

Minutes
South Carolina Board of Pyrotechnic Safety
Regular Meeting December 12, 2009
Fire Marshal's Office Conference Room

Members Attending: John Armstrong; Larry Godfrey

Staff Attending: Jerry Wingard, Administrator; John Reich, Deputy Director/State Fire Marshal; Sharon Dantzler, LLR General Counsel; Christa Bell, LLR General Counsel and Barbara Foster, Administrative Assistant State Fire Marshal

Visitors Attending: Mike Daniels, Shelton-Livingston; Mike Solomon, Fireworks Association of SC;

- Co-chairman John Armstrong called the meeting to order at 10:00 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 April 22, 2009 meeting as submitted. The motion was seconded by Larry Godfrey. Motion unanimously carried.
- Management Report by Jerry Wingard

Jerry started the meeting by updating the Board on management issues. First was Red Rocket's issue of destroying fireworks that was banned by the Department of Consumer Fire Safety. The Board assisted them in the successful handling of the issue.

Jerry stated that he will be attending an AFSL meeting for which he has written standards on items which was not being tested for the Standards Committee meeting in which he will be attending during the week of April 27, 2009.

Jerry stated that the next item of discussion and the purpose for the meeting was doc 3184 which timed out on 2/27/09. He said that the Board needs to discuss implementation of this regulation and the effect it will have on other entities of government. Jerry's further review of the Standard included the following:

- NFPA and temporary retail permits are new additions to definitions
- Implementation of 1124, 2006 version as a guideline of the minimum standards for fireworks
- Fee increase which is listed under 71-7405.3 of the regulations

Jerry said the Board will decide when the fees will go into effect and notification will be given at that time. He continued the review of the regulations.

John referenced 71-7405.5 Section A. temporary structures, wheel removal. He stated that when wheels are removed the trailer loses stability and needs to be locked or secured. He said we had different messages of what the regulation states. He asked if the Board would be firm in its decision on wheel removal and if so, what must be done to be licensed, or will the wheels be in tact?

Jerry explained that the temporary structures must be secured to prevent shifting. Also, wheel removal prevents it from being easily moved. He said the structure will have to be licensed for one particular location. This makes regulations easier to enforce.

Brian asked if this was addressed in 1124.

Jerry said that utilizing temporary structures does not address wheel removal. It is all covered under F1 (71-7405.5), but if a person can show that the structure is secured with a wheel locking device, the Board may address that at the time.

John explained that the issue of wheel removal would be questioned, but it would be the Board's decision of how the matter would be handled. He wants to be consistent with enforcement of the law in South Carolina, not making any exceptions.

Jerry asked for input from the Board in addressing the issue of wheel removal.

Larry asked the question, what prevents someone from replacing the wheels after the removal?

Sharon explained that the reason for the 15 day appeal was to allow for any dispute arising from the legislation.

Jerry said the reason for the removal is to prevent the trailers from becoming mobile. In the past, many problems arose from border sales.

Brian questioned if the removal was a safety issue.

Jerry said it was not a safety issue.

Brian made a motion that the regulation should be written to take the wheels off. Everyone was in agreement.

Sharon reminded the members that a procedure was written in the regulation to seek review.

Jerry proceeded to complete review of regulation. Then he presented a draft of a letter that he composed concerning Regulation# 3184 and presented a draft of the letter for the Board's review. In summary it explains the lack of change in firework regulation in the state and suggests the adoption of the Federal Standard for consumer fireworks.

Brian asked if there would be new forms for inspections and he also wanted to know if the forms would be available online.

Jerry replied that budget inspection forms would be generic due to the budget.

Sharon's reply to Brian's question was that the forms would be done the most efficient way; phasing in a new program starting with Elevator and Amusement.

Jerry said the form would be on the agency's website but he also carries forms with him in the field just in case they are needed.

Brian said that the letter should mention the process efficiency and suggested the form be printed online.

Jerry outlined the letter that was composed and opened it for suggestions.

Libby asked should a letter be mailed to the licensees outlining changes in fees and should this information be posted on our website?

John suggested modifications to the website be made to include a checklist, fees, and source of contact. He also said that it is important that a person know who to call for an inspection in a certain area.

Brian asked if the Sheriff Departments are going to be trained for the inspections.

Jerry replied that for the ones that would like to continued inspections, training would be made available to them.

Discussion of letter concerning Regulation #3184.

Sharon said that the letter should be sent to retailers in May so that by July 15, 2009, they should understand that they will then have to be in compliance with NFPA 1124 under the new regulations.

Discussion continues.

Break 11:30 AM

Meeting resume at 11:35 AM

Jerry informed the members of an APA memo concerning the transporting of fireworks and other issues. His next item of discussion was the S454 regulation. He mentioned two subcommittee meetings not resulting in a resolution. He then discussed the insurance issue and the wording referring to the age of a licensee, who has the authority to inspect, and industry involvement. He said hopefully when the Senate meets again there will be another subcommittee meeting to resolve some of these issues. Jerry suggested that the Board get more people in the firework industry involved in these issues.

Mr. Kirby the Board would push to get the mentioned items through this session when the Senate meets and to clarify all objectives.

John said that the Subcommittee and full Senate must cross over by May 1, 2009. He also reminded the Board of the vacant seats that needs to be filled on the Board.

In closing, Jerry said that two general public seats were vacant and one wholesale.

Mr. Kirby made a motion to adjourn.

Mr. Armstrong seconded the motion.

Meeting adjourned at 12:05 PM

