



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE AND HOUSE AGRICULTURE AND
RURAL AFFAIRS COMMITTEES**

ON

STATE FIREWORKS LAW

PRESENTED BY

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Chairman Vogel, Chairman Moul and members of the Senate and House Agriculture and Rural Affairs Committees:

Good morning. My name is Joe Gerdes, and I am the director of government relations for the Pennsylvania State Association of Township Supervisors (PSATS). Thank you for the opportunity to appear before you today on behalf of the 1,454 townships in Pennsylvania represented by the Association.

The Association is a non-partisan, non-profit member service organization. Our member townships represent 5.7 million Pennsylvanians — more residents than any other type of Pennsylvania municipal government and townships cover 95 percent of the commonwealth's land mass. Thank you for giving us the opportunity to comment on an issue that is impacting many of our members.

In 2017, the state made it legal for Pennsylvania residents to purchase, process, and detonate consumer fireworks. This change has brought significant challenges to townships and municipalities across Pennsylvania, both suburban and rural. Primarily due to a disregard for public safety and a lack of common sense among some users, these challenges cause local governments to have some real concerns with the law and a difficulty enforcing it with its narrow and seemingly inflexible restrictions as it is currently written.

In some townships, consumer fireworks are used seven days a week, day and night, sometimes well into the early morning hours, prompting a rash of complaints and overwhelming local authorities and their ability to respond and resolve disputes. On holidays, and the days and nights leading up to and following them, the intensity of use increases to a fever pitch. Although these issues seem to be dismissed by some as simply a nuisance there is real safety and infringement of personal rights issues at stake here.

We realize that consumer fireworks are now legal and that is most likely not to change anytime soon. However, we believe there are some areas where the legislature should reset the perimeters of the law and allow local governments some latitude in exercising local control. Cleaning up the disparate and ambiguous language of the law would be helpful to clarify where local governments could regulate further without being in conflict with the state law.

Townships should have the ability to reasonably regulate the frequency and length of consumer fireworks displays, including limitations on the hours they may take place. Several bills introduced this session would set time windows and limitations when consumer fireworks may be used including expanded hours on holidays.

While the existing statute currently requires the use of consumer fireworks to be at least 150 feet from an occupied structure, the state should extend this set back with a cap allowing townships to enact additional reasonable regulations or restrictions based on safety and local conditions. This would include zones that would prohibit the use of fireworks altogether such as near schools, hospitals and veterans facilities and homes.

Also addressing the fine structure to increase it from the current nominal \$100 to a tiered offense system with caps where again local governments can decide what best meets local conditions and acts as a real deterrent to illegal use.

I would also be remiss if I didn't also mention display fireworks. We would suggest that some changes be made to the language authorizing municipalities to issue permits for the use of display fireworks. Specifically, the minimum criteria for a permit should include that the operator has all required federal licenses and is following applicable federal law, not just that they are 21 years of age and "competent" with proper site inspection and allowing the local municipality options of choosing the inspector including their commercial inspector. Also, the bonding amount of not less than \$1,000 seems inadequate considering that the 1939 act required a minimum bond of \$500. While municipalities may exceed this threshold, the floor should be set higher.

In closing, PSATS is a strong proponent of local control as well as partnering with the state and other local governments. We believe however that the state law regarding fireworks needs to be updated so that townships of any class and other local governments have the ability to adopt safe and reasonable fireworks regulations within state set guidelines allowing adjustment for local conditions.

Thank you for this opportunity, and I will now be available to answer any questions.