

TESTIMONY OF ERIC RATHBURN
HB 253—Fireworks Legalization and Regulation
February 5, 2020

Chair Manning, Vice Chair Dean, Ranking Member Lepore-Hagan, and members of the House Commerce and Labor Committee, I want to thank you for the opportunity to provide opponent testimony on House Bill 253.

My name is Eric Rathburn and my testimony is about a personal experience.

Like many kids growing up in small towns like Mansfield, Ohio, fireworks were fairly easy to obtain, even though they were illegal to shoot off. We had m-180 firecrackers, regular fire crackers... bricks of them, black cat fire crackers, roman candles, bottle rockets to name a few... as well as your basic smoke bombs and sparklers.

And we mostly messed around with these fireworks without our parents' knowledge. We would blow up green army men, shoot bottle rockets out of actual coke bottles, and blow up other things of larger size with m-180 firecrackers. And yes, we would shoot bottle rockets and roman candles at each other. I guess it was a rite of passage for young boys in my neighborhood.

And there were some injuries. But we were lucky. No one lost a finger. No one's hair caught on fire. No one lost an eye. Nothing seriously happened except for some minor burns.

We thought we were cool to have and shoot off fireworks. It was fun. And like I noted, we mostly did this without adult supervision.

However, my viewpoint and/or attitude toward all fireworks greatly changed as an adult roughly twenty-five to thirty years later.

When I look back and remember what we did as kids I realize now how lucky we were. I also realize how stupid we were in playing with fireworks.

On June 27th, 2009 I was invited to a couple of pre-July 4th parties. One was an all-day party at a friend's house in Hilliard and the other was our annual block party in my neighborhood where I lived. I wanted to try and go to both, hitting the Hilliard party first and then hoping to get home to go to the party down the street from my house. This was also the same weekend as ComFest over in Goodale Park.

The party in Hilliard had lots of food, smoked meat. I had a few beers so I decided to stay later past dark. Plus there were some friends there that I don't get to see very often so it was fun catching up. Deciding to stay changed my life forever.

The owner (the friend I knew) and some of his buddies I did not know, set up to shoot fireworks in the grass in the middle of the houses. A row of houses in the front and back on different streets sharing a continuous grassy back yard. So they set up in the center.

There were probably about 100 to 110 individuals (including about 25 kids under the age of 10) at the party that stood, sat down in lawn chairs or sat in the grass to watch them shoot off the fireworks. I was standing way in the back, a full house/yard away from where they were shooting off the fireworks. I was standing next talking to friends of mine, whose wife was not comfortable with the fireworks and was having a little anxiety.

Eventually, they excused themselves and got up out of their chairs to go to the front of the house away from the fireworks so she could calm down. I ended up sitting down in one of their chairs.

And these were not bottle rockets, fountains or other basic fireworks. These were mortar type fireworks that shoot flaming balls into the air that explode. The kind you can buy at the fireworks retail stores. Which I learned later cost more than \$100 per mortar.

No sooner than me sitting down, I saw a miss fire go between a house, another shoot the opposite way of the crowd. And before anyone could react, another misfire came flying through the crowd.

This is the misfire that changed my life. It shot through the crowd and hit me in the glasses. The force was enough to send me backwards in the lawn chair, landing me in the grass on my back and tangled a little in the lawn chair. My glasses had flown off of me as I hit the ground. It felt like someone had sucker punched me in the eye as I was falling. After that I did not see anything.

Friends came to my aide. Not sure if I said anything or not, but a friend's wife immediately saw that I was injured. I guess I was bleeding and leaking fluid from the eye. Someone got a clean towel from the house had had me hold it over my eye.

I probably should have insisted at the time for them to call the emergency squad. But since I could not open either eye and I was injured, I did not really have much say. It was decided that someone would drive me to OSU hospital emergency room by someone who had just arrived at the party and had not done any drinking. So I was poured into the back seat of this car with my friend's wife (Karen) and taken to OSU emergency room.

At the time, they decided not to call 911 (I found this out later) since they were shooting off fireworks illegally. Like I noted earlier, it was also ComFest weekend, so the route this person took was even longer because of all of the ComFest traffic.

I was dropped off in front of the OSU emergency room and helped in by Karen. The nurse that admitted me got me into see someone pretty quickly.

As they were examining me, I could not open either eye. Both were closed shut tight. The doctor that examined me had to force my eyelids open to look at both of my eyes. My left eye was fine. However, my right eye was damaged. How severely, they could not tell. When the doctor forced open my eye, I could see some light so I guess that was good sign.

I was next sent for a MRI scan to get a better look at the damage and to see if there were any foreign objects in my eye, such as glass from my glasses or shrapnel from the firework. While getting the MRI, I guess another friend had stopped by the hospital to see how I was doing to make sure I was ok and had found/brought my glasses with him. On a positive note, I had shatterproof glasses, but the force of the mortar was so strong that hit my glasses with such force that my lens broke in half, which ended up cutting my right eye.

I was admitted after the MRI, no foreign objects were seen/found, and surgery was scheduled for the next morning.

Surgery was performed the next morning on June 28th at 8 a.m., by Dr. Steven Katz, who I found out afterwards was considered one of the top neuro-ophthalmology specialists in Ohio/country. The surgery took about three hours. Afterwards it was a wait and see. That I had seen some light in the emergency room was a good sign.

I went home the next day and my father came to stay with me. I mostly went around the house by feel, having a large patch over my right eye, I was right eye dominant, and not unable to open my left. After a few days, I was able to start opening my left eye while keeping my right eye closed. But that was difficult and it hurt to keep it open for long.

As I recovered I was off work for about 3 months. Listening to books on tape, listening to the television. Not being able to do much. I had extreme light sensitivity in the left eye, even though that one was not injured. Dr. said that was normal, as your eyes tend to track together when one is injured. I eventually was able without much difficulty to keep my left eye open with my right eye closed.

As an FYI, I was only able to wink with my left eye and could never do it with my right. Now I'm able to wink with both eyes though I don't really look good doing either.

In going back to see the doctor, after the bandages were taken off, I eventually was able to open my right eye. And the doctor was surprised I was able to see light. As the eye healed, it got a little better. I was able to read the biggest "E" on the eye chart. But that would be the best I could do. The right eye had been permanently damaged, with a scar down the middle from where it was cut and sown back together. My right pupil is fully dilated now at all times because of the damage and my iris has dropped to the bottom of the eye.

I probably went back to work too early, the first day driving I had on prescription glasses with clip on sunglasses and with a second pair of regular sunglasses over them so I

could block out enough light to drive. And the first few months back in the office, I would have only a small lamp on with the overhead florescent lights turned off and my computer screen brightness dimmed to almost dark so I could read/type.

However, it took me a few follow-up visits with my doctor before we discussed how lucky I truly was that day. Wearing glasses that were shatterproof saved my life or at best, kept my face from being significantly disfigured and/or burned. The firework fireball, while breaking the lens in half, bounced off my glasses and landed a few feet away from me. I learned that it still went off, causing some minor burns from the shrapnel to another friend's leg that was close by.

My doctor noted that without glasses on, the firework fireball would have struck me in the eye and probably attached to me from the heat and blown up in my face. I not only could have been severely injured but also could have died from the impact/explosion. Yes, I was very lucky. I was an innocent bystander at a friend's cookout, minding my own business, having fun, who was injured by a firework illegally shot off from a friend's back yard.

Today, my right eye is healed and it has been fixed as much as it can be. I can see out of the eye, but it is like looking out a very soapy window on a very bright day. There is also a cataract that is slowly growing, but getting rid of the cataract will not fix my eyesight. Nor can my damaged eye be corrected with eyeglasses. Both eyes are also still very light sensitive and I can be seen wearing sunglasses even on cloudy days driving or inside a restaurant if I'm close to the windows on a sunny afternoon.

I spent a year wearing protective glasses over my prescription glasses while doing yard work. And I had to take a year off from golf league. Though I was not great with golf in the first place, the injury continues to affect my game, especially since I was right eye dominant and keeping my head down and an eye on the ball with my left eye makes it a little more difficult. And there rarely is a day today when I'm outside when it is light out without sunglasses.

But my left eye has taken over and become the dominant eye now. And I still need to be careful, since I only have one fully operational eye. I also still have dreams once in a while of a fiery ball coming at me. But I no longer watch any fireworks. Friends might be just lighting off sparklers... however, I will either go inside or leave. I guess you could say that I'm afraid of fireworks today.

It is important to keep Ohio's fireworks laws as they are. There is no need to give Ohioans the legal opportunity to shoot them off when there are so many injury stories already like myself from the illegal shooting off of fireworks in Ohio. **Making it legal/easier for individuals to shoot off fireworks in Ohio will only make more unlucky bystanders like myself injured.** In conclusion, I oppose the passage of House Bill 253.

Thank you for allowing me to submit testimony on this very important issue.

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