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The Senate and House Rural Affairs Committee

Testimony – December 15, 2021

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

Chairman Vogel, Chairman Moul, Minority Chairman Schwank and Pashinski and members of the Senate and House Agriculture and Rural Affairs Committee. Thank you for inviting me here today to discuss consumer fireworks.

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

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Pennsylvania Fire and Emergency Services Institute began discussions with the Pennsylvania Municipal League to address statewide municipal 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we received from Fire Chiefs and Municipal leaders from across the state was completely aligned for the new law to be repealed or amended.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. Five pieces of legislation have been proposed to repeal or limit the use of consumer fireworks over the past three years.

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 and Emergency Service Organization across the state continue to ask for this law to be repealed or amended.

The Pennsylvania Career Fire Chiefs Association membership reported their communities were like war zones on July 4th. 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. Over the July 4, 2021 there was loss of life in York County of an 8 year old boy due to discarded firework. In Wilkes-Barre of family of 8 was left homeless due to fireworks striking the house and catching it on fire. And in Lower Merion Township although the cause is still under investigation by the Bureau of Alcohol, Tobacco and Firearms, we do know that electrical was ruled out as a cause leaving

the only combustible material in the area of origin, to be fireworks involved in a fire that Fire Fighter DeMuynck was killed. And these are just a few examples.

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 my own State Representative Eddie Day Pashinski for his unwavering support to mitigate the effects of Act 43 of 2017.

We are grateful to the Senate & House Agriculture and Rural Affairs 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