

Pennsylvania State Police Testimony
Senate and House Agriculture and Rural Affairs Committees
Joint Public Hearing on Fireworks Laws
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Good morning, Chairs Vogel, Schwank, Moul, Pashinski and members of the Senate and House Agriculture and Rural Affairs Committees. I'm Sergeant Jerry Harper, Supervisor of the Fire Marshal Unit within the Bureau of Criminal Investigation. On behalf of the Pennsylvania State Police (PSP), I would like to thank you for engaging in discussions about a proposed revision to Pennsylvania's fireworks laws.

In October 2017, the General Assembly through Act 43 repealed the Fireworks Law of 1939 and replaced it with legislation which would be enforceable under Title 72 in the Tax Reform Code of 1971. Act 43 provides for the ability of Pennsylvanians to purchase and use consumer grade fireworks such as firecrackers, roman candles, or bottle rockets which are sold only from facilities and temporary structures that are licensed and meet all criteria previously contained within section 2407 of the Fireworks Law. Other items, such as "M80s" or "quarter sticks" are still illegal and the purchase or use of display fireworks are still only to be used by professionals with a permit from the municipality where the display will take place.

For purposes of my testimony, however, I'd like to discuss the provisions of the Fireworks Law which would impact our agency the most and that is around enforcement of consumer fireworks use as it pertains to public safety.

PSP does not have information available on the number of fireworks complaints or arrests since Act 43 was enacted to the present. Our Records Management System (RMS) does not currently have a specific Computer-Aided Dispatch (CAD) header in the RMS for fireworks complaints/incidents. Anecdotally speaking, it is likely that our Troopers have charged individuals for violations related to fireworks under the unreasonable noise subsection within Disorderly Conduct in Title 18, but the

Administrative Office of Pennsylvania Courts (AOPC) does not capture information from the remarks field of the Non-Traffic Citation in their databases and as of this date, we do not have the overall numbers of violations charged of the Title 72 section available. It should be noted that many local municipalities have enacted ordinances to restrict commercial fireworks during certain time periods, but PSP does not enforce local ordinances. Police officers in Pennsylvania are largely unaccustomed to charging individuals with violations related to the Tax Reform Act of 1971 or from Title 72 due to a lack of familiarity in enforcing these laws. Most criminal violations charged by police officers, including the PSP, are from violations related to Title 18, Crimes and Offenses.

While the passage of Act 43 has given Pennsylvanians an expanded opportunity to enjoy fireworks, it should be noted that there are some inherent dangers associated with their use.

A 2021 report by the United States Consumer Product Safety Commission documented 18 non-occupational fireworks related deaths during 2020. Additionally, fireworks were involved in approximately 15,600 injuries which were treated in emergency rooms across the country last year. Of those injured, approximately 66% of the incidents occurred between June 21, 2020 and July 21, 2020.

In addition to the dangers associated with consumer use during celebratory and social events, consumer fireworks have recently resulted in injury to first responders when intentionally used as a weapon. The Pennsylvania State Police offers the following firework related incidents witnessed throughout the country between May 2020 and August 2021:

- Washington, DC and Portland, Oregon both experienced three separate incidents where fireworks were used by protesters as a weapon against Police Officers and Secret Service Agents, resulting in more than 60 injuries to the public servants.
- Texas, Tennessee, New York, Massachusetts, Virginia, Ohio, California, New Jersey, Arkansas, Nevada, Georgia, North Carolina, and Pennsylvania have also experienced recent civil disorder incidents where fireworks were encountered at demonstrations, and in most instances were fired or thrown by protesters, causing injuries to law enforcement officers, other first responders and citizens who were present.

In conclusion, the Pennsylvania State Police is supportive of changes to current law that allow for additional enforcement and penalties to protect public safety. While this Act provides citizens of the Commonwealth the opportunity to celebrate with purchasing fireworks from temporary and permanent structures, consideration must also be given to the safety of first responders and the citizens of this Commonwealth when fireworks are deliberately used in unsafe or inappropriate ways or for non-intended purposes at public events.

Again, thank you for the opportunity to permit the Pennsylvania State Police to discuss the proposed changes to our existing fireworks laws. I am happy to answer any questions you may have.