



PREMIER • PROFESSIONAL • PROACTIVE

**Ohio House Commerce and Labor
Testimony on Substitute S.B. 113**

**Fire Chief Jonathan Westendorf
Immediate Past President of the Ohio Fire Chiefs' Association
June 23, 2021**

Chairman Stein, Vice Chairman Johnson, Ranking Member Lepore-Hagan and members of the House Commerce and Labor Committee, thank you for the opportunity today to testify on behalf of the over 1,700 members of the Ohio Fire Chiefs' Association. My name is Jonathan Westendorf, and I am the Chief of Fire and EMS for the city of Franklin, Ohio, as well as the Immediate Past President of the Ohio Fire Chiefs' Association.

Ohio law currently permits residents over the age of 18 to purchase fireworks from a licensed dealer while simultaneously prohibiting the ignition of those fireworks within the state, unless they are a licensed exhibitor. During my two decades of service as fire chief, I have witnessed our dispatchers, fire crews, and law enforcement officers answer and process countless fireworks complaints lodged by residents who have an expectation that some type of enforcement action will follow. There are many more home fireworks demonstrations that take place throughout our community as evidenced by cracks and pops followed by the illumination in the sky above treetops and roofs in neighborhoods throughout our community. The complaints and witnessed unauthorized home fireworks demonstrations often take place during the week leading up to, and several days after the 4th of July every year. In speaking with my colleagues throughout the state, our experience is no different than any other community.

Many are surprised that the OFCA has long been a proponent of legalizing the sale and use of 1.4G fireworks in Ohio. A brief explanation as to the logic behind our position often leads one to recognize that a commonsense approach is necessary to address the unavoidable and unchangeable behavior of citizens desire to purchase and detonate fireworks while recognizing that the current law is unenforceable. We need to state the obvious, there are risks associated with the use of 1.4G fireworks. The Consumer Product Safety Commission reported in its 2019 Fireworks Annual Report that an estimated 10,000 injuries were treated in U.S. hospital emergency departments during the calendar year, where a statistically significant trend does not exist between 2004 to 2019 ranging from a low of 8,600 to a high of 12,900 estimated injuries annually (Marier et al., 2020).

The fire service recognizes that we have a responsibility to actively work to limit injury and loss of life in

every aspect of our job. Acknowledging that our citizens are legally purchasing 1.4G fireworks regardless of the legality of detonating the devices within the state does not reduce the risk associated with such behaviors. However, the legalization of consumer grade fireworks does provide a realistic pathway to offer preventative and harm reduction education that may result in increased awareness of the risks associated with injury resulting from improper use of these products. An educational approach may reduce the existing injury rates in time. One may rightfully ask why public officials do not currently offer safety instruction. The simple reason is public officials do not want to knowingly endorse or encourage illegal behaviors.

Other notable aspects of this bill include the ability for local officials to determine what is best for their community. Municipalities, Townships, and a County of unincorporated territory may restrict the use of fireworks to certain times or outright ban the use of the devices within their jurisdiction. Additionally, this bill provides enforceable provisions related to the safe and reasonable use of 1.4G fireworks while properly used on private property. Further, a 4% fee charged to wholesale and retail suppliers' gross sales, where seven-eighths of the fees must be allocated toward firefighter training while empowering the State Fire Marshal to adopt necessary rules enables a proactive approach to inevitable behaviors. Perhaps most importantly, the bill extends the general moratorium of the issuance of new fireworks manufacturer license or fireworks wholesaler license enabling the Department of Commerce to write necessary rules.

Emergency professionals are accustomed to dealing with reality. The truth is our citizens will continue to purchase and use 1.4G fireworks despite our current, and outdated law. Ohio is one of only two states that completely bans the use of 1.4G fireworks in the nation. Our antiquated approach to this national pastime must be updated so local officials can responsively address their citizens desires while realistically addressing the hazards associated with improper and unsafe use of these consumer products.

I appreciate the opportunity to testify, and I would be happy to answer any questions.

References

Marier, A., Tu, Y., & Lee, S. (2020). Fireworks-Related Deaths, Emergency Department-Treated Injuries, and Enforcement Activities During 2019. *Journal of the Consumer Product Safety Commission, June*.