



**House Agriculture and Rural Affairs Committee
Public hearing to discuss House Bill 1687
Tuesday, September 24, 2019, 9:00 am**

**Testimony of
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Good morning Chairman Causer, Chairman Pashinski, and distinguished members of the House Agriculture and Rural Affairs committee. Thank you for the invitation to discuss House Bill 1687.

The Pennsylvania Department of Agriculture (Department) is committed to consumer protection and upholding the standards set forth in the fireworks law. The Department's regulatory role is solely as the licensing agency for consumer grade fireworks facilities.

Consumer grade fireworks are typically fireworks that fly in the air (self-propelled, such as bottle rockets and mortars), explode (such as firecrackers), or both. The primary difference between consumer grade fireworks and other grades of fireworks is the maximum amount of pyrotechnic composition allowed to be contained in each as defined by Consumer Product Safety Commission¹.

For reference, there are two other grades of fireworks that are **not** regulated by PDA. The first is novelty fireworks, which can be found at most retail locations typically in prepackaged variety packs and are limited to sparklers, ground fountains, smoke "bombs" and similar devices. The second is display grade fireworks, which are those that contain an amount of pyrotechnic composition above those allowed for consumer fireworks and are primarily intended for commercial display, such as at 4th of July shows. The purchase, handling, and storage of display fireworks are restricted by licensure through the Pennsylvania Office of Attorney General and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

The Pennsylvania Department of Agriculture became responsible for the licensing of permanent consumer grade fireworks facilities as a result of Act 204 of 2004, signed into law November 30, 2004. This law amended Pennsylvania's existing "Fireworks and Explosives" law², and PDA began licensing permanent consumer fireworks facilities in January 2005. PDA began licensing with 25 permanent consumer grade fireworks facilities being licensed in 2005. In 2017, the Pennsylvania Tax Code created a new fireworks law, which required previously licensed facilities under the old act to reapply and be licensed under the new law, as well as changing certain standards for all facilities. A total of 82 permanent facilities were affected when the law changed in October of 2017, and there are 96 permanent licensed facilities today.

¹ Consumer Product Safety Commission, Title 16, Part 1500.17(a)(3) and Part 1500.17(a)(8), Code of Federal Regulations

² 35 P.S. Chapter 13A, "Fireworks and Explosives", Title 35 of Purdon's Statutes



PDA offers eight proposed amendments, most of which are technical in nature. These proposed changes would not affect the intent of the law but would greatly enhance our ability to perform licensing of facilities and remedy several challenges that occurred with the most recent change to the fireworks law in 2017.

A very significant change impacting several existing and new businesses is the increase in the allowable distance between existing permanent facilities from 250 feet to 1,500 feet. The distance change does not improve safety. For example, both the current law and HB1687 would allow a licensed facility to be located 250 feet from a gas station. The 2017 law increased the distance to 1,500 feet, even though there are existing facilities that, for all intents and purposes, have been continually licensed that violate the 1,500 feet requirement. Permanent facilities that were in compliance with the 2004 version of the law are no longer in compliance and unable to take corrective action because of the very nature of a permanent facility. Returning the requirement to 250 feet corrects the issue facing several Pennsylvania businesses without adversely impact public safety.

The addition of NFPA 1124 into the current law may have two unforeseen consequences. First, it may conflict with the current code enforcement requirements already spelled out in the law, as the 2006 version is not the current version of the NFPA 1124. Lastly, adding the additional requirements of NFPA 1124 (in any version) may affect some or all the existing licensees because NFPA 1124 has building code requirements with respect to which PDA may not be qualified to enforce or oversight. The Department of Labor and Industry has this building code compliance and enforcement expertise.

Thank you for your attention and I would be happy to answer any questions.