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**Testimony of Hon. Eric Turner
House Agriculture Committee
Hon. Marin Causer, Chair
September 24, 2019**

Chairman Causer, Chairman Pashinski and Members of the House Agriculture Committee:

I am here today representing American Promotional Events, doing business as TNT Fireworks, based in Florence, Alabama. TNT Fireworks services over 45,000 retailers and 5,000 temporary stands and tents throughout the United States. 2020 will be the 100th anniversary of our company being in the fireworks business. Pennsylvania is one of the top 7 markets for our company and is very important to us. You may not be aware that we chose to locate a regional distribution center for our products in Mechanicsburg, PA., that services Pennsylvania and the Northeast. We employ 50 employees in that location and another 250 staff throughout Pennsylvania from related businesses.

Last session, the General Assembly passed an overhaul of the state's fireworks law which was incorporated into the Tax Code, allowing for the sale of consumer grade fireworks to Pennsylvania residents. That law allowed for the sale of a limited range of consumer fireworks in tents, who met standards established by the National Fire Protection Association (NFPA.) Retailers continue to sell non-aerial and non-explosive types of fireworks, including sparklers, fountains and novelties.

Unfortunately, the "bricks and mortar" part of the fireworks industry seized upon that section of the law and argued before the Commonwealth Court, the law constituted an unlawful delegation of legislative authority. The Court sided with the bricks and mortars thereby challenging the intent of the legislature for tents to sell consumer fireworks in 2019.

The court decision ignored the intent of the Pennsylvania General Assembly which was to strike a balance between what types of products can be sold in which venues. The unintended consequence of the Court decision was that the temporary tent industry was placed at a competitive disadvantage that will likely put tent sales out of business, as early as next year. This also has had serious tax consequences for the state and puts the court in the unusual position of picking winners and losers in the private marketplace.

At its height, Pennsylvania had over 350 season temporary structures in those red and white striped tents that you would see around the Fourth of July – every year. Until last year, sales were limited to sparklers, ground-based sparklers and novelties. Our business plan is to partner with non-profit organizations, including church groups, civic organizations, band boosters, soccer clubs and some volunteer fire companies, throughout the Commonwealth, to operate the tents and generate money for their cause; putting millions of dollars back into the communities where they are located. Without the ability to sell that limited range of consumer grade fireworks, our tents cannot compete with brick and mortar stores. Those organizations are now without what is usually their most successful fundraiser for the year.

The court decision has inadvertently crippled fundraising through tent sales and cost the state tax revenue. We acknowledge there was a slight increase in tax revenue for the 2019 selling season, but that was in line with national trends; not likely related to the flow of sales from tents to brick and mortar stores. We absolutely must re-establish the balance between tents and bricks and mortars before planning and product purchasing begins for 2020.

It is important to correct the situation and to restore the law to the legislature's original intent. Sen. Yaw has introduced SB 696 to do just that and we strongly support it.

We support the measures in Rep. Farry's HB 1687 that address safety and use. However, we cannot support the complete elimination of tent sales. The loss of those tent sales would be a huge blow to the Pennsylvania-based, not-for-profit organizations that rely on that fundraising opportunity and would inconvenience consumers unnecessarily. Tent sales also generate revenue for the local economy through short-term lease agreements on the parking lots of local retailers for the tent space. That, too, would be lost if tent sales are eliminated.

Let me be clear about another matter - safety.

Since the fireworks changes, there have been several articles about consumers misusing fireworks, including late hours. It has been reported that accidents throughout the state have gone up and that municipalities are pushing for the authority to regulate the use of fireworks within their jurisdictions. Of note is that complaints are up despite consumer grade fireworks not being sold in tents in 2019—complaints seem to center around use, safety, and enforcement of the law and local municipal rules. TNT could not have stayed in business for 100 years if we did not insist on and encourage safety. We have rigorous standards for the handling of all our products at retail sites. In the many states we operate throughout the country, we support safety and education with Public Service Announcements, safety pamphlets, safety and education coloring books for kids, etc.

We work closely with local governments and fire services to make sure that fireworks users are fully capable of handling the new consumer fireworks. Tent sales of fireworks have operated with very few incidents and have been a tradition in Pennsylvania for many years. We fully support efforts for municipalities to determine when and where fireworks can be used and allowing local and state police to enforce those rules. We would caution against allowing municipalities to go any further by allowing them to regulate the sale of fireworks or imposing regulations on locations for fireworks tents or stores.

Thank you for your time. I would be pleased to answer any questions that you have.

A handwritten signature in black ink, appearing to read "P. Eric Turner". The signature is fluid and cursive, with a large initial "P" and "E".

P. Eric Turner
Director of Governmental Affairs
TNT Fireworks
Florence, Alabama