



National Fire Protection Association

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Testimony of: John D. Caufield, representing the National Fire Protection Association

Good morning Chairman Vogel and members of this committee, thank you for allowing me the opportunity to testify before you.

My name is John Caufield, I am the Director of the Mid-Atlantic region for the National Fire Protection Association. I am the retired Fire Chief of the Rochester New York Fire Department where I served for almost 27 years; I've been involved with the fire service for about 40 years.

Founded in 1896, NFPA is a global, nonprofit organization devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. The association delivers information and knowledge through more than 300 consensus codes and standards, research, training, education, outreach and advocacy

Today, this body meets to consider the merits of SB 1055, and I am here to speak in opposition to this bill for a number of reasons.

Public Safety impacts

As most, if not all of us would agree, it is government's foremost responsibility to protect the safety and the well-being of its citizens. Sometimes that requires laws, which protect citizens from others. Sometimes, it requires laws to protect people from themselves. In this case, government has the responsibility to do its utmost to protect its, firefighters, police officers, and innocent bystanders of all ages, who could become victims of someone else's carelessness

Are you aware that Pennsylvania is among the national leaders in fire deaths – annually? The Office of the Pennsylvania State Fire Commissioner estimates that 535 people have died as a result of fires in Pennsylvania over a 4 year period (2012-2015). How then, can any lawmaker reasonably justify increasing risk of fire death, injury, or property loss? This bill would further reduce the safety requirements for products which are known to cause fires, deaths, and injuries.

Risks / Hidden Costs

While preparing my testimony, I attempted to determine "how much risk" exists, under current regulations – as in, how many fires, property loss, deaths and injuries can be attributed to fireworks in the State? Unfortunately, no state agency or authority collects fireworks-related information at the State level, so I looked at national statistics.

During the 5 year period (2010-2015) the *Consumer Safety Product Commission* reports:

- 32 deaths, including at least 4 who were bystanders.
- Nearly 50,000 fireworks-related injuries; on average almost 10,000/yr.
 - Approximately 2/3 of the annual injuries occur during a 30 day period surrounding Independence Day.
- 89% of fireworks-related injuries are due to products which are legal under federal regulations – just because it's allowed, doesn't make it safe to use.

Senate Bill 1055 is projected to provide a significant increase in revenue, in terms of increased sales tax, excise taxes, and permit fees. While vague in its description, § 326.c appears to earmark some unspecified portion of these funds to 1st responder "training programs". While all 1st responder agencies can benefit from increased training, what are the hidden costs that will be incurred by passage of this bill? How many additional fires, emergency medical calls, emergency room visits, and burn center admissions will result from this bill?

Fireworks related fire data from Pennsylvania is not tracked, so I consulted a 2013 NFPA Research Study (Fireworks, Dr. John R Hall, Jr.). The study reported, in 2011, an estimated 17,800 fires were started by fireworks, resulting in 40 civilian injuries, and \$32 million in direct property damage. The report further reported that the risk of fire death – relative to hours of usage – is higher for fireworks than for cigarettes!

Injury rates attributed to fireworks are estimated to be about 10,000/year, but for every injury reported, there are thought to be 10 times more injuries that go unreported.

In a 2011 press announcement from the *University of Pittsburgh Medical Center Mercy Burn Center*, they state,

Each year, an average of five people are admitted to the UPMC Mercy Burn Center with serious injuries resulting in the loss of vision or limbs, specifically fingers and hands, related to fireworks usage

While costs for (strictly) burn center treatment vary widely, by severity of injury, and length of admission. I interpolated the average number of UPMC Mercy Burn Center admissions with similar data from the University of Rochester's Kessler Burn Center (average of 6.5 annual burn center admissions) with an average stay of 6.6 days, and a cost of nearly \$20,000 per patient. From these crude comparison data, the average cost for fireworks-related burn center treatment is likely to be at least \$100,000 at UPMC Mercy Burn Center alone, without even considering the cost of fireworks-related injuries treated at hospital emergency departments, and urgent care facilities throughout the state.

In deliberating the relative merits of SB 1055 I assume that one of the primary points of debate is whether this bill positively impacts the lives of the citizens, or whether this bill unnecessarily harms, or increases risk of harm, to citizens. In order to determine if this bill is beneficial or not, one would reasonably want to know the current level of risk, and compare to risk under this proposed bill. As I cannot locate any Pennsylvania specific data, I can only conclude that there is no agency in Pennsylvania government which is charged with tracking and reporting on these and similar types of injuries – I ask that you please consider this issue in your deliberations.

Problems with the Bill

While I am clearly not advocating for passage of this bill, I would be remiss not to point out some significant omissions, flaws and discrepancies in the language of Senate Bill 1055, in its current form.

- Throughout the bill, the definition of *consumer fireworks* is confused and unclear, further, it does not correspond to any established definitions in any standard (NFPA 1123, NFPA 1124, nor APA standard 87-1).
 - On a related note, definitions of consumer fireworks are mixed with those for display fireworks, despite very different requirements. The mixing/mingling of language and definitions of these will certainly lead to misinterpretation and may (inappropriately) permit the general public to access *display fireworks*.
- There are no limits on the amount of fireworks that can be warehoused in a store. Further, there are no set standards which establish a maximum amount of stored fireworks, nor a minimum level or type of fire protection system necessary to maintain safety.
- There is no minimum age requirement for a person to *sell* fireworks (there is an age specification for using them).
- NFPA standard 1123, the established standard for public fireworks displays – in virtually every jurisdiction within the United States – is not referenced or referred to.
- § 301.3 Storage areas shall be separated....by appropriately rated fire separation (essentially, a fire wall).
 - There is no standard addressing a fire separation (fire wall) because a “safe amount” of fireworks has not been established, nor what types of protection will safeguard citizens or responders during a fire.
- § 302 (old §4.4) addresses licensure and renewal of license. “Renewal of a license is automatic upon payment of the license fee”
 - This amounts to an automatic renewal, unless the licensee has been cited multiple times.
- § 302.a (1-3), eliminates the maximum allowable building size. (Previously, was limited to <12,000 square feet).
 - Because of ambiguity in §102 (Definitions – *Consumer fireworks retail sales facility*), a “warehouse style” or “Big Box” store could store and sell fireworks.
 - This is particularly problematic because there are no established safety standards addressing storage and safety of fireworks. There are no established: maximum quantities, fire separations (walls), fire protection systems (like sprinklers).

In summary, I ask that Senate Bill 1055 be rejected by this Committee. This bill unduly impacts citizen and first responder safety, will result in significant hidden costs to Pennsylvania’s first responder and medical communities, and has serious gaps and errors in its language.

Thank you for the opportunity to testify on this important public safety item, and I welcome any questions.

