



PSAB COMMENTS ON FIREWORKS LAW IN PA

PA HOUSE & SENATE AGRICULTURE AND RURAL AFFAIRS JOINT COMMITTEE

DECEMBER 15, 2021

Good morning to the Chairs and distinguished members of the House and Senate Agriculture and Rural Affairs joint committee. My name is Ed Troxell, I serve as the Director of Government Affairs for the Pa State Association of Boroughs (PSAB). In 1915 the association was authorized in Act 392 as the advocate “for advancing the interests of the boroughs” of the Commonwealth. PSAB serves the 957 boroughs in a variety of functions by acting as a collaborative for the provision of administrative services and benefits provided by borough governments. This collaborative overwhelmingly benefits the 2.5+ million residents who call boroughs their home by giving their borough’s administration access to group benefits, training and education as well as my role here today and that is to advocate in their best interests.

I’ll begin by saying that we are here in the interest of our boroughs and their concerns for the **health, safety and welfare** of their residents. Since the passage of Act 43 into law in 2017 there has been quite the clamor throughout our communities regarding consumer fireworks and what exactly is the law concerning their use by Pennsylvanians. Moreover, what formidable police powers do our municipalities truly have in Act 43? Sadly, current fireworks law falls short on the practical local level.

In the current law particularly, consumer fireworks use has only 5 brief prohibitions: 1) express permission of property owner; 2) thrown from a motor vehicle or building; 3) thrown at a motor vehicle, building or a person; 4) use while under the influence of alcohol, etc.; 5) within 150 feet of an occupied structure. While that prohibition of *150 feet of an occupied structure* pretty much describes our borough communities, the issue is pervasive throughout the entire Commonwealth.

As one may argue those prohibitions sufficiently cover irresponsible use of consumer fireworks PSAB would beg to differ. Moreover, enforcement and the consequence of those enforcement actions is nominal at best! A summary offense with no more than a \$100 fine – this goes nowhere near the true costs of enforcement and potential court/legal fees resulting from prosecution.

I could go on with the accidents, property damage and complaints regarding the use of these devices, but this isn't the time for that. What PSAB wants to stress to all of us here today is that while there are a plethora of bills addressing the use of consumer fireworks, we local governments need options incorporated into any law seeking to address Act 43 concerns.

A **scalable** comprehensive framework that incorporates municipal options in its development is best. Local governments know and their residents experience the shortcomings of the current law. Why not enable each community to select and use alternatives included in a comprehensive fireworks law? Within this new law would be included the broader provisions, general prohibitions and regulatory guidance that serves established purposes. However, included is the ability for municipalities to “Opt-out” and establish reasonable rules and regulations appropriate for their communities. PSAB has also been asked to seek stricter penalties and fines too. The capability to offer a local ballot referendum is a mechanism to be included as well – boroughs do this all the time with the enactment of prohibition of alcohol.

In closing, consideration of a repeal and reenactment of a comprehensive Fireworks Law is evident in the Commonwealth. Residents and their communities deserve it, the quality-of-life benefits resulting from this effort protect property as well as the health, safety and welfare of all. PSAB is eager to join in the development of comprehensive language to address the unintended consequences resulting from Act 43. Thank you again for this opportunity to offer brief comments and I am available to take any questions from the panel.