



American Academy of Pediatrics  
DEDICATED TO THE HEALTH OF ALL CHILDREN™



OHIO ACADEMY OF  
FAMILY PHYSICIANS



Ohio Children's Hospital Association  
Saving, protecting and enhancing children's lives

**May 9<sup>th</sup>, 2018**

Chairman Coley and Members of the Senate Government Oversight and Reform Committee—

On behalf of the organizations above, we are writing to express our 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. Historically, the Ohio General Assembly has agreed and attempts at legalization have failed due to lack of legislative support or through a gubernatorial veto.

Fireworks are inherently dangerous and the rate of injury from consumer fireworks has been on the rise in recent years as more states move to legalize them. The US Consumer Products Safety Commission produces an annual fireworks injury report; here are some facts from the 2016 report—

- Last year an estimated 11,100 people nationwide were treated in an emergency room for a fireworks-related injury—there were 4 fatalities;
- Of those injuries, nearly 50% were to individuals who are bystanders and not actively engaged in the discharge of fireworks;
- Fireworks Injuries have increased from 8,600 to 11,100 between 2010 and 2016, which is a 30% increase;
- Children younger than 15 years of age accounted for 31 percent of fireworks injuries;
- 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 discharge and place caps on the amount of fireworks that may be purchased or stored;

We are seeing a trend of more and more states relaxing regulations on fireworks which is followed by unintended but preventable consequences. Since 2008, five states have legalized the discharge of consumer grade fireworks. During that same period of time, serious injuries increased by 60% from 2.3 injuries per 100,000 population in 2008 to 3.4 injuries per 100,000 population in 2015. Further, a 2016 research project presented at the Pediatric Academic Societies Meeting last year found that, as states relaxed laws related to fireworks sales during the past decade, emergency doctors saw an increase in both the number of fireworks related injuries among children and the severity of those injuries.

The impact of fireworks can impact entire communities, like in Eagle Creek, Oregon where fire officials say a wildfire was started after a teen discharged fireworks. The fire in Eagle Creek, which took place during the week of September 6th, led to the devastation of more than 30,000 acres but is not the only instance fireworks have been the cause of large scale forest fires. During that same week, a forest fire caused by a firework was reported to burn almost 4,000 acres in California. The fire in California also led to about 450 people being evacuated from their homes.

Ohio's current 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.

This legislation 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. We appreciate that the membership of the study committee was expanded through an amendment to include additional organizations and perspectives. However, we remain concerned that the inclusion of legalization language will create a disincentive for the study committee members to work towards a reasonable alternative. Even if a compromise is reached, there is no requirement that the General Assembly consider further statutory changes.

Without future legislative action, the bill would allow consumers to discharge 1.4g fireworks beginning in 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. Fireworks are inherently dangerous and a statewide prohibition on discharge offers the strongest safety protection we can offer.

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.

In closing, we would like to share some polling data from Iowa, a recent state to legalize fireworks. Prior to the Fourth of July, 65% of Iowans polled supported legalization of fireworks. Following Independence Day, support fell to 46%. Many cities in Iowa are adopting ordinances to curb fireworks discharge amid public outcry over injuries and property damage. We ask that you vote against HB 226 and oppose any efforts to legalize fireworks in Ohio. Thank you for your time and attention to this important matter.

Sincerely,

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Prevent Blindness Ohio

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