



February 3, 2026

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

Dear SFM Berlant and Members of the Task Force,

Thank you for the opportunity to comment on the draft Public Safety Fireworks Enforcement Task Force Report.

While I recognize the substantial effort reflected in the report, I have serious concerns regarding both the process by which it is being finalized and its underlying premises.

GFAC members received the draft report late on January 24, 2026, and were initially given four business days to submit comments on an 18-page document developed over several months. Members were further advised that comments would not necessarily be incorporated but instead appended. This process materially limits the Committee's advisory role for a report intended to support immediate statutory changes and a Budget Change Proposal.

Substantively, the report proceeds from the assumption that the Esparto tragedy occurred primarily because of statutory and regulatory gaps, and that closing those gaps — coupled with increased funding — will prevent recurrence. **That premise necessarily presupposes conclusions about causation that are still the subject of an ongoing criminal investigation being conducted by the Yolo County District Attorney.**

The report also does not examine what, if anything, local, state, or federal agencies could have done under existing law to identify the risk and intervene before the tragedy occurred. Instead, it

moves directly to recommending new statutory and regulatory changes without first establishing where, under current authority, the problem could have been detected and prevented.

Recent events demonstrate that illegal fireworks activity is not episodic, but organized, repeat-actor, and supply-driven. Multiple incidents over the past several years show that seizures and fires have not consistently resulted in systematic follow-up or disruption of upstream sources.

Strengthening regulatory frameworks for compliant licensees may improve administration, but it will not prevent future tragedies unless illegal supply chains and enforcement follow-through are addressed directly.

Attached as **Appendix A** are detailed, section-by-section technical comments identifying specific analytical gaps in the report.

Attached as **Appendix B** is a discussion of upstream enforcement and statutory authority gaps relevant to the Task Force's recommendations.

If OSFM is seeking additional authority and funding, the report must first articulate an operational model that:

- targets upstream supply;
- defines escalation triggers; and
- measures success by disrupted networks and prevented incidents.

Absent this, additional authority and funding risk expanding OSFM workload without reducing risk.

I submit these comments respectfully and in the interest of ensuring that the Task Force's work meaningfully improves public safety and prevents future tragedies.

Respectfully submitted,

REVELL COMMUNICATIONS

Dennis C. Revell

A handwritten signature in blue ink, appearing to read "Dennis C. Revell", with a large, stylized flourish on the left side.

Member  
General Fireworks Advisory Committee

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**Attachments:**

**APPENDIX A (Section-by-Section Technical Comments on the Draft Public Safety  
Fireworks Enforcement Task Force Report)**

**APPENDIX B Upstream Enforcement and Statutory Authority Gaps**

Cc: Members of the Task Force

Caleb Phillips

Brice Bennett

Andrew Henning

# APPENDIX A

## Section-by-Section Technical Comments on the Draft Public Safety Fireworks Enforcement Task Force Report

Submitted by: Dennis C. Revell, Member, GFAC

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### Section 1.2 – Definitions and Scope

**Observation:**

This section defines terms but does not distinguish between lawful sales of State Fire Marshal-Approved, ground-based Safe and Sane fireworks and organized trafficking of illegal aerial fireworks and explosives.

**Why This Matters:**

Without this distinction, regulatory reforms risk being applied primarily to compliant licensees rather than targeted at illegal supply chains.

**Suggested Addition:**

Clarify the difference between regulated sales of State Fire Marshal-Approved, ground-based Safe and Sane fireworks and organized illegal importation and distribution of illegal aerial fireworks and explosives and describe distinct enforcement strategies for each.

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### Section 1.3 – Program Objectives

**Observation:**

Objectives emphasize regulatory consistency and administrative improvement.

**Why This Matters:**

Objectives do not include disruption of illegal supply as a core enforcement goal.

**Suggested Addition:**

Add explicit objectives tied to upstream interdiction and repeat-actor disruption.

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### Section 1.5 – Stakeholder Roles

**Observation:**

Stakeholder roles are framed primarily around regulatory compliance.

**Why This Matters:**

This framing does not address investigative or interdiction responsibilities.

**Suggested Addition:**

Describe roles related to intelligence sharing, seizure follow-through, and supply-chain disruption.

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**Section 1.6 – Task Force Structure****Observation:**

The Task Force structure reflects regulatory expertise but limited investigative focus.

**Why This Matters:**

Without supply-side representation, recommendations will remain compliance oriented.

**Suggested Addition:**

Incorporate upstream enforcement and interdiction expertise into Task Force scope.

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**Section 1.7 – Assumptions****Observation:**

The report assumes statutory gaps are the primary cause of Esparto.

**Why This Matters:**

It does not analyze whether existing authority could have been operationalized differently.

**Suggested Addition:**

Acknowledge enforcement-continuity failures as a contributing factor.

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**Section 2.1 – Licensing Framework****Observation:**

Focuses on licensing structure.

**Why This Matters:**

Licensing improvements do not address unlicensed trafficking.

**Suggested Addition:**

Address how licensing data will be used to identify diversion and illegal operators.

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## **Section 2.2 – Permit Oversight**

### **Observation:**

Emphasizes permit management.

### **Why This Matters:**

Permit oversight does not inherently detect illegal storage or transit.

### **Suggested Addition:**

Describe how permit data will inform interdiction strategies.

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## **Sections 2.3–2.4 – Marking and Identification**

### **Observation:**

Addresses markings for compliant fireworks.

### **Why This Matters:**

Illegals lack markings or use altered identifiers.

### **Suggested Addition:**

Include enforcement protocols for absent or falsified markings tied to seizure patterns.

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## **Section 2.6 – Recordkeeping**

### **Observation:**

Focuses on recordkeeping obligations.

### **Why This Matters:**

Records are not described as enforcement tools.

### **Suggested Addition:**

Describe how records will be used to trace illegal supply and trigger investigations.

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## **Section 2.7 – Compliance Monitoring**

### **Observation:**

Compliance monitoring is discussed administratively.

**Why This Matters:**

Monitoring without targeting criteria reinforces reactive enforcement.

**Suggested Addition:**

Define risk-based compliance monitoring tied to prior incidents and tips.

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**Section 3.2 – Storage**

**Observation:**

Addresses licensed storage.

**Why This Matters:**

Does not address unlicensed storage sites linked to prior seizures.

**Suggested Addition:**

Define protocols for identifying and reassessing suspect storage locations.

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**Section 3.3 – Handling**

**Observation:**

Emphasizes safe handling.

**Why This Matters:**

Handling rules do not address diversion risk.

**Suggested Addition:**

Link handling oversight to diversion detection.

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**Section 3.4 – Transportation**

**Observation:**

Addresses transportation rules.

**Why This Matters:**

Does not describe detection of illegal transport.

**Suggested Addition:**

Add diversion-detection and carrier-coordination procedures.

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### **Section 3.5 – Disposal**

**Observation:**

Focuses on disposal.

**Why This Matters:**

Disposal addresses consequences, not sources.

**Suggested Addition:**

Tie disposal data to source-tracking.

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### **Section 4.3 – Investigations**

**Observation:**

Investigations are mentioned without escalation criteria.

**Why This Matters:**

Lack of escalation leads to episodic enforcement.

**Suggested Addition:**

Define thresholds for multi-agency investigations.

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### **Section 5 – Training and Outreach**

**Observation:**

Focuses on compliance education.

**Why This Matters:**

Does not build investigative capacity.

**Suggested Addition:**

Include training for interdiction and intelligence analysis.

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### **Section 6.1 – Staffing**

**Observation:**

Staffing increases are proposed.

**Why This Matters:**

Without operational focus, workload grows without risk reduction.

**Suggested Addition:**

Tie staffing to interdiction functions.

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**Section 6.2 – Penalties**

**Observation:**

Penalties are expanded.

**Why This Matters:**

Penalties after seizures do not disrupt networks.

**Suggested Addition:**

Link penalties to repeat-actor deterrence.

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**Section 6.3 – Task Forces**

**Observation:**

Recommends task force expansion.

**Why This Matters:**

Task forces without supply-chain focus replicate existing gaps.

**Suggested Addition:**

Require upstream targeting mission.

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**Sections 6.4–6.5 – Resources and Authority**

**Observation:**

Requests additional authority and funding.

**Why This Matters:**

Authority is not tied to operational models.

**Suggested Addition:**

Condition authority on interdiction workflows.

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## **Sections 6.6–6.9 – Program Expansion**

### **Observation:**

Proposes broad program growth.

### **Why This Matters:**

Growth without metrics risks inefficiency.

### **Suggested Addition:**

Define outcome-based performance metrics.

# APPENDIX B

## Upstream Enforcement and Statutory Authority Gaps

Submitted by: Dennis C. Revell, Member, GFAC

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### A. Existing Statutory Authority (Not Addressed)

California law already provides OSFM authority including:

- H&S Code §§12555, 12558 (inspections and records)
- §12619 (pre-import/export notice)
- §12556 (data collection)
- §12704 (interstate coordination)

The Task Force report does not analyze how these authorities are operationally used to disrupt illegal supply.

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### B. What Is Missing from the Report

While the Task Force report contains numerous recommendations related to licensing, marking, training, and disposal, it does not meaningfully describe:

- how OSFM will use its existing authority over inspections, books and records, and import notifications to trace illegal supply chains;
- how seizure events, tips, or investigative leads will trigger structured follow-up actions;
- how diversion of fireworks in transit will be detected; or
- how success will be measured in terms of disrupted networks and prosecutions.

In short, the report strengthens regulation of licensed activity but does not operationalize disruption of unlicensed activity.

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### C. Pattern of Reactive Enforcement

Recent incidents show enforcement typically occurs after illegal fireworks reach storage or distribution sites. Investigations rarely pursue:

- importer-of-record
- shipping documentation
- recurring brand or packaging identifiers
- repeat networks

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## **D. Two Dominant Supply Vectors**

Available evidence consistently points to two primary sources of illegal fireworks in California:

1. **Port-of-Entry Diversion**

Containers declared for out-of-state destinations but warehoused or broken down inside California.

2. **Nevada Retail Pipeline**

Sales to California residents at Nevada fireworks superstores, followed by transport back into California.

Neither vector is analyzed in the report.

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## **E. Why This Matters to Workload and Safety**

Current workload framing emphasizes:

- training
- disposal
- cleanup

Earlier interdiction would:

- reduce fire risk
  - reduce disposal costs
  - prevent catastrophic incidents
  - improve deterrence
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## **F. Structural Takeaway**

Esparto reflects:

- reliance on self-certification
  - lack of escalation triggers
  - absence of supply-chain targeting
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### **G. These Challenges Are Not New**

The Lowenthal Fireworks Working Group Report (2012—see attached) identified many of the same issues now cited by the Task Force, including:

- coordination gaps,
- inspection limitations, and
- enforcement inconsistencies.

The persistence of these findings over more than a decade suggests that the core challenge is not solely a lack of statutory authority, but the absence of a defined and consistently applied operational enforcement model focused on upstream interdiction.

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### **H. Relationship to Prior Legislative Efforts**

Previous legislative efforts have sought to provide additional funding for OSFM's fireworks enforcement responsibilities. In 2023, AB 1403 initially proposed a dedicated OSFM funding mechanism tied to enforcement and training activities.

That provision was removed after legislative committee consultants concluded that the Office of the State Fire Marshal had not yet articulated a sufficiently developed operational plan to justify additional funding.

The subsequent workload study required by AB 1403 was delivered ten months after the statutory deadline and did not present a detailed model for supply-side interdiction or import-focused enforcement.

This history underscores the importance of establishing operational clarity and measurable enforcement strategies before seeking additional authority or funding.

Assemblymember Bonnie Lowenthal, Chair  
Senator Christine Kehoe, Vice Chair  
Assemblymember Katcho Achadjian  
Assemblymember Beth Gaines  
Assemblymember Kevin Jeffries  
Assemblymember Holly Mitchell  
Assemblymember Richard Pan  
Assemblymember Bob Wieckowski  
Senator Elaine Alquist  
Senator Ellen Corbett  
Senator Kevin de León  
Senator Bob Dutton  
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## CALIFORNIA LEGISLATURE



### Joint Legislative Committee on Emergency Management Assemblymember Bonnie Lowenthal, Chair

To: The California Environmental Protection Agency, the Department of Toxic Substances Control, and the Office of the State Fire Marshal

From: Jackie Koenig, Principal Consultant, Office of Assemblymember Bonnie Lowenthal

Date: 9/19/2012

Re: Fireworks Working Group

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In late 2011, Assemblymember Bonnie Lowenthal, Chair of the Joint Legislative Committee on Emergency Management, met with the State Fire Marshal, Tonya Hoover, and her staff, and was informed (among other things) of California's ongoing problems pertaining to the storage and disposal of dangerous fireworks. Assemblymember Lowenthal expressed an interest in assisting in this matter and, in February 2012 convened a series of four working groups to address the following issues:

- 1) Environment: Storage, disposal, transportation, the classification of waste, personnel training, and confiscation procedures
- 2) Funding: Fees, fines, producer responsibility fees, and alternative funding
- 3) Roles & Responsibilities: Point-of-sale v. industry v. local v. state v. federal responsibilities and enforcement
- 4) Scope: Data collection including SB 839 jurisdictions, fines levied to date, and amount & type of fireworks currently collected and stored

These four working groups included multiple staff representatives from each of the following departments and organizations:

The California Environmental Protection Agency  
The California Department of Toxic Substances Control  
The California State Fire Marshal's Office  
The fireworks industry (TNT Fireworks)  
The California District Attorneys Association  
The California Fire Chiefs Association  
The California Association of Nonprofits  
The California Police Chiefs Association  
The California State Sheriffs Association  
The League of California Cities  
The California State Association of Counties  
The Los Angeles County Sheriff's Department/Area E  
The San Bernardino County Sheriff's Department  
The Certified Unified Program Agencies (CUPAs)  
The Senate Governance and Finance Committee  
The Assembly Local Government Committee  
The Assembly Governmental Organization Committee

These groups have met every two weeks since February to discuss the above-mentioned issues and possible corresponding solutions.

### **Consensus Principals**

- 1) From the state's perspective, "front-end" efforts to address trafficking, transportation violations, gang activity and racketeering are adequate – although federal enhancements (including prosecutor education and encouragement) are needed.
- 2) California's current system of storage and disposal of dangerous fireworks is ineffective and needs to be dramatically improved or replaced. No guidance has been given local jurisdictions on how to safely store, segregate and maintain (i.e., keep in DOT boxes, etc.) product so as to reduce disposal costs. A recent League of Cities Survey showed that storage procedures have run the gamut from bunkers to metal containers to evidence lockers to 50 gallon steel drums to garages to a closet in the fire department.
- 3) Under California's current system, led by the State Fire Marshal's Office, funding will be depleted in the 2012-13 budget year.
- 4) Data collection regarding the amount and type of fireworks collected and stored by local agencies across California is sparse, even though prior legislative efforts (i.e. SB 839, 2008) have sought to address this issue.
- 5) Information sharing between local and state agencies occurs on an as-needed basis.

- 6) State-level efforts in recent years to amend and strengthen this system have lacked comprehensive follow-through.
  - a. Numbers 3-5 above, make it difficult to effectively argue for revenue increases as it is impossible to show that current funding sources are inadequate. See "Areas of Disagreement" #1.
- 7) Legislative language across code sections is confusing and often contradictory. Clean-up is needed and should include common and consensus definitions for terminology (including "dispose," "manage," etc.).

### **Consensus Proposals**

- 1) Relieve State Fire Marshal's Office of sole responsibility to collect and destroy dangerous fireworks.
- 2) Allow local agencies (should they want it) the ability to manage their own fireworks stockpiles.
  - a. Encourage the adoption of Senate Bill 839 provisions by local governments to bolster enforcement efforts and revenue generation.
  - b. Provide local governments with a "roadmap" to explain correct storage and disposal techniques and viable and safe options (see attached draft).
    - i. Implement a regional system by which to store dangerous fireworks that are temporarily being held pending collection by disposal companies.
    - ii. Encourage relationships with disposal companies to manage the transportation and disposal of California's dangerous fireworks.
    - iii. Allow local governments to re-sell or give back unused, safely packaged fireworks to industry representatives (with specified conditions).
- 3) Improve and update training of local fire and law enforcement personnel to enhance knowledge of current day firework and explosive technologies and materials through distance learning (i.e. streaming media, DVDs, etc.), if possible.
- 4) Improve data collection efforts to better allow for policy updates (changes to roadmap, funding, etc.) moving forward.
- 5) Improve information sharing between federal agencies, state agencies and industry regarding explosive materials and testing to enhance hazardous waste/material classifications.
- 6) Explore alternative disposal technologies (i.e. mobile units, enhancements to current municipal waste incinerators, etc.) to reduce costs of shipping hazardous materials out of state.

### **Areas of Disagreement or Lack of Clear Consensus**

- 1) Implementation of additional fees (i.e. producer responsibility fee).
- 2) Additional legal firework sales and use days (i.e. the week between Christmas and New Year's Eve).
- 3) Appropriate types of alternative existing or new disposal technologies.
- 4) Implementation of SB 839 within local governments, and necessary additional regulation to provide guidance and structure.
- 5) The state agency or department designated as "owner" of newly established roadmap to provide guidance and technical support to local agencies and updates to the plan, as needed.
  - a. The SFM or this newly designated agency should have the responsibility to budget General Fund revenues for all reasonable and effective enforcement efforts coordinated with local government public safety agencies and task forces (i.e., Area E Task Force, San Bernardino County Sheriff, etc.) to minimize the interdiction of these illegal products into the state and not rely on local government to do that job.

It is the hope of both Assemblymember Lowenthal and the non-state working group participants that this memo will be used to inform the legislative process with Governor Jerry Brown's Office.

It is also the desire of the working group, as a whole, to be consulted as part of the Administration's legislative process. A request has been issued, and our participants are expecting a response by the end of October.