


STATE OF NEW HAMPSHIRE
Inter-Department Communication

FROM: Sheri J. Kelloway, Esquire  **DATE:** January 17, 2012

RE: Saf- C 6900 **OFFICE:** Commissioner's Office

TO: Earl Sweeney, Assistant Commissioner
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Please find enclosed a copy of Saf-C 6900, Proximate Audience Pyrotechnics and Flame Effects Rules, which is a brand-new Chapter of the Administrative Rules.

The rules will also be available through the Division of Administrative Rules.

Please distribute to your staff as appropriate.

If you have any questions, please feel free to call me at 227-4032.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Saf-C 6900 PROXIMATE AUDIENCE PYROTECHNICS AND FLAME EFFECTS RULES

REVISION NOTE:

Document #10067, effective 12-28-11, adopted Chapter Saf-C 6900 on proximate audience pyrotechnics and flame effects rules. Chapter Saf-C 6900 replaces the former Part Saf-C 6018 on pyrotechnics and Part Saf-C 6019 on licensing of pyrotechnicians, which had been in Chapter Saf-C 6000 on the State Fire Code. The former Saf-C 6018 and Saf-C 6019 had been repealed by Document #10058, effective 12-23-11, which contained Saf-C 6000. Document #10067 replaces all prior filings affecting the former Saf-C 6018 and Saf-C 6019, which included the following documents:

Saf-C 6018

#6339, eff 9-25-96 (as Saf-C 6022)
#7052, eff 7-2-99 (as Saf-C 6022)
#7776, eff 10-9-02 (as Saf-C 6022)
#8180, effective 9-23-04 (as Saf-C 6018)

Saf-C 6019

#8554, eff 1-26-06

PART Saf-C 6901 DEFINITIONS

Saf-C 6901.01 "Apprentice operator" means a person engaged in learning and assisting in the loading, handling, use, mixing, device wiring to any system already connected to a firing control system or mechanism, testing, discharging, firing or rendering safe of pyrotechnic effects, special effects or flame effects before a proximate audience and who is at all times under the direction of an operator.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.02 "Assistant" means a person who works under the direct supervision of an operator, but who is not involved in the use, mixing, device wiring to any system already connected to a firing control system or mechanism, testing, discharging, firing, or rendering safe of any pyrotechnic effect, special effect, flame effect, device or equipment.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.03 "Authority having jurisdiction (AHJ)" means the person, organization or office responsible for procedures, equipment, materials and installations.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.04 "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.05 "Commissioner" means the commissioner of the state of New Hampshire department of safety.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

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Saf-C 6901.06 "Endorsement" means a specific subject matter competency approved by the state fire marshal that is attached to a license for the display of pyrotechnic effects, special effects or flame effects before a proximate audience.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.07 "Fire watch" means the assignment of personnel to an area for the following express purposes:

- (a) Notifying the fire department, building occupants, or both of an emergency;
- (b) Preventing the occurrence of a fire;
- (c) Extinguishing small fires; or
- (d) Protecting the public from fire or other life safety dangers.

The term includes "standby fire personnel".

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.08 "Flame effect" means the combustion of flammable solids, liquids or gases to produce thermal, physical, visual or audible phenomena before an audience.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.09 "Inhabited building" means a building or structure regularly used in whole or in part as a place of human habitation. The term includes any church, school, railway passenger station, airport terminal for passengers and any other building or structure where persons are accustomed to congregate or assemble.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.10 "License", as used in RSA 21-P:14, IX, means the document issued by the state fire marshal that authorizes a person to display pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.11 "NFPA" means the National Fire Protection Association.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.12 "Operator" means a person responsible for safety and who controls, initiates or otherwise creates pyrotechnic effects, special effects or flame effects. Such person is also responsible for the proper storage, loading, handling, use, mixing, device wiring, testing, discharging, firing, and rendering safe of any pyrotechnic effect, special effect, flame effect, device or equipment, as well as setting up and removing pyrotechnic or flame effect materials and devices after a performance.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

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Saf-C 6901.13 "Performance based design option" means an approved alternative method of achieving prescriptive code requirements, in accordance with NFPA 101, "Life Safety Code", Chapter 5, 2009 edition, and Saf-C 6000.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.14 "Proximate audience" means persons or spectators that are closer to the display of pyrotechnic effects, special effects and flame effects than permitted by Saf-C 5000.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.15 "Pyrotechnic effect" means a special effect created through the use of pyrotechnic materials and/or devices.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.16 "Pyrotechnic material" means a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration or detonation. Such chemical mixtures predominantly consist of solids capable of producing a controlled, self-sustaining and self-contained exothermic chemical reaction that results in heat, gas, sound, light or a combination of those effects. The chemical reaction functions without external oxygen.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.17 "Special effect" means a pyrotechnic effect that is limited to pyrotechnic smoke, flash paper and flash pots, and group 1 flame effects as described in NFPA 160, "Standard for the Use of Flame Effects Before an Audience", 2011 edition.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.18 "Stage" means a space within a building used for entertainment and the utilization of drops, scenery or other stage effects.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.19 "State fire marshal" means the state fire marshal of the state of New Hampshire, or his/her designee.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6901.20 "Structure" means that which is built or constructed.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

PART Saf-C 6902 COMPLIANCE WITH CODES

Saf-C 6902.01 Compliance With Pyrotechnics Code. All persons using pyrotechnic effects, special effects or flame effects in the performing arts in conjunction with theatrical, musical, or any similar

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productions before a proximate audience, performers or support personnel shall comply with the requirements of NFPA 1126, "Standard for the Use of Pyrotechnics before a Proximate Audience", 2011 edition (NFPA 1126).

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6902.02 Compliance With Flame Effects Code. All persons using pyrotechnic effects, special effects or flame effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers or support personnel shall comply with the requirements of NFPA 160, "Standard for the Use of Flame Effects Before an Audience", 2011 edition (NFPA 160).

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

PART Saf-C 6903 PERMITS TO DISPLAY PYROTECHNIC EFFECTS OR FLAME EFFECTS BEFORE A PROXIMATE AUDIENCE

Saf-C 6903.01 Permit Required. No person shall use pyrotechnic effects or flame effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers, or support personnel without having obtained a permit from the state fire marshal.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6903.02 Permit Exceptions.

(a) Any person who uses special effects, as defined in Saf-C 6901.17, in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers or support personnel shall not be required to obtain a permit from the state fire marshal, if in compliance with the following:

- (1) Local permit requirements have been met;
- (2) The licensing requirements set forth in Saf-C 6906 have been met; and
- (3) The person has notified the local fire official of the following, prior to conducting any special effect:
 - a. Date and time of each event;
 - b. Physical location of each event;
 - c. A detailed written plan of where the special effect(s) will occur;
 - d. Type of special effect(s) to be utilized;
 - e. The location of all material to be utilized or stored as part of the event; and
 - f. Material safety data sheets (MSDS) on all material to be utilized or stored as part of the event.

(b) Any group or organization involved in the reenactment of military or historic war battles before a proximate audience shall not be required to obtain a permit from the state fire marshal, if in compliance with the following:

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- (1) Proof of successful registration with the NH secretary of state's office of status as a non-profit organization;
- (2) Proof of current and sufficient liability insurance coverage;
- (3) Proof of written safety procedures;
- (4) Copy of a valid permit for the storage of explosives pursuant to Saf-C 1600, if applicable; and
- (5) Proof of training for all personnel relative to their specific functions and safety.

(c) The sponsoring organization shall provide the local fire official the following, prior to conducting any reenactment:

- (1) Date and time of each reenactment;
- (2) Physical location of each reenactment;
- (3) A detailed written plan of the reenactment, including the estimated number of shots to be fired;
- (4) The location of any on-site bulk storage of explosives or explosive material, other than on the battlefield; and
- (5) The documents set forth in (b) above.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6903.03 Permit Application and Plan. Any person who requests a permit pursuant to Saf-C 6903.01 shall submit an application on form DSFS 79, along with a written plan, to the state fire marshal's office, within 10 business days prior to the date of the production.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6903.04 Permit Application Requirements.

(a) An applicant shall submit the following on form DSFS 79:

- (1) Name, address and telephone number of the person, group or organization sponsoring the production;
- (2) Date and time of the production;
- (3) Exact location of the production;
- (4) Name, telephone number and e-mail address, if available, of the operator;
- (5) Name and date of birth of all apprentice(s) and assistant(s) that will be present for the production;
- (6) Qualifications of the operator;
- (7) Experience of the operator in the use of pyrotechnic effects or flame effects;

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- (8) Signature of the applicant and date signed;
 - (9) Notification that the application and plan set forth in (b) below, has been submitted to the local fire official prior to filing the application with the state fire marshal's office;
 - (10) Description of any special requirements for the performance that have been established by the local fire official; and
 - (11) Notification of any special requirements for the performance that have been established by the state fire marshal.
- (b) An applicant shall submit a written plan, along with form DSFS 79, that includes the following:
- (1) A diagram of the grounds or facility where the production will be held, including an indication of:
 - a. The point at which all pyrotechnic effect or flame effect devices will be fired and their distance to the audience;
 - b. The fallout radius for each device used during the production;
 - c. The lines behind which the audience will be contained; and
 - d. The location of all pyrotechnic materials or other explosives stored on the premises;
 - (2) The point of on-site assembly of all pyrotechnic effect or flame effect devices;
 - (3) The manner and place of storage of all pyrotechnic effect or flame effect devices and materials;
 - (4) Any MSDS for the effect(s) to be utilized;
 - (5) Proof of insurance or financial responsibility for each event;
 - (6) A detailed description of how each effect will be displayed and from what location;
 - (7) A cue sheet indicating when each effect will be displayed or utilized in conjunction with the performance;
 - (8) Number and types of all devices and materials to be used;
 - (9) Experience of the operator with the devices and materials set forth in (b)(6) and (8) above;
 - (10) A description of the general responsibilities of all apprentice(s) and assistant(s);
 - (11) A copy of any licenses held by the operator, including pyrotechnic effects, flame effects, fireworks or explosives;
 - (12) A copy of the valid place of assembly permit, if the location of the production is required to be a licensed place of assembly in accordance with RSA 155:18; and
 - (13) Current inspection records for the automatic fire sprinkler system and fire alarm system, if the location of the performance is within any structure or building.
- (c) For the purposes of (b)(13) above, if the location of the performance or display is within a structure or building and the structure or building does not have an automatic fire sprinkler system and fire alarm

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system, a permit shall not be issued unless designed pursuant to an approved performance based design option, as defined in Saf-C 6901.13.

(d) Upon receipt of the application and plan pursuant to (a) and (b) above, the state fire marshal shall review the information and determine if it meets the requirements of Saf-C 6903.03.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6903.05 Permit Application Approval.

(a) If the state fire marshal determines that the application and plan pursuant to Saf-C 6903.04(a) and (b) meet the requirements of Saf-C 6903.03, the state fire marshal shall issue a permit that authorizes the person to use pyrotechnic effects or flame effects in accordance with the plan submitted, including any special requirements for the performance established by the local fire official or the state fire marshal, pursuant to Saf-C 6903.04(a).

(b) The permit shall be signed by the state fire marshal or and forwarded to the applicant.

(c) Prior to the performance or event, the state fire marshal shall schedule a demonstration inspection of the effect(s) with the local fire official and the operator.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6903.06 Permit Application Denial.

(a) If the state fire marshal determines that the application and plan pursuant to Saf-C 6903.04(a) and (b) or the inspection pursuant to Saf-C 6903.05(c) does not meet the requirements of Saf-C 6903.03, the state fire marshal shall deny issuance of a permit and notify the applicant, in writing, of the reason(s) for the denial.

(b) Reasons(s) for the denial of a permit shall include the following:

- (1) Details of the application and plan are not specific, including the effects to be utilized, the location of any effects, and the manner in which the effects will be operated;
- (2) Details of the application, plan, effects to be utilized, location of any effects, and the manner in which the effects will be operated have been changed without prior notification or approval;
- (3) The licensed operators, apprentices or assistants have been changed without prior notification or approval;
- (4) The conduct or operating practices of any operator, apprentice or assistant is deemed a threat to public safety, the performers, support personnel or themselves;
- (5) The display of pyrotechnic effects or flame effects is being conducted by a person who is not licensed by the state fire marshal pursuant to Saf-C 6906;
- (6) Additional requirements set forth by the state fire marshal have not been met;
- (7) Additional requirements set forth by the local fire official pursuant to Saf-C 6903.04 (a)(10) have not been met; or

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(8) There is no approved fire watch or standby fire personnel, as set forth in Saf-C 6904.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6903.07 Permit Requirements.

(a) Upon issuance of a permit pursuant to Saf-C 6903.05, the following requirements shall be met:

- (1) All pyrotechnic effect or flame effect materials or devices shall be supervised or attended from the time the materials or devices enter the premises until the time the materials or devices have been fired or otherwise rendered safe for removal and storage by the operator;
- (2) All pyrotechnic materials or devices shall be stored in a type 4 magazine, that is listed by the manufacturer for that use;
- (3) The amount and type of materials being stored in the magazine shall be in accordance with the listing provided by the manufacturer;
- (4) The magazine shall meet the storage requirements set forth in 27 CFR, Subpart K, as well as the construction and locking requirements set forth in Saf-C 1600;
- (4) The magazine shall be locked at all times, if unattended, in a locked room or if outside, a locked vehicle, that is:
 - a. Free of accumulated combustible or flammable materials;
 - b. Free of exposed ignition sources; and
 - c. Located away from any means of egress, egress component or other means of escape from the building or structure;
- (5) The overall weight of pyrotechnic materials or other explosives shall not exceed 50 pounds within any building or structure;
- (6) All pyrotechnic materials or devices kept in any vehicle on the premises shall be stored in a type 4 magazine, in accordance with the listing provided by the manufacturer for that use; or sealed in a shipping container that has been labeled or marked in accordance with the requirements of the US Department of Transportation;
- (7) All fuel gas cylinders or containers shall be stored in accordance with Saf-C 6000;
- (8) All containers storing fuel for use with a flame effect system shall not exceed 20 pounds within any building, structure, vehicle or other confined or limited egress space;
- (9) All containers storing fuel for use with a flame effect system shall not exceed 100 pounds when utilized outside or remote from any inhabited building or structure;
- (10) All flame effect systems, equipment and devices utilizing propane or other similar flammable gas or liquid, shall not be disconnected during a performance, unless the operator can positively confirm that all flammable gases or liquids have been removed from the system, equipment or device, and that the appropriate safety devices are in place and functional within the system, equipment or device in order to prevent any release of the material being utilized; or

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(11) Members of the audience shall be separated from flame effects by double the height of the flame effects or as outlined in NFPA 160, Section A.7.1.2, whichever is more restrictive.

Source. #10067, eff 12-29-11

PART Saf-C 6904 FIRE WATCH

Saf-C 6904.01 Fire Watch Required.

(a) The state fire marshal shall require an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exists due to the following factors, which shall include:

- (1) Type of performance, display, exhibit, contest or activity;
- (2) Impairment to a fire protection feature; and
- (3) Number of persons present.

(b) The owner, agent or lessee shall employ one or more qualified persons as standby fire personnel, to be on duty at a required event, as determined by the authority having jurisdiction. Prior to the start of the performance or event, the standby fire personnel shall inspect the fire equipment or appliances provided, to ensure that they are in the proper place and in good working order.

(c) Standby fire personnel shall keep diligent watch for any fire(s) during the period of time the location is open to the public and during the performance and take appropriate measures for the extinguishment of any fire(s) that may occur.

(d) Standby fire personnel shall be subject to any orders of the authority having jurisdiction at all times and shall be identifiable and on duty during the following periods of time:

- (1) When the location is open to the public;
- (2) While the performance or event is being conducted; and
- (3) Until normal operating conditions have been resumed, as determined by the authority having jurisdiction.

(e) All standby fire personnel shall have a means of communicating or transmitting an alarm in the event of a fire or other emergency.

(f) The operator shall provide the fire watch with the following equipment:

- (1) At least 2 multipurpose dry chemical fire extinguishers with a minimum 10-A 60 B:C rating; and
- (2) Two pressurized water fire extinguishers.

(g) Events utilizing a single stage shall be required to have a minimum of 3 qualified standby fire personnel assigned to the display in the following manner:

- (1) One standby fire fighter assigned stage "left";
- (2) One standby fire fighter assigned stage "right"; and
- (3) One standby fire fighter, familiar with the particular pyrotechnic display, assigned to the operator.

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(h) Events utilizing more than one stage shall be required to have a minimum of 2 additional standby fire personnel assigned to each additional stage. Portable fire extinguishers, as set forth in (f) above, shall be provided for each additional stage.

(i) The premises where pyrotechnic effect or flame effect materials or devices are handled, used or stored shall be maintained in a neat and orderly condition and shall be free of any condition that might create a fire hazard.

(j) Immediately after each performance and prior to the removal of any property related to the performance, the standby fire personnel shall verify with the operator that all devices have been fired. Any unfired pyrotechnic effect or flame effect materials or devices shall be disposed of in accordance with the manufacturer's recommendations.

(k) Notwithstanding any other rule to the contrary, the state fire marshal shall have the right to increase or reduce the number of standby fire personnel for any event utilizing pyrotechnic effects or flame effects before a proximate audience, performers or support personnel, if after reviewing the application, he/she determines that such an increase or reduction of standby fire personnel is in the best interest of public safety.

(l) The operator shall contact the local fire official and the state fire marshal's office at least 10 business days prior to the event to confirm what fire or life safety measures are required.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

PART Saf-C 6905 FEES

Saf-C 6905.01 Permit Fees.

- (a) A permit fee of \$250 shall be charged by the department for the following:
- (1) Any display utilizing only pyrotechnic effects on a single stage; or
 - (2) Any display utilizing only flame effects on a single stage.
- (b) A permit fee of \$400 shall be charged by the department for the following:
- (1) Any display utilizing both pyrotechnic effects and flame effects;
 - (2) Any display utilizing pyrotechnic effects, flame effects, or both on more than one stage;
 - (3) Any display utilizing pyrotechnic effects, flame effects, or both on more than one level of the building separate from the stage;
 - (4) Any display utilizing pyrotechnic effects, flame effects, or both, on any motorized vehicle or motorized stage equipment; or
 - (5) Any application consisting of 10 or more performances or events.
- (c) The applicant shall pay the permit fee prior to the issuance of the permit.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

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PART Saf-C 6906 PROXIMATE AUDIENCE OPERATOR LICENSES

Saf-C 6906.01 License Required.

(a) The display of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel shall not be permitted unless the display is directly supervised by a person who has obtained a license from the state fire marshal.

(b) The licensed operator shall ensure that the display is in compliance with the requirements of NFPA 1126 and NFPA 160, and shall be responsible for the safe handling and display of all pyrotechnic effects, special effects or flame effects utilized during the event.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.02 License Requirements for the Reenactment of Military or Historic War Battles. Any group or organization involved in the reenactment of military or historic war battles before a proximate audience shall be deemed licensed pursuant to this section upon meeting the requirements of Saf-C 6903.02(b).

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.03 License Requirements.

(a) Any person who requests a license pursuant to Saf-C 6906.01 shall meet the following minimum requirements:

- (1) Be at least 21 years of age;
- (2) Appear in person at the department of safety, division of fire safety, to obtain a photo identification;
- (3) Successfully pass a written competency test, as set forth in Saf-C 6906.05;
- (4) Submit a completed application, as set forth in Saf-C 6906.04;
- (5) Successfully pass a background investigation, as set forth in Saf-C 6906.06;
- (6) Submit the applicable license fee, as set forth in Saf-C 6907.01;
- (7) Have been present and assisted a NH licensed pyrotechnic effect, special effect or flame effect operator, as set forth in (a)(8) below, with at least 10 separate displays of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel; and
- (8) Provide the recommendation of at least 2 NH licensed operators who shall:
 - a. Hold a valid license for the display of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel;
 - b. Attest that the applicant was present and assisted each operator with at least 5 separate displays of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel; and
 - c. Make such recommendation on form DSFS 93, which shall include:

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1. Date, time and location of each display;
2. Number and types of devices used; and
3. The specific duties of the applicant.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.04 License Application Requirements.

- (a) An applicant shall submit the following on DSFS 92:
- (1) Indication as to whether the applicant is requesting an initial or a renewal license;
 - (2) Indication as to which endorsement(s) the applicant is requesting;
 - (3) Name, address, primary telephone number and date of birth of the applicant;
 - (4) Name, address, telephone number and position of current employer;
 - (5) Whether the applicant holds a valid license to display pyrotechnic effects, special effects or flame effects from another state and if so, the state and license number;
 - (6) Whether the applicant has ever been denied a license to display pyrotechnic effects, special effects or flame effects and if so, an explanation;
 - (7) Whether the applicant has ever had a license to display pyrotechnic effects, special effects or flame effects revoked or suspended and if so, an explanation;
 - (8) Whether the applicant has ever been convicted of a criminal offense and if so, an explanation;
 - (9) Whether the applicant is currently under indictment for a crime punishable by imprisonment for more than one year and if so, an explanation stating:
 - a. The specific charge;
 - b. The date of the charge; and
 - c. The name and location of the court;
 - (10) Whether the applicant is a fugitive from justice;
 - (11) Citizenship status;
 - (12) Number of years engaged in the actual use of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel;
 - (13) Name of company, municipality or organization that the applicant has worked for in the actual use of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel;
 - (14) Whether the applicant unlawfully uses or is addicted to marijuana, depressants, stimulants, narcotics or other controlled drugs; and

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(15) Whether the applicant has ever been adjudicated as mentally ill, or been committed to any mental institution and if so, an explanation.

(b) The applicant shall sign and date form DSFS 92 under the penalty of unsworn falsification, pursuant to RSA 641:3.

(c) For the purposes of (a)(11) above, a person shall be a citizen of the United States, legally residing in this country or working in this country on a valid work visa.

(d) An incomplete application shall be returned to the applicant, along with an explanation. The applicant may resubmit the application once completed.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.05 Competency Test.

(a) A person who requests a license pursuant to Saf-C 6906.01 shall be given a written competency test by the state fire marshal or his/her designee to determine the applicant's knowledge of the rules and NFPA code requirements for the display of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel.

(b) In order to successfully pass the competency test, an applicant shall attain a score of 80% or higher.

(c) If an applicant cannot read or write, the state fire marshal or his/her designee shall orally administer the competency test.

(d) If an applicant fails the competency test, he/she shall be permitted to retake the test 2 additional times, within 6 months of the initial test. A retest shall be given no less than 15 business days after the previous test was taken.

(e) In accordance with (d) above, if an applicant fails to pass the competency test or does not retest within the time frame, he/she shall be required to submit a new application, along with the appropriate fee.

(f) The date, time and location of the written competency test shall be scheduled by the state fire marshal.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.06 Background Investigation.

(a) A person who requests a license pursuant to Saf-C 6906.01 or Saf-C 6906.12 shall be given a thorough background investigation by the state fire marshal to determine the applicant's knowledge and qualifications in the safe use, handling and storage of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel.

(b) The background investigation shall consist of the following:

(1) Reviewing the application;

(2) Confirming that all of the information submitted with the application is true;

(3) Interviewing references and previous employers;

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- (4) Interviewing operators who have worked directly with the applicant;
- (5) Conducting a criminal record check; and
- (6) Checking with other public safety agencies that may have had interaction with the applicant pertaining to pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel.

(c) The state fire marshal, upon reviewing the background investigation, shall determine whether the applicant is knowledgeable and qualified in the safe use, handling and storage of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.07 License Approval.

(a) If the state fire marshal, after reviewing the application, the competency test and the background investigation, determines that the applicant is knowledgeable and qualified in the safe use, handling and storage of pyrotechnic effects, special effects or flame effects, he/she shall issue a license to the applicant to set up, load and remove pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel.

(b) A license shall be valid for a period of 3 years from the date of issuance, expiring on the last day of the licensee's birth month, unless the license is suspended or revoked prior to the date of expiration.

(c) A license shall not be transferred.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.08 License Renewal.

(a) For a renewal of a license, an applicant shall submit the following:

- (1) A completed form DSFS 92, as set forth in Saf-C 6906.04; and
- (2) The applicable license renewal fee, as set forth in Saf-C 6907.01.

(b) A renewal application pursuant to (a) above shall include documentation of at least 10 hours of safety training or NFPA code update training in each endorsement field of pyrotechnic effects, special effects and flame effects safety training, including:

- (1) Name, address and telephone number of the organization providing the safety training;
- (2) Date and location of the safety training;
- (3) Name of instructor(s) and evaluator(s);
- (4) Description of the safety training;
- (5) Total number of hours of the safety training; and
- (6) A copy of the attendance form or training certificate, if any.

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(c) If a renewal application is filed with the state fire marshal's office, no sooner than 60 days prior to the expiration of the existing license, the renewal license shall become effective on the date of expiration of the existing license.

(d) If a renewal application is filed more than 30 days after the previous license has expired, a renewal license shall not be issued and the applicant shall be required to file an application for a new license.

(e) A renewal application for a pyrotechnic effect, special effect or flame effect operator license shall include documentation that the applicant has supervised or operated at least 3 displays of pyrotechnic effects, special effects or flame effects for each endorsement held on the valid license during the licensing period.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.09 Requirements for Applicants Licensed by Another Jurisdiction. A person who is currently licensed and in good standing by another jurisdiction, whose licensing standards meet or exceed the standards of these rules, may apply to the state fire marshal's office for a NH license. All of the requirements set forth in Saf-C 6906.03 shall apply except for the provisions set forth in Saf-C 6906.03(a)(7) and (8).

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.10 Operator Responsibilities.

(a) The operator shall determine that the area where pyrotechnic effects, special effects or flame effects are to be utilized are safe and free of any material that could readily ignite a fire, that audience barriers are in place and that the area is in compliance with the requirements of these rules.

(b) The operator shall ensure that all assistants, apprentices and other personnel pertaining to a performance have received proper training in the following:

- (1) The performance of their duties;
- (2) Relevant laws, rules and NFPA requirements relative to pyrotechnic effects, special effects and flame effects before a proximate audience;
- (3) All safety hazards associated with the particular performance or event; and
- (4) Communications with any required fire watch personnel.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.11 Accident Reporting.

(a) All licensed operators shall immediately report any accident or incident involving the setup, handling, use, display or removal of pyrotechnic effects or special or flame effects that has caused property damage, personal injury or death, to the state fire marshal's office.

(b) All notifications pursuant to (a) above shall be made to the state police communications center at (603) 271-3636.

(c) Any operator who has conducted a display resulting in damage to property, injury or death shall submit a detailed written report of the incident to the state fire marshal within 48 hours of the incident.

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(d) Upon receipt of a report pursuant to (a) above, the state fire marshal shall conduct an investigation.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6906.12 Apprentice License.

(a) No person shall assist an operator with setting up, loading, handling, use, mixing, device wiring, testing, discharging, firing, or rendering safe of pyrotechnic effects, special effects or flame effects, or participate in a training program to become licensed as an operator pursuant to Saf-C 6906.01 (a), without having obtained an apprentice license from the state fire marshal.

(b) For the purposes (a) above, a person shall be considered an apprentice, if he/she is not licensed as an operator in this state and regardless of his/her level of experience or previous licensure in this state or any other jurisdiction.

(c) All apprentices shall comply with the requirements of NFPA 1126 and NFPA 160.

(d) A licensed operator shall be responsible for the conduct and work performed by any apprentice.

(e) Any person who requests an apprentice license shall meet the requirements set forth in Saf-C 6906.03(a), except for (a) (3), (7) and (8), and submit the application set forth in Saf-C 6906.04.

(f) A person who has obtained an apprentice license and fulfills the requirements of Saf-C 6906.03(a)(3),(7) and (8) shall be permitted to obtain the particular operator license the person qualifies for, along with the appropriate fee, as set forth in Saf-C 6908.

(g) An apprentice license shall be valid for a period of 3 years and renewed in accordance with the requirements set forth in Saf-C 6906.08.

(h) An apprentice license shall be denied in accordance with the requirements set forth in Saf-C 6908.01.

(i) An apprentice license shall be suspended or revoked in accordance with the requirements set forth in Saf-C 6908.02 or Saf-C 6908.03.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

PART Saf-C 6907 LICENSE FEES

Saf-C 6907.01 License Fees.

(a) A following license fees shall be charged by the department:

(1) \$200 for a new license, which shall include the competency test and the background investigation;

(2) \$100 for each of the following endorsements:

a. Pyrotechnic effects before a proximate audience;

b. Flame effects; or

c. Special effects;

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- (3) \$200 for an apprentice license, which shall include the background investigation. This fee shall be applied to a new license application, if the apprentice license is valid;
- (4) \$100 for each renewal license; and
- (5) \$100 for each of the following renewal endorsements:
 - a. Pyrotechnic effects before a proximate audience;
 - b. Flame effects; or
 - c. Special effects.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

PART Saf-C 6908 DENIAL, SUSPENSION OR REVOCATION OF LICENSE

Saf-C 6908.01 Denial of License.

(a) The state fire marshal shall deny an application for a new or renewal license for any of the following:

- (1) Failure to comply with any of the licensing requirements set forth in these rules;
- (2) The applicant is under 21 years of age;
- (3) Failure to comply with any lawful order of the department relative to explosives, pursuant to RSA 158:9-e, IV and RSA 158:9-f, II;
- (4) The applicant is under indictment for, or has been convicted of a crime punishable by imprisonment for more than one year for acts of violence, fraud or dishonesty, such as but not limited to murder, assault, subversive activities, terrorism, extortion, explosives or embezzlement;
- (5) The applicant has a current restraining order or petition for domestic violence;
- (6) The applicant is a fugitive from justice;
- (7) The applicant unlawfully uses or is addicted to alcohol, narcotics or controlled drugs;
- (8) The applicant advocates, or knowingly belongs to an organization that advocates a violent overthrow of, or violent action against any federal, state or local government;
- (9) The applicant has a mental or physical defect that would interfere with his/her ability to safely use pyrotechnic effects or special or flame effects;
- (10) The applicant gave false information or made any misrepresentation in order to obtain a license; or
- (11) The applicant is not a citizen of the United States, does not legally reside in this country or does not have a valid work visa.

(b) An applicant who has been denied a license may request a hearing within 10 days of the date of denial before the bureau of hearings, pursuant to Saf-C 202.

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(c) All hearings shall be conducted by the bureau of hearings in accordance with the requirements of Saf-C 202.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

Saf-C 6908.02 Suspension of License.

(a) A license shall be suspended, after a hearing, for any of the following:

- (1) Failure to comply with any of the requirements of these rules;
- (2) Failure to comply with a lawful order of the state fire marshal or his/her designee;
- (3) Failure to comply with a lawful order of the local fire official pertaining to pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel;
- (4) Failure to comply with the requirements of any of the NFPA codes adopted or referenced in these rules;
- (5) Operating or discharging any pyrotechnic effect, special effect or flame effect before a proximate audience, performers or support personnel without a permit or after a permit has been denied;
- (6) Failure to report any accident, injury, fire, explosion, death or other incident resulting from the use of pyrotechnic effects, special effects or flame effects before a proximate audience, performers or support personnel;
- (7) Failure to comply with any lawful order of the department relative to explosives, pursuant to RSA 158:9-e, IV and RSA 158:9-f, II; or
- (8) Failure to comply with the requirements of the state fire code, specifically Saf-C 6008.01(a), (c) or (d).

(b) A license shall be revoked, after a hearing, for any of the following:

- (1) The licensee has a second or subsequent offense of any of the acts set forth in (a) above;
- (2) The licensee gave false information or made any misrepresentation in order to obtain or renew a license; or
- (3) The licensee is a threat to the public or to the state or any political subdivision thereof.

(c) All suspension or revocation hearings shall be conducted by the bureau of hearings, in accordance with the requirements of Saf-C 202.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

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Saf-C 6908.03 Immediate Suspension. In accordance with RSA 541-A:30, III, if the state fire marshal determines that public health, safety or welfare requires emergency action, an immediate suspension of a license may be ordered pending an adjudicative hearing, which shall occur not later than 10 working days after the date of the suspension of the license. The adjudicative hearing shall be conducted in accordance with the requirements of Saf-C 200.

Source. (See Revision Note at chapter heading for Saf-C 6900) #10067, eff 12-29-11

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APPENDIX

RULE	STATUTE
Saf-C 6901.01-6901.09	RSA 541-A:7
Saf-C 6901.10	RSA 21-P:14, IX; RSA 541-A:7
Saf-C 6901.11-6901.20	RSA 541-A:7
Saf-C 6902.01 & 6902.02	RSA 21-P:14, IX; RSA 153:5-c
Saf-C 6903.01-6905.01	RSA 153:5-c
Saf-C 6906.01-6907.01	RSA 21-P:14, IX
Saf-C 6908.01 & 6908.02	RSA 21-P:14, IX; RSA 541-A:30
Saf-C 6908.03	RSA 21-P:14, IX; RSA 541-A:30, III