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Associations Incorporated

June 7th, 2017

Chairman Blessing and Members of the Government Accountability and Oversight Committee—

On behalf of the organizations above, we are writing to express our deep concerns with House Bill 226 and to encourage you to oppose this legislation. HB 226 represents the latest attempt in Ohio to legalize fireworks and we continue to oppose these efforts as they put Ohioans at risk.

Ohio's fireworks law has been dubbed the 'liars law' and is cited as one of the least enforced laws in the state. We believe that these characterizations severely undermine the statute and take pride in the fact that Ohio is one of the few remaining states that feels strongly enough about safety to restrict the discharge of fireworks. It is important to note that Ohioans no longer sign a form at the point of sale attesting that they will take the fireworks out of state. Ohio's fireworks law is comparable to a highway speed limit. It is clearly posted and we expect everyone to follow it. Enforcement varies across the state. If you disregard it, you not only put yourself and your family at risk, but you put others at risk as well.

The bill would allow consumers to discharge 1.4g fireworks beginning 2020; these consumer grade fireworks include bottle rockets, novelty missiles, roman candles, and other explosive projectile devices. There are no restrictions on the type of devices that can be discharged or the times of year that fireworks could be purchased or discharged. Many other states that have legalized consumer fireworks have included additional safeguards. Ohio is one of only a handful of states that still prohibit discharge and HB 226 would make us one of the most expansive states as it relates to fireworks regulations.

The current prohibition on discharge is one the last safeguards we have in place to protect Ohioans from injury and damage that can result from fireworks usage. We appreciate that retailers would be required to provide a pamphlet and safety glasses at the point of sale; however given that half of fireworks injuries

are to innocent bystanders, it is unlikely that a pamphlet and safety glasses will provide adequate protection. Fireworks are inherently dangerous and a statewide prohibition on discharge offers the strongest safety protection we can offer.

This legislation also establishes a study group comprised of legislators, fireworks industry officials, police and fire representatives, and members from Prevent Blindness Ohio and the Ohio Optometric Association. While we appreciate the attempt to create a balanced committee, we are very concerned that the proposed structure omits important voices from children's hospitals, local governments, and other organizations with an interest in fireworks legalization.

We also believe the establishment of a study committee and the inclusion of language legalizing discharge of 1.4g fireworks creates a conflict within HB 226. This bill is not a study committee bill and is heavily tilted in favor of the fireworks industry. Pro-legalization advocates and fireworks manufacturers have no incentive to support additional safeguards or restrictions on discharge when the default statute that will take effect in 2020 is decidedly more pro-industry.

Further, even if the study committee produces a report, that statute must still make it through the General Assembly. There is no requirement that the legislature act on the committee's report, and any delays in that process will result in full legalization of consumer fireworks with no protections or safeguards. If the true intent of this bill is to facilitate dialogue between interested parties regarding consumer discharge, the lifting of the cap on retail permits, and other regulatory concerns, then language legalizing fireworks must be removed from the bill entirely.

As advocates for child safety, fire prevention, and public health, we strongly believe the current law is the most pro-safety position we can adopt regarding fireworks. Historically, the Ohio General Assembly has agreed and attempts at legalization have failed due to lack of legislative support or through a veto. In closing, we would like to share some facts with you for consideration—

- Last year an estimated 11,900 people nationwide were treated in an emergency room for a fireworks-related injury. Of those injuries, nearly 50% were to individuals who are bystanders and not actively engaged in the discharge of fireworks;
- Nearly 30% of injuries are to children younger than age 15; multiple studies have shown that, even with parental supervision, children are at significant risk when fireworks are being discharged;
- Of the 44 states that allow consumers to discharge 1.4g fireworks, 23 allow for discharge ONLY around the Fourth of July and/or New Year's. Many also restrict aerial and rocket-propelled fireworks from being used and only allow for ground-based, 1.4g fireworks to be discharged. Other states require permits for consumer purchase and discharge and place caps on the amount of fireworks that may be purchased or stored;
- Unfortunately, injury data used by both the fireworks industry and public health advocates only look at ER admissions. This data does not capture injuries treated in other settings (i.e. trauma centers, urgent care facilities, primary care offices) or injuries where a child or adult does not seek immediate treatment;

Fireworks are inherently dangerous and we strongly encourage the committee to reject this latest attempt at legalization. We have no objection to establishing a study committee to discuss this matter further, but

cannot place faith in that process so long as the default position of the bill is full legalization of consumer fireworks. We understand that there are issues outside of the consumer piece that are relevant to the fireworks industry; perhaps another option would be to remove the legalization of 1.4g fireworks and instead focus this bill on regulatory policies of the State Fire Marshall.

Thank you for your time and attention to this important matter. We hope the committee will again vote to protect Ohio children and families and reject this harmful legislation.

Sincerely,

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