. Jerry presented a copy of the Complaint form that he will use in the Board package and said that he has already used his first one.

Jerry informed the Board of an investigation of a complaint of a Fort Mill fireworks store where he found items that were not in compliance to South Carolina and federal regulations. Jerry said he discovered boxes of merchandise with labels written in Spanish or Chinese. He also seized fireworks averaging 20 grains = 1.33 grams by law. These products contained 10 times the amount of powder allowed by law. The items were turned over to SLED.

- Unfinished Report

Jerry informed the Board that regulations submitted by the Board were presented to the House of Representatives, but problems were discovered at the Senate meeting and modifications to the regulations were needed. Jerry asked Sharon what were the dates for regulation proposals.

Sharon explained the date of notice, comment and publishing of proposal, starting with the regulations reported last year. Sharon said that ADA review statute changed on July 1, 2008. She said that regulations should move more rapidly, 60 days, but the 120 day is still in play. Brian Mixon said that he was not sure of the issues.

Sharon said that the issues were discussed in May.

Jerry asked the Chairman to open the floor for comments.

Mr. Kirby opened the floor for comments.

Jerry said that concerning fireworks, South Carolina Pyrotechnic Safety should follow the same guidelines as the federal law. He said that we have standard rules that have not been updated since 1963.

Sharon informed the Board of two seat vacancies on the Board. She suggested they consider candidates and make recommendations. She agreed to assist them with the process once recommendations are made.

- New Business

Discussion (DRAFT 11-06-07)

Decision made to have a special meeting on September 3, 2008, to discuss proposal.

No further business. Motion to adjourn made by Larry Godfrey. Motion carried unanimously.

Meeting adjourned at 11:15 AM.