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HOUSE DEMOCRATIC POLICY COMMITTEE

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HOUSE OF REPRESENTATIVES

COMMONWEALTH *of* PENNSYLVANIA

House Democratic Policy Committee Hearing

The Impact of Fireworks Legalization on the Community

Monday, August 30, 2021 | 1 p.m.

Representative Jeannie McNeill

Q&A with legislators to follow each panel

PANEL ONE

1 p.m.

Jeremy Warmkessel, Union President
IAFF Local 302 | Allentown Fire Department

Adam Perrault, Executive Board Member
IAFF Local 302 | Allentown Fire Department

Michael Marks, Chief
Whitehall Township Police Department

PANEL TWO

1:30 p.m.

John Faisetty
First Presbyterian Church

Kelly Bauer, Executive Director
The Center for Animal Health and Welfare

PANEL THREE

2 p.m.

George Wilt, Concerned Resident

John Singer, Concerned Resident

Joni Tedesco, Concerned Resident

PANEL FOUR

2:30 p.m.

Robert Brooks, Eastern Vice President
PA Professional Firefighters Association

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COMMONWEALTH *of* PENNSYLVANIA

Jay Delaney, President

PA Career Fire Chief's Association and Chief Wilkes-Barre City Fire Dept

House Democratic Policy Committee Hearing

The Impact of Fireworks Legislation on the Community



Jeremy Warmkessel

President

IAFF Local 302

Allentown Fire Fighters

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Adam Perreault

Executive Board/Legislative Coordinator

IAFF Local 302

Allentown Fire Fighters

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The City of Allentown is the third largest city in Pennsylvania with a population of 121,252. The city's population density is 6,910 residents per square mile and 19th century rowhomes make up most residential dwellings. Along with aging homes there are multiple historic churches and multi-story buildings. Rowhomes throughout the city house multiple families in one home. All these structures are prone to fires due density and aged materials. The dense population and aging structures make Allentown an exceptionally dangerous area to ignite anything, especially fireworks.

Every Friday night in the summer, the Iron Pigs minor league baseball team has a professional pyrotechnic company put on fireworks displays after each home game. The city holds an annual Fourth of July fireworks display, again by a professional pyrotechnic company, at the J. Birney Crum stadium. Both locations are in less densely populated areas providing clear sight lines to view the fallout of each round. The citizens and patrons enjoy these displays because they are large and professionally produced. The hazards and complaints from fireworks are due to an average, untrained, person purchasing and igniting fireworks in populated neighborhoods without regard to their neighbors.

Allentown's Fire Department is made up of one hundred and twenty-nine fire fighters, six station, seven fire engines and two ladder trucks. The stations are manned twenty-four hours a day, seven days a week. We staff four platoons that work four-day swing shifts of nights and days. Each shift is staffed up to thirty fire fighters and may operate with less depending on shift hiring. The department also has four special teams: Technical Rescue, Dive, Hazmat and Bomb Squad. These teams handle construction and high-rise incidents, underwater recovery and water rescue, hazardous materials mitigation and explosives. The teams' funding for equipment, training and manpower comes out of the Fire Department budget. One team that is particularly impacted by fireworks is the Bomb Squad. Throughout the State of Pennsylvania there are twelve Bomb Squads two of which are run by municipal fire departments. The Allentown Fire Department Bomb Squad covers a large area of eastern Pennsylvania and are tasked with explosive mitigation and disposal for the municipalities within their area of coverage.

Aside from being tasked with explosive disposal, Allentown Fire Fighters have experienced an increase in fireworks related calls. These calls range from structures fires to dumpster fires to injuries. We have had an elementary school fire attributed to fireworks as well as many dwelling fires. Fireworks are set off at all times of the day starting in May stretching weeks beyond the Fourth. As we all know, summer months are hot and dry. The increased fireworks activity during these months literally adds another ignition source for fires.



FIREWORKS LIKELY CAUSE IN ALLENTOWN SCHOOL FIRE



Saturday, June 29, 2019



Fireworks blamed for Allentown school fire. Watch the report from Action News Mornings on June 29, 2019.

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Fireworks in a professional venue are fun and exciting. Unfortunately, what may not affect rural areas of Pennsylvania has a profound impact on the State's urban environments. We are not sure if anything other than a complete repeal will do much to reverse the effects of Pa H.B. 542 of 2017 but being proactive and open to legislative ideas will be helpful. One seemingly simple consideration for future legislation addressing fireworks should be a fund set up for Bomb Squads to recover monies spent on disposal of fireworks. This will lessen the budgetary impact on municipalities tasked with providing those services. Another suggestion would be to increase the tax on consumer fireworks and utilizing those funds for to provide Emergency Services with equipment and manpower to deal with the increased call volume.

We would like to thank Chairman Bizzarro, State Rep. Jeanne McNeill and the House Democratic Policy Committee for including IAFF Local 302 Allentown Fire Fighters in the cooperative discussion on the impact of fireworks in Pennsylvania. It is our hope that all Pennsylvanians understand how fireworks in untrained hands are hazardous to their community.



WHITEHALL TOWNSHIP POLICE DEPARTMENT



Testimony- PA House Democratic Policy Committee hearing on FIREWORKS

August 25, 2021

Since the implementation of Act 43 of 2017, the amount of complaints from residents regarding fireworks have increased exponentially. From May 1 until August 24, 2017, the Whitehall Police Department responded to 42 calls for fireworks complaints. During that same time frame in 2018, that number rose to 72, another 71 in 2019, 133 in 2020, and 104 in 2021.

Thankfully all of these fireworks noise complaints involved just that, and did not involve firework-related injuries and deaths. Unfortunately, other jurisdictions throughout Pennsylvania experienced several calls that involved injuries or death.

These complaints about fireworks occur at all hours of the day throughout the summer. This affects the quality of life in a neighborhood but also presents hazards involving safety such as: personal injury and property damage. According to a study conducted by the U.S. Consumer Product Safety Commission; a 50% increase in deaths and injuries from fireworks-related incidents occurred in 2020, when compared to data from 2019.

While the current fireworks law prohibits fireworks from being used within 150 feet of an occupied building and on public or private property without permission of the owner; this law does not allow for common sense enforcement. As any evidence that could be used in these cases is most likely shot into the sky, very little would assist law enforcement in prosecuting offenders. With nothing left for prosecutorial evidence except the possibility of witness testimony, or in extremely rare circumstances, when the officer sees the offender lighting the fuse of an illegal firework; it is next to impossible to enforce.

The "normal" area where fireworks are shot off is the typically in the backyard of a residence. This presents its own set of challenges to law enforcement as they investigate these incidents. It has been established that "[a]bsent probable cause and exigent circumstances, warrantless searches and seizures in a private home violate both the Fourth Amendment and Article 1, [Section] 8 of the Pennsylvania Constitution." *Commonwealth v. Gibbs*, [981 A.2d 274, 279](#) (Pa.Super.2009). The Pennsylvania courts have extended this constitutional protection to the curtilage of a person's home by analyzing "factors that determine whether an individual reasonably may expect that an area immediately adjacent to the home will remain private." *Id.* at 279. "Curtilage is entitled to constitutional protection from unreasonable searches and seizures as a place where the occupants have a reasonable expectation of privacy that society is prepared to accept." *Commonwealth v. Ficks*, [969 A.2d 1251, 1256](#) (Pa.Super.2009).

With all of these factors in mind, since 2018 the Whitehall Police Department has been able to arrest less than five people for fireworks offenses. As previously listed, the department was called to a total of 380 complaints and arrested four people on those calls. That clearance rate would equate to approximately 1%. Furthermore, the additional calls for service related to fireworks



WHITEHALL TOWNSHIP POLICE DEPARTMENT



takes an officer away from other patrol duties that they would have been assigned to prior to this law being enacted.

Lastly, but in no way less important, is the aspect of how fireworks potentially cause veterans and individuals with PTSD to suffer from the constant noise, flashes, etc. that are associated with the use of fireworks. Pets and children also become distraught by the use of fireworks and are affected during these summer months.

In conclusion, the use of fireworks in the Commonwealth of Pennsylvania has become a contentious issue that divides communities. It does not just affect a minimal amount of communities, but instead crosses jurisdictional boundaries across the state. Traditionally in Pennsylvania, the vast majority, of then illegal fireworks, were shot off on or immediately around the normal summer holidays of Memorial Day, 4th of July, and Labor Day. It was rarely an every weekend occurrence. This past 4th of July I observed fireworks being set off from the Eagle Point area in Egypt. The aerial fireworks that were launched during the time of my observation completely covered the visible area of the Lehigh Valley from east to west. To say that there were hundreds of aerial fireworks set off during that time, is a very low estimate and a very conservative estimate. It would have been impossible for any kind of law enforcement during this time. Without a complete repeal of the law, or extreme alterations to the law, this problem will continue to compound itself in the future.

I appreciate the time of the Democratic Policy Committee.

Sincerely,

Michael J. Marks

Police Chief

Whitehall Township Police Department

**JOHN FAISETTY
FIRST PRESBYTERIAN CHURCH**

TESTIMONY

**PA HOUSE DEMOCRATIC COMMITTEE
PUBLIC HEARING
THE IMPACT OF FIREWORKS LEGALIZATION ON THE COMMUNITY**

MONDAY, AUGUST 30, 2021

For the last several years, the First Presbyterian Church of Hokendauqua has allowed a local family to use its grass parking lot behind the church for a July 4th family gathering and legal fireworks display. One of the church officers voiced her concern to the family about possible damage to the church building (fireworks going off within 50 feet of the church). They responded that they belong to the local fire company and knew what they were doing.

With recent state changes in fireworks regulations, this family has started using more powerful aerial displays and shooting some over the church building (debris has been found in front of the church). After the most recent fireworks display last month, a church officer noticed several burn marks on the recently-painted back door and back wall. The Whitehall Police were called and the damage was investigated as being caused by improper use of fireworks. The church was not able to determine with any certainty who was responsible for this damage. Church staff were able to clean up the damage without major effort.

Based on what happened this year, the church will strictly enforce the no trespassing signs around its grass parking lot. Police will be contacted if any fireworks activity occurs on the church property.

The Center for Animal Health & Welfare

Finding Forever Homes for Homeless Animals

1165 Island Park Road, Easton Pa 18042
www.healthyanimalcenter.org

As the Executive Director of a nonprofit animal shelter and dog mom of 6 rescues, I can tell you the topic of fireworks will come up often. I see the worst part of fireworks in the stray pets that come in to my shelter and at home with my own anxiety filled dogs. Let's dive in to why we should consider more than just the revenue that fireworks provide our Commonwealth when introducing and amending legislation.

Did you know that humans cannot hear sounds that vibrate at greater than 20,000 vibrations per second? Dogs can hear sounds of up to 50,000 vibrations per second. They also have four times the sensitivity to noise than a human.

The ears of dogs are controlled by up to 18 muscles while humans are equipped with only six. In addition, the shape of some dog breeds ears is such that they amplify sound. A cat's hearing is even better. Cats are equipped with 30 ear muscles and are especially adapted to differentiate sounds, since they can rotate their ears 180 degrees.

Why does this matter? According to national statistics, animal control officials across the country see a 30-60% increase in lost pets each year between July 4th and 6th.

In fact, July 5th is one of the busiest days of the year for shelters, who field calls from frantic owners and good Samaritans that have found a wandering dog or frightened cat. Nearly one-in-five lost pets goes missing after being scared by the sound of fireworks.

During fireworks, a pet experiences the same kind of startled response you do when you're surprised by a loud noise. This may mean an increase in heart rate, a rush of adrenaline, and an increase in stress hormones circulating through the body. This may lead to a fight or flight response, causing a pet to flee their home or yard.

For a pet, fireworks aren't the same experience as a thunderstorm. Thunderstorms come with a lot of warning signs, like changes in barometric pressure and high winds, so dogs and cats anticipate them.

Sadly, only 14% of lost pets are returned to their owners, according to nationwide statistics. And worse, 30-60% of lost pets are euthanized because they cannot be properly identified and returned to their owners.

Fireworks, especially those near your home, are an unexpected trauma that can be avoided.

Current legislation allows residents to purchase and use consumer-grade fireworks that contain a maximum of 50 milligrams of explosive material. They cannot be discharged within 150 feet of an occupied structure.

This is where the problem lies. Enforcement of these laws is next to impossible. In Lehigh County alone, dispatchers received 558 fireworks calls between Friday and Monday during the most recent 4th of July holiday. This is more than a nuisance to devoted pet owners. The current laws are adding undue stress to the men and woman who serve on our police forces, those suffering from post-traumatic stress disorder and to the pets who are unable to protect themselves from the amplified sound that triggers fear and anxiety. While police are tasked with enforcing the fireworks law, they can only do so if they see the person improperly shooting off fireworks or from a video recording. In the past, illegal fireworks could be seized, which would put an end to their use. Now, the only recourse is limited to issuing a citation for a summary offense and filing additional charges if warranted. This is a drain on our police force.

In my hometown of Catasauqua, most homes are connected, or in very close proximity of each other. There are very few places that fireworks can be set off from at least 150 feet from a home or business. I personally have found firework remnants on my roof and in my pool. In one instance, a firework malfunctioned and ended up in my yard.

Fireworks contain hazardous chemicals such as potassium nitrate, which is an oxidizing agent. They can also contain charcoal or sulfur and coloring agents, which are potentially dangerous heavy metals. When ingested, pets can develop gastrointestinal issues like vomiting, a painful abdomen, and bloody diarrhea.

These hazards are not just affecting domesticated animals. The shock of fireworks can cause wildlife to flee, ending up in unexpected areas or roadways, flying into buildings and other obstacles, and even abandoning nests, leaving their young vulnerable to predators. The threat to wildlife doesn't stop at startling lights and sounds; fireworks also have the potential of starting wildfires, directly affecting wildlife, and destroying essential habitat. Litter from firecrackers, bottle rockets and other explosives can be choking hazards for wildlife and may be toxic if ingested.

As a society we often see pets as property. They are more than that. Companion animals directly benefit our physical and mental health. Studies have shown that the bond between people and their pets can increase fitness, lower stress, and bring happiness to their owners. Some of the health benefits of having a pet include, decreased blood pressure, cholesterol, and triglyceride levels. They increase opportunities for exercise and outdoor activities, as well as socialization, while decreasing loneliness.

People enjoy fireworks. Animal welfare workers and pet owners understand that. We are not looking for a ban on fireworks. Fireworks should be reserved for planned events and those that can be controlled by the cities, boroughs, and municipalities. We are asking our legislators to consider all its residents, not just the ones with two legs. Thank you for allowing me to speak on this important matter.



Kelly Bauer
Executive Director

The Center for Animal Health & Welfare

Finding Forever Homes for Homeless Animals

www.healthyanimalcenter.org

PA House Democratic Policy Committee hearing on fireworks

August 30, 2021

Testimony provided by:

Kelly Bauer

Executive Director

GEORGE WILT – CONCERNED RESIDENT
TESTIMONY FOR DEMOCRATIC POLICY COMMITTEE HEARING
THE IMPACT OF FIREWORKS LEGALIZATION ON THE COMMUNITY
MONDAY, AUGUST 30, 2021

I'm writing in regard to repealing Act 43 in order to pass H.B.988. Representatives from the Lehigh Valley, where I reside, Schweyer, McNeill, Schlossberg, Freeman and Samuelson, introduced H.B.988 in order to repeal Act 43, which is causing communities and citizens across Pennsylvania to wonder why this bill was passed in the first place in 2017.

I think we know why. It was for the revenue it would bring in, never taking into consideration what the side effects or repercussions would be on the citizens, individuals property and their pets. So, consequences to that compromise of money over safety has put many people in a bit of a mess. Citizens are threatened with incredibly loud blasts that have broken windows in neighboring communities in our area, issues with pets, debris falling on property of neighbors since these "bombs" are being set off right next door to people's houses. PTSD vets are having mental flare ups and set backs and fire hazards land all around our homes.

The ensuing barrage of explosions, in our area, started in the middle of June. Unfortunately, a boy died in York Country over the July 4th holiday. People DO NOT know how to handle these explosives. The inebriated state they are in when they do set them off just adds to the danger already at hand. The holiday is filled with alcohol laden men and women who don't know what they're doing and setting at risk anyone within their reach for an "accident waiting to happen".

I had to call the local police because the roman candles and bottle rockets our neighbor was setting off were right from their back yard. Our camper was a few feet away from that fire hazard because the border of our property and three other houses are right next to them.

I believe this situation is out of control and needs to be readdressed and stopped - at the very least, restrained with better guidelines that will be enforced. Don't choose money over safety. Please pass H.B.988.

Thank you for your time and consideration in this matter,
George Wilt

Representative Jeannie McNeill
Pa. State Representative
133rd District, Lehigh County

John W. Singer
1565 Olympic Circle East • Apt 4
Whitehall, Pa. 18052

August 22, 2021

To whom it may concern,

This letter is to discuss the problems with “fireworks”, in my opinion, here in Pennsylvania. I put fireworks in quotes because the explosions that I am hearing far exceed the definition “consumer fireworks” according to the Pa. State Police website. This is the first problem to address. The below is copied directly from their site.

Before discussing that I want to say that fireworks in any form, whether consumer or display fireworks are dangerous and are nothing but explosives. For anyone to say they are safe and fun I would challenge them to hold any type and light it and don't drop it till it goes off. No reasonable and prudent person would do that. They are disturbing to domestic animals, wildlife, veterans and many others. My dog cowers in fear when she hears these explosions.

Q: Which fireworks are Pennsylvania residents now allowed to purchase and use?

Consumers can now purchase and use “Class C” or “consumer-grade” fireworks that include firecrackers, Roman candles, bottle rockets, and similar fireworks that contain **a maximum of 50 milligrams of explosive material**. The expansion includes those fireworks that were previously only available to out-of-state residents.

“Display fireworks,” which are classified as including salutes that contain more than two grains or 130 milligrams of explosive materials, and professional-grade aerial shells containing more than 60 grams of pyrotechnic compositions, are still only to be used by professionals with a permit from the municipality where the display will take place.

Please note the highlighted and underlined portion. For those who need more reference that 50 milligrams are approximately 0.0017637 ounces. This is science 101 for that amount of explosive could barely be heard across the block. The explosions I am hearing are far greater than that. When you can hear explosions from a mile away or they are detonated in the middle of the street and your windows rattle I believe these would fit in the “Display fireworks” which would make them illegal for consumers. At times it sounded like mortar fire and the displays shooting hundreds of feet in the air from a long way

off. Keep in mind that the M80 contains approximately 3000mg of explosive, which under the definition would make them illegal for consumers under the definition.

To me someone is selling illegal "fireworks" to the consumer is a problem in and of itself. If the definition of "consumer fireworks" is correct, then massive enforcement on sales needs to happen.

The next issue is this and again taken from the Pa State Police website:

Q: What are the restrictions on where they can be used?

1. They cannot be ignited or discharged on a public or private property without express permission of the property owner.

If I am reading this correctly fireworks cannot be discharged in the middle of a road or such as an apartment complex, but this is happening all the time. The apartment complex I live in will not enforce this until maintenance is called, then the police. Neither of which has done anything to correct the problem. They, the management of the complex will not accept my testimony, which causes great frustration. I am not sure about others.

2. They cannot be discharged from or within a motor vehicle or building.

Seems self-explanatory.

3. They cannot be discharged within 150 feet of an occupied structure, whether a person is actually present.

This is a big problem. I am not aware of any place in Whitehall Twps. that qualifies for this. Combined with No. 1 they shouldn't be detonated anywhere in the township. I have seen children, possibly under the age of 10 without supervision, shooting "rockets" toward and over the apartment roofs in the middle of a parking lot which is full of potential "bombs" (cars full of gas) within 150 feet of an occupied structure. A note on this, if you ask someone setting off explosives in violation the normal response is something to the effect of "Up yours, they are legal"

4. They cannot be discharged while the person is under the influence of alcohol, a controlled substance, or another drug.

Again, persons in the middle of a parking lot with cars around drinking and running as they light them. When police are called, they are either busy or can't find them. Again, no enforcement.

It also says it is recommended that you check with your local municipality, as you may also be subject to applicable local ordinances. I know Whitehall has hours that you can detonate these explosives, but it seems not to be enforced. I don't know if other municipalities have any ordinance but maybe it should be state law on hours since the state made "fireworks" legal. These explosions going off at all hours of the day and night are very disturbing to the quiet enjoyment of the neighborhood.

Regarding the restrictions of where they can be used, there were persons setting them off in the middle of the road with buildings and cars on both sides and the container they had the "rocket" in fell over. They barely righted it before detonation. Can you imagine what may have happened if that "rocket" would have skimmed along the road and exploded under a vehicle?

In summary if the explosions I am hearing are legal then they need to be illegal. If they are not, and that is my belief, more enforcement on consumers and the sellers of these products need to happen. If the law cannot be changed or voided, then there needs to be more aggressive enforcement of the restrictions. Most people I have spoken to are very disturbed with this new law and tempers are high when it sounds like a war zone.

Hopefully something will be done to control this "fireworks" thing.

In closing I have been accused of not being a Patriot and to leave the U.S. for not liking fireworks. I know what they are supposed to represent. I am a USAF Vet, former Deputy Sheriff and Police Officer and currently ride with the Warriors` Watch Riders as well as the Patriot Guard Riders so that argument isn't valid. Safety is.

I appreciate the time to let me voice my opinion.

Thank you,

John W. Singer



PRESIDENT	FIRST VICE PRESIDENT	SECOND VICE PRESIDENT	SECRETARY	TREASURER
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The House Democratic Policy Committee

Testimony – August 30, 2021

James Jay Delaney, Fire Chief, EMC, EMT/P

Chairman Bizzarro, Representative McNeill and Schweyer and members of the House Democratic Policy Committee. Thank you for inviting me here today to discuss HB 988.

I am the Fire Chief for the City of Wilkes-Barre. I have been honored to serve the city in this role for over 16 years and a total of 40 years in Emergency Services. I am also the Emergency Management Coordinator for the City of Wilkes-Barre and a certified paramedic. In addition, I am the President of the Pennsylvania Career Fire Chiefs Association representing career and combination Fire Chiefs from across the Commonwealth.

The PCFCA has steadfastly opposed the expansion of consumer grade fireworks back to SB 1055 of 2016. When Act 43 of 2017 was passed as part of the tax code, the emergency response community had no way to voice any opposition through a public hearing. This new law poses a significant public safety and first responder safety risk.

Immediately after the expansion of consumer grade fireworks became legal, several groups came together to map a plan to repeal or amend Act 43 of 2017. The Pennsylvania Career Fire Chiefs Association and the Pennsylvania Fire and Emergency Services Institute began discussions with the Pennsylvania Municipal League to address statewide municipal

- ALLENTOWN
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- YORK CITY

concerns with the new and legal use of aerial and other consumer fireworks. The feedback we received from Fire Chiefs and Municipal leaders from across the state was completely aligned for the new law to be repealed or amended.

Over the past four years the support to repeal or amend Act 43 of 2017 has had strong support. In fact, the 39 members of the Senate Resolution 6 committee, comprised of the major Fire and Emergency Medical Service organizations and leaders throughout the Commonwealth, voted unanimously for Recommendation 24 – Reassess Fireworks Law Adopted in 2017. This was the emergency response community speaking as one voice.

Fireworks affect our densely populated neighborhoods, some of our military veterans, our pets, our health, and our homes. The Pennsylvania State Law (Act 43 of 2017), enacted by the state legislature allows for the legal sales of “consumer grade” fireworks. This law poses a significant public safety and first responder safety risk. Fire Chiefs across the state continue to ask for this law to be repealed.

The Pennsylvania Career Fire Chiefs Association membership reported their communities were like war zones on July 4th. This past year there was a fatal fire in York County due to improperly discarded fireworks. In Wilkes-Barre there were three different fires caused by the illegal use of consumer grade fireworks that displaced eight people. In Lebanon City use of illegal fireworks is what caused the three-alarm that destroyed a recycling facility. Keep in mind the present law allows a person to ignite an aerial firework 150 feet from an occupied dwelling. Does anyone have any idea where the aerial firework will go once ignited? Put simply, fireworks are dangerous, and their expansion should not have been expanded. **There are no safe fireworks.** There is something wrong when an industry sells amateur pyrotechnic products that emit chemical-grade materials that when ignited create enough heat to melt glass and maim a person for life.

If there is not support to repeal Act 43 of 2017 we would respectfully ask for the following considerations to be amended into HB 988:

- local option to set local regulations;

- increase the distance from an occupied structure for using consumer fireworks to a minimum of 500 feet from an occupied structure;
- increase the penalties for a violation from \$100.00 to \$1,000.00 and increase the offense to a misdemeanor;
- reallocation of the tax revenue set aside for volunteer Fire & EMS services to include municipal Fire and Police departments to receive a portion of the revenue as well;
- mandated reporting of fireworks incidents to the State Fire Commissioner for collection in a database that can be referenced and utilized by all first responder disciplines.

I would like to thank Representative's McNeill and Schwyer for their concern with this issue and its impact on the Fire, EMS and Police community as well as my own state Representative Eddie Day Pashinski.

I am grateful to the House Democratic Policy Committee for the opportunity to add my voice and that of the Pennsylvania Career Fire Chief Association membership.

Thank you.

James Jay Delaney, Fire Chief, EMC, EMT/P



The Mayors of Northeast Pennsylvania have joined together to express their distress with the increased use of consumer-grade Roman candles, bottle rockets and other aerial fireworks, which were made legal to purchase in Pennsylvania under Act 43 of 2017.

Last year, residents of our cities and boroughs were besieged daily, from sundown to sunrise, with the constant deafening noise and reverberation of these fireworks. There is no doubt that the same commotion will be repeated this summer. The barrage of fireworks is detrimental to elderly residents, those who have young children and pets, and those who suffer from PTSD and the effect which these fireworks have on their peace of mind.

The additional 12% fireworks tax added to the State's 6% sales tax is not worth the stress and unease caused by the constant noise of the fireworks. Residents fear that these aerial fireworks may land on their homes and cause damage to their properties and harm to their families. There is no way to predict where the aerial fireworks will land. Under Act 43, the fireworks available for purchase in Pennsylvania may not be used within 150 feet of an occupied structure. As cities and boroughs, populated by thousands of residents, it is difficult to find such open space. Unfortunately, Act 43 preempts municipalities from regulating consumer fireworks via a municipal ordinance.

As Mayors, we are asking our elected representatives to adopt legislation to repeal Act 43, thereby restricting the use of consumer-grade fireworks. Additionally, we request that municipalities be allowed to set their own firework regulations so that the ordinances can protect the safety of its residents.

In closing, we remind our legislative representatives that the income earned by the State from the taxation of consumer-grade fireworks is not worth more than the safety of Pennsylvania's residents.

Mayor George C. Brown
City of Wilkes-Barre



Mayor Paige Gebhardt Cognetti
City of Scranton



Mayor Mike Lombardo
City of Pittston



Mayor Jeff Cusat
City of Hazleton



Mayor Kevin Coughlin
City of Nanticoke



Mayor Derek Slaughter
City of Williamsport



Mayor Paul Roberts
Borough of Kingston

