

**Minutes**  
**South Carolina Board of Pyrotechnic Safety**  
**Regular Meeting September 3, 2008**  
**Fire Marshal's Office Conference Room**

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

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

Visitors Attending: Mike Daniel, Shelton-Livingston; Tom Sudik, Shelton Fireworks; Bruce Capwell, Phantom Fireworks; Mike Solomon, Retail Fireworks Association; Sally Wilson, Fireworks Over America-Corporate; Charles Walker, TNT Fireworks; Paul Abbott Jr., Abbott Red Star Fireworks & FASC; Rex Kneece, Kneece Kneece & Brown LLP; Boone Kirby, Visitor; Vickie Parker, TNT Fireworks

- 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 July 30, 2008 meeting as submitted. The motion was seconded by Larry Godfrey. Motion unanimously carried.
- Management Report by Jerry Wingard

Jerry recognized Lynne Rogers, Deputy Director of General Counsel and welcomed guests and asked that they sign in so that they may be recognized when making comments.

Jerry said the following items were considered for change by the Pyrotechnic Board: Explosive Manufacturer's Fees were unchanged; fee for Wholesale Distributor License changed from \$1000 to \$720; Retail License \$50 per location; Wholesale Storage and Jobbers License stayed the same; new Temporary Permit \$50 per location; and Display Permits remain the same - \$100.

- Unfinished Business by Jerry Wingard

Jerry made a request for review of proposed regulations, amendments, changes and advisement. He stated that the NFPA 1124 amendment is to be voted on by the Board.

Mike Daniels presented proposed changes to NFPA 1124. He explained that the group was submitting them as a working document for John's approval.

Jerry told the group that they should be careful that certain items in the proposal meet the recommendation of standards.

Mike Daniels said the reason for submitting proposed changes was to get input from the Board.

John recommended the use of NFPA 1124 as a guide when submitting changes.

Jerry said 1124 is not a perfect document, but the use of the 2006 version should be helpful. He said any changes proposed cannot vary from the findings.

Mike Daniels said the group tried to meet the requested deadline for submitting changes.

Jerry said one concern is that about 75 percent of temporary stands are located at gas stations. Modifications basically put temporary stands out of business.

Brian Mixon asked if each item should be reviewed.

John said if, it was possible, 1124 could be adopted through regulations and become minimum standard. He suggested that the group review any specifics that need to be removed to satisfy everyone and come to an agreement to adopt 1124.

Brian Mixon questioned the codes used for change.

John said that the codes can be changed, but we must know the specific part that needs to be removed. He said that we must make the modifications now and ask for suggestions from Lynne Rogers.

Lynne told the group that October 1, 2008, is the final date to submit changes. She suggested they compromise - have a meeting of the minds and come to an agreement.

Brian Mixon said that it was his understanding that the Board adopted the 2006 version of 1124.

Mike Daniels said that he think Ms Rogers' suggestion is best.

Jerry said the Southern Building Code addresses consumer fireworks and that State statutes give the Board authority to suggest changes.

Brian asked Mr. Daniels if there was any particular area of change he would like to suggest today.

Mike Daniels said he couldn't. That's why he was submitting the document for approval.

Tom Sudik said he had concerns with the stacking of products.

Brian said the intent of part 7 of 1124 was for the area concerning firework products and compliance.

Jerry said that NFPA will define covered fuse in the new book. He mentioned two other concerns, which were ceiling heights and sprinkler functions.

Walter Kirby asked John what is considered the appropriate height of sprinklers in a structure.

John said that the height is 12 ft.

Brian said that the existing structures are grandfathered in.

Jerry reminded him to also consider eminent danger. He said we have 46 counties with 46 different rules and that the pyrotechnic license is being used for local issues.

Brian asked if there are any other areas of concern.

Mike suggested a conference call to go through item by item.

- Open Floor Discussion

Paul Abbott Jr. said he would like the following changes or amendments to Retail fireworks: delete tents to be used for Retail fireworks, 6000 square ft or more proposals for all structures to have sprinklers. He also asked that the age of a purchaser be changed from 14 to 16 years of age and a worker be changed from age 18 to 16.

Mike Daniel said that he is in agreement.

Jerry reminded Mike Daniels that one of his changes had been the age staying at 14 years of age.

John said that the age was submitted, but was changed back to age 14.

Brian said the Board was in favor of the age change to 16 all the time.

Jerry said the sprinkler issue may be something the Board may want to vote on.

Paul Abbott Jr. said he has another concern with 1124 7.4.10, floor space area.

Jerry explained aisle/egress and how to come up with a formula for measuring this area.

Mr. Abbott said that puts us in a Catch 22 concerning stacking of products.

Jerry said that an Engineer would have to do the fire test and that someone must come up with data to be used. If we start changing this information, we must make documentation of why and how we are changing it.

Mike Daniel says he would like a conference call in which everyone can express opinions on each item.

Jerry said that the mission of the Board is to protect the public, not to put anyone out of business.

Mike Daniel said it seems like NFPA wants to put the Firework industry out of business.

John said that the scope of 1124 in 1972 advocate on sprinkler code of 6000 ft. guidelines and changing of climate/tents in 1124 public safety aspects.

Mike Daniel said he still think the proposal of 1124 could be done in a few hours.

Brian said the Board has been working on 1124 for six years.

Larry Godfrey said he has been an inspector for eight years with Greenville County. The firework industry in that area knows what is required. We still need standards that benefit both parties. He doesn't know if there is any opposition in what is submitted. He said that 1124 is a good guideline that has already been tested.

Mike Daniel said he agreed with uniform guidelines, but asked that they, the public, have the opportunity for input.

Sally Wilson said that 1124 is not a government document that has been tested.

Brian asked how much more time is needed to complete changes to be submitted.

Vickie Parker said that this is a genuine concern.

Mike Daniel said they need one more week.

Lynne Rogers said if the real issue is adopting 1124, make a recommendation. She said that the issue seems to be more involved.

Brian said we need to hear from everyone.

John Armstrong said, because of the information presented and the time spent putting it together, we need specific items.

John Reich suggested a compromise meeting.

Larry Godfrey informed the Board of the previous lowered age to 14, and ask that they make a motion to change the age back to 16 as indicated in 1124 (2006) version as amended.

John Armstrong made the motion for age change back to age 16.

Walter Kirby seconded the motion.

John Reich suggested that the tent issue be removed from 1124 or that the language be changed.

Brian made a motion that the language in 1124 be changed to read, "fireworks should not be sold under tents."

Larry seconded the motion.

Larry made a motion that 1124 (2006) version be accepted as written.

Brian seconded the motion.

Kirby said that the motion has been moved and seconded.

- New Business

Jerry informed the Board that they need another Fireworks person on the Board. - 40.56.220

Vickie Parker asked if it is a time restriction if licensure for fireworks is denied.

John Reich said there is a 30 day restriction.

Tom Sudik asked if anyone had recommendations for the vacant seats on the Board for a 2 to 4 year appointment.

(No reply)

Walter Kirby asked if there was any more New Business.

Mike Daniel asked the Board if the group had any more changes to 1124, could recommendations be made to Jerry and voted on by the Board.

John Reich said there are legal issues to be considered.

Brian made a motion for anyone having issues with 1124 to present them within 48 hours.

Larry seconded the motion.

Jerry suggested the Board consider proposed statues for review to be prepared prior to next meeting so that they may be available for pre-filing. He asked the Board for recommendations.

Brian made a motion that recommendation to clarify changes to regulations be made within 48 hours.

Larry seconded the motion and it was approved.

Brian inquired about the time-line for review of proposals.

John said the statues assigned are not like regulations.

Jerry asked that a date be set for the next meeting, and that all proposals be made 30 days prior to meeting.

Board agreed on December 3, 2008 for next meeting.

Brian made a motion that proposals are made 30 days prior to meeting.

Larry seconded the motion.

John Armstrong made a motion to adjourn.

Larry seconded the motion.

Meeting adjourned 12:05 PM.



