

February 4, 2026

Via email only

Danial Berlant, California State Fire Marshal
Office of the State Fire Marshal – Cal Fire
PO Box 944246
Sacramento, California 94244

Re: Interim Comments on Draft Public Safety Fireworks Enforcement Task Force Report

Dear State Fire Marshal Berlant:

I am writing to transmit the enclosed draft-stage input regarding the Draft Public Safety Fireworks Enforcement Task Force Report. I offer these observations respectfully and constructively, in the spirit of supporting the Task Force’s work as it moves toward completion of its final report.

Like many others in the fire service, regulatory, and enforcement communities, I recognize the weight carried by those responding to the Esparto incident and the shared commitment to ensuring that such an event is not repeated. Public safety has always been the common ground across our varied roles. I respect and appreciate the seriousness with which the Office of the State Fire Marshal and the Task Force have approached that responsibility.

My perspective is informed by more than four decades in the fireworks industry, including over twenty years of participation on the General Fireworks Advisory Committee. Over that time, I have consistently valued California’s regulatory framework as one of the most thoughtful and enforceable in the country, and I have proudly carried that experience into other forums, including national standards development and industry code work, even to testimony before House Subcommittee dealing with homeland security, all with the aim of promoting safe fireworks operations, transportation, and practical state, federal, and international law and regulation.

The attached input is limited in scope and intent. It focuses on licensed public display fireworks storage facilities and the existing state and federal regulatory structure governing those operations. It is offered at this draft stage to help clarify system context, enforcement dynamics, and potential unintended consequences, particularly where recommendations may affect long-standing, compliant facilities or shift responsibility in ways that do not align with how illegal activity typically occurs.

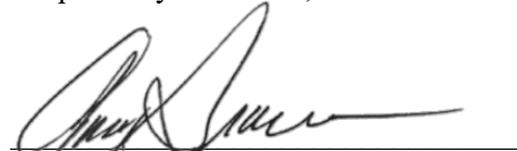
Pyro Spectaculars, Inc.

1

I recognize that this is not a final report, nor are the underlying investigative findings complete. For that reason, these observations are presented as contextual input intended to be useful as the Task Force refines its analysis and recommendations. I anticipate that there may be additional opportunities for engagement once the final report and investigative findings are available. If not again available for comment, I request these comments be referenced in lieu of such an opportunity.

Thank you for the opportunity to provide this perspective, and for the continued work of the Office and Task Force in advancing public safety through informed, enforceable policy.

Respectfully submitted,



Gary Brown
Member, General Fireworks Advisory Committee
General Counsel, Pyro Spectaculars, Inc..

Cc:

Andrew Henning
Brice Bennett
Caleb Phillips
Christine Reed

[COMMENTS FOLLOW ON NEXT PAGE]

Public Safety Fireworks Enforcement Task Force – Draft Report

General Fireworks Advisory Committee Comments

Public Display Fireworks Storage Perspective

Draft Stage Input

Submitted by Gary Brown, Member, General Fireworks Advisory Committee

General Counsel, Pyro Spectaculars, Inc.

Purpose and Timing of This Input

As a member of the General Fireworks Advisory Committee (GFAC), I offer the following as interim input to the Public Safety Fireworks Enforcement Task Force’s draft report. It is shared at this stage to assist the Task Group in refining its analysis and recommendations before the report is finalized or relied upon for related legislative, regulatory, or other action.

Pyro Spectaculars respects and appreciates the Task Group’s expertise and its decision to engage industry through the GFAC. That structure reflects a recognition that effective public safety policy benefits from the experience of regulated operators alongside enforcement and fire service professionals. This is the essence of GFAC and committees like it.

We intentionally limit our remarks to the licensed public display fireworks sector, particularly the storage of dangerous fireworks at facilities subject to state and federal regulation. It is not intended to preempt GFAC deliberations, APA positions, or future formal comments that may be submitted once the final report and related investigative findings are available.

1. System Context, Scope, and Posture of This Draft-Stage Input

The Task Force draft report necessarily simplifies a regulatory and enforcement landscape that is, in practice, multi-layered and highly interdependent. Fireworks regulation in California operates within a framework that includes federal, state, regional, and local agencies, each exercising distinct authority over different stages of activity, including importation, transportation, storage, manufacturing, distribution, and use.

Many of the risks associated with illegal fireworks arise not from a single facility or jurisdiction, but from activities that are inherently mobile and interstate in nature. Importation, transportation, diversion, and redistribution of fireworks do not respect local boundaries, and effective prevention depends on coordinated enforcement across agencies with statewide and federal jurisdiction, expertise, and continuity.

For that reason, incidents such as Esparto, while local in their impact, may not be local in their cause. The presence of a storage site or operation within a particular jurisdiction does not, by itself, establish that the underlying risk originated there, nor that local permitting or inspection regimes are the appropriate primary control mechanism.

At the draft stage, and in the absence of completed investigative findings, it is important to distinguish between:

- failures of compliance by particular actors,
- gaps in enforcement execution, coordination, or prioritization,
- and structural deficiencies in existing law or regulatory authority.

Those distinctions matter because they point to very different solutions.

Several draft recommendations place increased emphasis on local permitting, inspection, and oversight. For a very small number of licensed public display storage facilities, this approach risks shifting responsibility toward local authorities that may lack the technical specialization, jurisdictional reach, or enforcement tools needed to address problems rooted in statewide or interstate movement of illegal fireworks. It also risks discouraging future lawful facilities, as local jurisdictions may opt out of hosting regulated storage sites if additional responsibilities and liabilities are imposed, a dynamic that is well-recognized in land-use and hazardous-materials contexts.

California already maintains centralized expertise and licensing authority for public display fireworks through state and federal agencies. From a system-design perspective, problems that are statewide and interstate in character are most effectively addressed at the level where regulatory authority, technical expertise, and enforcement continuity already exist.

Finally, as in other high-consequence regulatory environments such as aviation, transportation, and industrial safety, the posture of a draft report matters. Interim input can appropriately inform refinement, but durable policy change is best grounded in completed factual findings rather than preliminary assumptions. For that reason, this input is intentionally provisional and contextual, with the expectation that a final report informed by completed investigations may warrant additional, more targeted discussion.

2. Scope and General Perspective

Pyro Spectaculars supports the Task Group's overarching aim of reducing injuries, fatalities, and property loss associated with fireworks of all kinds in California. We also support focused enforcement aimed at illegal fireworks, unlicensed activity, and unsafe operations that exist outside the regulatory framework.

The public display fireworks sector differs materially from consumer fireworks activity in both scale and regulatory treatment. Licensed display operators handle dangerous fireworks and pyrotechnic theatrical special effects solely for permitted public displays and operate under a comprehensive regulatory scheme that includes federal licensure, federal transportation and storage standards, and state licensing and inspection.

By contrast, many of the most persistent public safety risks associated with consumer fireworks arise from illegal importation, transportation, and redistribution activities that occur outside the licensed system and across multiple jurisdictions. Enforcement practices appropriate to that activity necessarily emphasize interdiction, investigation, and supply-chain disruption, rather than facility-based permitting and inspection alone.

The input that follows is therefore offered primarily from the public display industry perspective, and with particular attention to how draft recommendations may affect a small number of already-regulated storage facilities whose risk profile and enforcement dynamics differ materially from those associated with illegal consumer fireworks.

3. Use of Esparto as a Policy Reference at the Draft Stage

The Esparto incident understandably looms large in the draft report as a catalyst for renewed attention to general fireworks safety and enforcement. At the time of this writing, however, formal investigative findings have not yet been completed or released.

From outward appearances, Esparto may ultimately be shown to involve conduct that was materially outside permitted fireworks activity, including storage, transportation, manufacturing, importation of dangerous precursor chemicals, and hazardous operations, and **in violation of existing state and federal requirements**. If so, that would point to failures of compliance or enforcement execution, rather than a deficiency in the regulatory framework governing licensed public display storage facilities.

Absent investigative findings, it is not yet possible to determine whether Esparto reflects:

- unlicensed or undisclosed activity involving importation, transportation, storage, or handling of fireworks,
- operations materially exceeding authorized scope or permitted conditions,
- gaps in inspection prioritization, inter-agency coordination, or enforcement follow-through,
- or other causes unrelated to the structure of existing law.

At the draft stage, caution is warranted in drawing broad conclusions or proposing structural changes affecting compliant facilities and practices before the factual record is complete. As in other policy and adjudicatory contexts, findings are most useful when they precede remedies. This

would include an understanding of the prosecutorial landscape to help find actual shortcomings found in the investigation.

4. Clarifying What “Results” Mean for Storage Facilities

The Task Group has emphasized that success should be measured by results. That framing is sound. Still, its application to storage facilities would benefit from greater specificity.

For licensed public display storage facilities, meaningful results could include:

- identification of previously unknown or unlicensed storage locations, and
- timely detection of operations materially exceeding permitted authorization.

By contrast, measures such as permits processed, inspections scheduled, logs maintained, or training hours delivered are administrative outputs, not outcomes. Without a clearly articulated enforcement objective for storage facilities, there is a risk that increased administrative activity will be mistaken for improved public safety.

Licensed operators that follow existing state and federal law are already visible to regulators and subject to ongoing oversight. As a result, they do not present the primary public safety risk addressed by the Task Force’s enforcement objectives. Regulatory attention directed toward such entities yields diminishing returns compared to enforcement strategies aimed at identifying unlicensed, undisclosed, or illegal activity operating outside the regulatory framework.

5. Opportunity Cost and Enforcement Pragmatics

Enforcement resources are finite. Administrative oversight, such as permits, renewals, documentation, and routine inspections of known facilities, is comparatively efficient to scale and track. Field-based investigation, intelligence development, and follow-through on illegal activity are more resource-intensive, but they remain the primary means by which bad actors and hazardous activities are identified and addressed.

Every additional hour spent processing paperwork or conducting routine inspections at known, compliant facilities is an hour not available for investigative work that uncovers illegal storage, diversion, or trafficking. From the licensees’ perspective, repetitive inspections and paperwork are an unnecessary distraction for safe and efficient practices.

From an enforcement-design perspective, it may be useful to evaluate proposed requirements by a practical test:

What illegal activity does this requirement make more likely to be discovered?

6. Existing Oversight of Public Display Fireworks Storage Facilities

Storage of dangerous fireworks used for licensed public displays in California is already governed by a layered regulatory framework that reflects deliberate policy choices and long-standing practice. State regulations expressly require that such storage comply with applicable federal standards administered by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), thereby aligning high-hazard storage oversight with specialized federal expertise. This is not a delegation of responsibility; it is an acknowledgement of a well-organized and exemplary scheme combining the expertise of ATF (555 CFR), Institute of Manufacturers or Explosives (embodied in Part 555), and National Fire Protection Association, Technical Committee on Pyrotechnics, and the many inputs it manages in the regulation of fireworks (NFPA 1124).

This express incorporation of ATF storage requirements in California has provided consistency, technical rigor, and regulatory clarity for the very small number of long-established public display storage facilities operating in the state. Within this structure, the Office of the State Fire Marshal plays the central and appropriate role in state licensing, inspection, and enforcement, while avoiding duplicative or potentially conflicting storage standards and administrative activity.

For facilities of this type, centralized regulation by the State Fire Marshal, built upon federally established storage requirements, has proven to be a practical and effective model. While coordination, communication, and training involving local authorities may add value in appropriate contexts, shifting primary storage regulation or inspection responsibility to local agencies risks uneven application, variable technical familiarity, and regulatory fragmentation, without a clear corresponding public safety benefit.

From a draft-stage perspective, it may be helpful for the Task Group to treat the existing ATF-aligned framework as a foundational element of public display storage oversight. Any future enhancements to enforcement or coordination would ideally build upon this structure, rather than introduce parallel or overlapping storage requirements for facilities that are already subject to comprehensive, specialized regulation across the country.

7. Local Permitting and Joint Inspection Concepts

Several draft recommendations contemplate expanded local permitting or mandatory joint inspections as conditions of state licensing or renewal.

For long-standing, compliant public display storage facilities, these concepts raise safety and practical concerns:

- local and regional authorities vary widely in staffing, subject matter expertise, and timelines,
- delays in permitting or inconsistencies could disrupt lawful operations without improving safety,

- the burden of such new regulation would fall almost entirely on entities already known to regulators, and
- ensuring that safe existing facilities are not lost for purely technical/administrative reasons.

Absent findings demonstrating that current oversight of the few licensed display storage facilities is inadequate, it may be premature to impose new local permit prerequisites or mandatory joint inspection regimes on existing facilities.

8. Budget Considerations and Investigative Design

Effective enforcement requires adequate funding and staffing. Public safety objectives cannot be met without resources.

At the same time, enforcement design must consider how those resources are deployed. Administrative requirements often seem easier to expand and quantify than investigative capacity, but illegal actors do not apply for licenses, seek permits, or self-identify through reporting systems.

Effective enforcement therefore depends on sound investigative techniques and resources, including:

- tracing illegal fireworks encountered in the field back to sources,
- using seizures and violations as investigative entry points, and
- coordinating across state and federal agencies to identify repeat actors and supply networks.

Budget strategies that emphasize investigative capacity are more likely to uncover and disrupt illegal activity than those that assume bad actors will surface through additional paperwork.

9. Appreciation for Task Group Expertise and Industry Engagement

Pyro Spectaculars recognizes the depth of experience represented within the Task Group and appreciates the opportunity for industry engagement. That structure reflects a shared commitment to informed, practical public safety policy.

Pyro Spectaculars offers this draft stage input in that same spirit, with the goal of supporting a final report that is findings-based, outcome-oriented, and aligned with real-world enforcement dynamics.

Closing Perspective

The licensed public display fireworks industry shares the Task Group's goal of preventing future tragedies. That goal is best advanced by:

- clearly defining enforcement objectives,

- aligning tools with those objectives,
- preserving effective, centralized oversight of a few highly regulated facilities, and
- prioritizing investigative capacity over administrative expansion.

Sound enforcement does not rely on additional paperwork to surface bad actors. It relies on targeted investigation, coordinated intelligence, and disciplined use of existing authority.

[END]