



PML.org
414 North Second Street
Harrisburg, PA 17101
717-236-9469
f 717-236-6716

**PA Municipal League
Testimony Regarding the Legalization of Consumer Fireworks
Before a Joint Hearing of the
House and Senate Agriculture and Rural Affairs Committees
December 15, 2021**

Chairs and members, thank you for holding today's hearing on consumer fireworks. The Pennsylvania Municipal League (The League) appreciates opportunity to provide our members' perspective on what has become a serious and unfortunately deadly, quality of life issue in our dense, urban communities.

The League is a non-profit, non-partisan organization representing like-minded urban and suburban townships, boroughs, cities and home rule communities. The League serves 119 members reaching nearly four million Pennsylvanians in our mission to strengthen, empower and advocate for effective local government. Since its formation in 1900, The League has been dedicated to providing the highest level of service to its members.

Very simply, legalizing the purchase and use of consumer fireworks has created havoc across the Commonwealth for the last three years. The broad authorization for anyone over 18 to use these fireworks has resulted in deaths, serious injuries and the destruction of homes, businesses and personal property. Neighborhoods are disrupted on a regular basis; while kids, seniors, veterans and animals are adversely impacted by the abrupt and loud noises created by consumer fireworks. We ask – is the relatively small amount of revenue to the state coffers worth the destruction and fear Act 43 has caused? The League's response to this is a resounding, No.

PML
December 15, 2021

In addition to these severe and arguably preventable outcomes, Act 43 also dropped the responsibility to enforce this unenforceable law squarely in the laps of local government. To add to this unwelcome and unfunded mandate, some legislators are blaming local government for not doing a better job with enforcement!

It is not for lack of effort that enforcement is a problem. The law is very broad, only prohibiting use on public property, by minors or those under the influence, and within 150 feet of an occupied structure. By its very nature, the evidence of igniting consumer fireworks is destroyed upon use as it is set on fire and flies through the air. To issue a citation, law enforcement must see the illegal use occur. The density of neighborhoods, the cover of night and backyard use hinder a clear view of where fireworks are being used and who is igniting them. Incidentally, the 150 feet setback rule makes consumer fireworks use illegal in many communities, but that does not stop their use. At the height of the summer holidays, multiple complaints across a municipality hinder enforcement. In the time it takes to arrive at a call and locate the source of the fireworks, the use is most likely over. Finally, the miniscule fine of not more than \$100 is in no way a deterrent to repeated illegal use.

From the League's perspective, the only true and absolute solution to this havoc is repeal of the law in its entirety. The costs to residents, their property, and public safety personal far outweighs any benefit. We call on the Legislature to repeal Act 43.

Thank you for holding today's hearing. Please contact Amy Sturges, Director of Governmental Affairs, at asturges@pml.org with any questions.