

Fireworks can really make a kid's face light up.



LEGISLATION TO LEGALIZE THE DISCHARGE OF FIREWORKS IN OHIO --A PUBLIC HEALTH AND SAFETY POLICY ISSUE POSITION PAPER

Background:

Senate Bill 113 introduced on March 2, 2021 sponsored by Ohio Senators Michael Rulli (R-Salem) and Terry Johnson (R-McDermott) passed both Chambers and was vetoed by Governor Mike DeWine on July 9, 2021.

Companion legislation House Bill 172 introduced by Representatives Brian Baldrige (R-Winchester) and Michael O'Brien (D-Warren) on March 3, 2021 passed the Ohio House of Representatives on May 6, 2021 and the Ohio Senate on October 27, 2021. Governor Mike DeWine signed the bill on November 8, 2021. This legislation will take effect on 7-1-22 and:

- * allow Ohioans to buy, possess and discharge 1.4G fireworks on their own property or others' property with permission;
- * require sellers to give safety pamphlets to buyers;
- * impose a 4 percent fee on top of sales taxes to fund firefighter training and fireworks regulation;
- * set up a 16-member Ohio fire code rule recommendation committee to make fireworks regulations recommendations to the State Fire Marshal;
- * allow for relocation of current fireworks businesses before the long-standing moratorium on licenses to manufacture and sell fireworks expires;
- * allow counties, cities and some townships to either ban fireworks or restrict the times and dates that consumers can discharge fireworks.
- *allow fountain devices (a type of 1.4G firework which contains up to 500 grams of "pyrotechnic mixture") to be sold in retail locations submitting a \$25 license fee that are approved by the state fire marshal.
- *legalize discharge 24 hours/day (unless local governments take action to ban or restrict the dates/times further) around the times of 14 holidays each year: New Year's Day; Chinese New Year; Cinco de Mayo; Memorial Day weekend; Juneteenth; July 3, 4, and 5; and the Fridays, Saturdays, and Sundays preceding the following; Labor Day weekend; Diwali; and New Year's Eve.
- *extends new license moratorium to December 31, 2022.

Current Ohio law provides for the sale and use of trick and novelty fireworks (anything that goes snap, crackle or pop – including sparklers) that are widely available in grocery and department stores.

Current law in Ohio also allows for the sale of 1.4 G consumer fireworks (available at special fireworks stores from licensed manufacturers or wholesalers throughout the state), but requires purchasers to transport them out of state within 48 hours. These types of fireworks may not be legally discharged in Ohio. In 2016, the requirement for purchasers of 1.4G fireworks to sign a form attesting that they will take them out of state within 48 hours was removed.

An amendment to the **HB 74** – the State's Transportation Budget passed in April 2021 which allows for fireworks manufacturer and wholesaler licensees to transfer their licenses from one geographic location to another upon application to, and approval from, the State Fire Marshal will be effective on 6-30-21.

Key Message for Fireworks Safety Advocates:
LEAVE FIREWORKS TO THE PROFESSIONALS

- ✓ Backyard fireworks are dangerous to the user and to bystanders.
- ✓ We oppose any legislation that legalizes the use of backyard fireworks.
- ✓ Leave fireworks to the professionals and attend only authorized public fireworks displays conducted by licensed operators, but be aware that even professional displays can be dangerous.

Fireworks Injury and Property Destruction Data:*

- ✓ Since 2008, 6 additional states have legalized discharge of consumer grade fireworks and during that same period of time, serious injuries increased by 75% from 2.3 injuries per 100,000 population in 2008 to 4.0 injuries per 100,000 populations in 2017.
- ✓ United States Consumer Product Safety Commission reports that from March-September 2020, serious consumer fireworks injuries increased by 56%. The increase is likely due to more consumers using these products at home (due to pandemic), rather than in community settings with professional fireworks handlers. This considerable increase was the largest increase in consumer product injuries across all age ranges of any product that the CPSC monitors.
- ✓ Last year an estimated 10,000 people were sent to the emergency room for treatment of firework-related injuries and 12 associated deaths. An estimated 7,300 fireworks-related injuries, or 73 percent of people treated, occurred during the one-month period surrounding the Fourth of July Holiday.
- ✓ Sparklers accounted for an estimated 500 emergency department-treated injuries, which represents 14 percent of the total fireworks-related injuries. The population most affected by these injuries was children under the age of 5. Most sparkler injuries were to the eye.
- ✓ Nearly half of all fireworks injuries are to innocent bystanders –many of them children. Of the 10,000 fireworks-related injuries last year, 36 percent of those injuries were to children under the age of 15, or nearly 3,600 children.
- ✓ The parts of the body most often injured were hands and fingers (30 percent); legs (23 percent) head, face, and ears (15 percent); eyes (15 percent); and arms (10 percent).
- ✓ Fireworks cause an average of 120 injuries in Ohio annually that require a visit to the emergency room. 17% are to the eyes. 25% are to those under 15 years of age. (Ohio Department of Health)
- ✓ Between 2006 and 2012, the overall estimated number of children injured by fireworks increased nationwide, while state laws related to the sale of fireworks to minors were relaxed. Burn-related injuries were suffered by an estimated 90,257 pediatric patients nationwide during the study period. The study also showed that fireworks injuries increased among younger children and hospital admissions grew from 29% to 50% of those injured and the length of stay in the hospital increased from 3 days to 7 days. (Pediatric Academic Societies Meeting, University of Louisville, May 2016).
- ✓ The National Fire Protection Agency states an estimated 19,500 fires started by fireworks were reported to local fire departments in the US during 2018. These fires caused five civilian deaths, 46 civilian injuries, and \$105 million in direct property damage.
- ✓ Fireworks also cause over 17,000 fires nationwide each year and tens of millions of dollars in damage. In Ohio in 2018, fire incidents involving fireworks caused 24 Building Fires, resulting in an estimated \$291,700 in property loss and \$49,550 in content loss. Thirteen of those Building Fires occurred in July of 2018. In total, there were 76 fire incidents involving fireworks reported for 2018, with an estimated \$319,921 in property loss and \$50,150 in content loss (Ohio State Fire Marshal's Office).
- ✓ The Compliance and Field Operations staff, in cooperation with U.S. Customs and Border Protection (CBP), continues to conduct surveillance on imported shipments of consumer fireworks. With assistance from CBP, CPSC staff selectively sampled and tested shipments of imported fireworks in fiscal year 2019, to determine compliance with the FHSA requirements. Approximately 43 percent of the selected and tested shipments were found to contain fireworks that were noncompliant. The most frequent violations were due to overloaded report and fuse violations, comprising approximately 45 and 44 percent of all violations in fiscal year 2018, respectively.

*Data is from the US Consumer Product Safety Commission's 2020 Fireworks Annual Report, unless otherwise indicated.

Ohio Fireworks Safety Advocates Coalition

Coalition established in 1998 to educate the public about the dangers of consumer use of backyard fireworks

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Akron Children's Hospital
American Academy of Pediatrics- Ohio Chapter
American College of Surgeons
American College of Emergency Physicians-Ohio
AMVETS
Byers, Minton & Assoc.
Center for Injury Research and Policy, Nationwide
Children's Hospital
Central Ohio Fire Prevention Association
Chagrin Falls Fire Department
City of Upper Arlington
Columbus Health Dept.
Deaconess Associations Inc.
Franklin County Dog Shelter
Humane Society of the United States
Lafayette Township Fire Department
Lesic & Camper Communications
MacMurray, Petersen & Shuster LLP
National Association of Pediatric Nurse Practitioners
Mentor Fire Department
National Fire Protection Agency
Nationwide Children's Hospital
NEOMED – Northeast Ohio Medical University
Ohio Academy of Family Physicians
Ohioans Against Fireworks

Ohio Children's Hospital Association
Ohio Committee on Trauma
Ohio Department of Health
Ohio Ophthalmological Society
Ohio Opticians Association
Ohio Public Health Association
Ohio Public Health Association-Vision Section
Ohio Osteopathic Association
Ohio Safe Kids Coalition
Ohio Injury Prevention Partnership
Ohio Insurance Institute
Ohio Municipal League
Ohio Society for Public Health Education
Ohio State Medical Association
Ohio Township Association
Pawsible Angels
Perrysburg Township Fire Department
Prevent Blindness America
Prevent Blindness, Ohio Affiliate
Rescue Me Ohio
Quarter Horse Congress
Truro Township Fire Department
The Academy of Medicine of Cleveland & Northern Ohio
Washington Township Fire Dept.
Wood County Sherriff's Office
Upper Arlington Fire Department

Ohio Fireworks Safety Advocates

c/o Prevent Blindness, Ohio Affiliate/1500 W. Third Avenue, Suite 200/Columbus, OH 43212

800-301-2020/amyp@pbohio.org or davidm@pbohio.org

Questions Fireworks Safety Advocates May Be Asked:

Q: Can individuals be taught to use backyard fireworks safely? Oftentimes, when a particular act is legal (i.e. discharging fireworks), people think it's safe. That's why you see small children given sparklers which burn at 1800 degrees Fahrenheit – hot enough to melt gold, blind a playmate or set their clothes aflame. There is no safe way to use fireworks and no backyard fireworks are inherently safe. The instructions on the package read – “Light fuse and run in other direction.” If there was a safe way to use these explosives, there wouldn't be so many tragic accidents. We need to remember that nearly 50% of fireworks injuries are to innocent bystanders.

Q. Do you know of any incidences where a fireworks accident has caused an injury?

In June 2018, a Cleveland man was severely injured after igniting a mortar shell that exploded in his face. He was rushed to the emergency room where he was treated for burns and abrasions to his face and eyes. The patient received immediate surgery in his right eye by Dr. Thomas Steinemann at MetroHealth. During the surgery, a procedure was performed that required the use of amniotic membrane, a technique used to promote surface reconstruction and ocular healing.

On June 4, 2018 three boys in Toledo found discarded a backyard firework on a street near their homes. They attempted to light it and it “blew up”. Two of the boys suffered burns to their upper body and face. A third boy, just age 10, lost his hand.

On the evening of March 19, 2019, 12-year-old Caleb Bogan and his 10-year old friend were riding bikes near Miami University in Oxford, Ohio when they noticed a shiny, silver object. Caleb picked up the object and lit it. It blew up in his hand. The explosion cost Caleb his entire left hand, the index finger of his right, part of his chin and several teeth. Oxford police said that what Caleb had found was a detonated pyrotechnic, or firework, similar to one called an aerial salute.

Q. Why did reported fireworks injuries in Indiana decrease after fireworks were legalized in 2005? The Chief Medical Officer from the Indiana State Health Department stated in a letter dated January 26, 2015 to Ohio officials, *“The reported data on fireworks-related injuries from Indiana are incomplete and therefore not reliable for use in ascertaining trends in injuries. It would be erroneous to conclude that the Indiana law legalizing fireworks use resulted in a decrease in fireworks-related injuries given the vast underreporting of these injuries by medical facilities in Indiana.”*

Q. What are fireworks laws in other states? According to the American Pyrotechnics Association:

- States that allow some or all types of consumer fireworks (1.4G) permitted by Federal regulations= 47 states + DC
- States that allow only wire or wood stick sparklers and other novelty items = 2 states: IL and VT
- States that ban all consumer fireworks=1 state: MA
- Laws by state can be found at: <http://www.americanpyro.com/state-law-directory>

Q. Where can I find Ohio's laws that regulate fireworks? Ohio Revised Code (ORC) Chapter 3743 and Ohio Fire Code (OFC) 1301:7-7-33 are the code references that govern fireworks in Ohio. These publications can be found online at <http://codes.ohio.gov/> and http://www.com.ohio.gov/documents/fire_fireworksredbook.pdf

Q. Does Ohio law require a license for the sale and use of fireworks? Yes, manufacturers, wholesalers, exhibitors and shippers of fireworks must have State Fire Marshal (SFM) issued licenses for fireworks use. Renewal for all licenses is required each year.