



Office of the State Fire Commissioner

Testimony

Joint meeting of the Senate and House Agriculture
and Rural Affairs Committees

December 15, 2021

Chairpersons Vogel, Schwank, Moul, Pashinski, and members of the House and Senate Agriculture and Rural Affairs Committees, I am Tom Cook, the Acting State Fire Commissioner. Thank you for the opportunity to provide testimony today regarding the commonwealth's fireworks law.

I come to this position with over 36 years of emergency services experience. In that time, I have served as a career Company Officer in the Mt. Lebanon Fire Department and a Staff Instructor for Allegheny County Fire Academy. Additionally, I served as a member of the Monroeville Volunteer Fire Department, and as a Pennsylvania State Fire Instructor. The last role I had in active firefighting was as Assistant Fire Chief of the Pittsburgh Bureau of Fire, overseeing the day-to-day operations of a 700-person metropolitan fire department. My most recent position was as the Administrator of the Pennsylvania State Fire Academy, overseeing the firefighter training system for the commonwealth.

As you all know, Act 43 of 2017 expanded the definition of consumer fireworks in the commonwealth. The language permitted Pennsylvania residents to purchase and to use "Class C" or "consumer-grade" fireworks. Prior to Act 43, Class C fireworks could only be purchased by out of state residents.

Under state law, Pennsylvanians who are at least 18 years old may purchase and use Class C fireworks, otherwise known as consumer-grade fireworks. Certain restrictions apply, including:

- They cannot be ignited or discharged on public or private property without the express permission of the property owner.
- They cannot be discharged from within a motor vehicle or building.
- They cannot be discharged toward a motor vehicle or building.
- They cannot be discharged within 150 feet of an occupied structure, regardless of whether a person is actually present.

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

The fine for misusing fireworks is a summary offense punishable with a \$100.00 fine.

The law came with a 12 percent tax on the sale of consumer fireworks a portion of which (not to exceed \$2 million annually) is to go towards grants for the EMS community as well as to online training programs for volunteer firefighters in the commonwealth.

Since this expansion in 2017, the Office of the State Fire Commissioner has heard from members of its stakeholder community about the increased number of calls fire/EMS organizations are responding to because of fireworks and the desire to amend the law to increase fines/penalties for illegal use as well as to provide more local control of enforcement. This is also in line with a recommendation from the SR 6 Commission, a 39-member commission established by the General Assembly to put forth 92 recommendations to improve fire/EMS service delivery in the commonwealth. The committee believes that there is a need to reexamine the law and see what can be done to diminish the number of fireworks incidents that have been seen across the state over the last four years.

In 2021, the Office of State Fire Commissioner (OSFC) received \$2 million from the tax. Five hundred thousand was sent to the online training fund and \$1.5 million was transferred to the EMS grant program. As of the beginning of December, there is \$1,108,239.70 in the online training fund.

While the additional revenue is being used for the intended purpose, the sale of consumer fireworks has created safety issues for consumers as well as the fire service. Each year, OSFC encourages residents to practice fireworks safety and puts out information to try to keep people safe. Despite this continued outreach firework injuries and damage continue to rise across the commonwealth due to the unsafe and improper use or disposal of fireworks.

While serving with the Pittsburgh Bureau of Fire, I saw the Department of Public Safety take a cooperative approach between the Police and Fire Bureaus to manage holiday use of fireworks.

Several teams of pairs of fire and a law enforcement officials were sent into areas of the city to patrol and enforce the laws regarding use of fireworks. This allowed these officers to focus on the fireworks issues instead of drawing against existing police patrols. By having these teams in the communities, response to fireworks complaints was timely and offenders could be processed by law enforcement or pursuant to the fire code. This approach allowed the City of Pittsburgh to be much more effective in keeping the misuse of fireworks to a minimum.

Luckily, the City of Pittsburgh was able to absorb this additional cost of enforcement, but not every municipality can do so.

The Office of State Fire Commissioner stands ready to serve as a resource to members of the General Assembly on ways that we can work together to improve fireworks safety in the commonwealth.

Thank you to members of the committee for taking the time to review my remarks and your continued support of the Office of the State Fire Commissioner and the fire services across the state. If you have any questions, please direct them to Westburn Majors, Legislative Director for the Office of State Fire Commissioner at wemajors@pa.gov.