HB

35

4/21/86

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 4/21/86, 8:30 am

Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

HOUSE RULES STANDING COMMITTEE MEETING
MONDAY, APRIL 21, 1986
8:30 A.M. - CAPITOL, ROOM 208

A G E N D A

HB 35 - "An Act relating to state regulation of fireworks; and providing for an effective date."
(By Representative Pourchot)

HB 68 - "An Act relating to motor vehicle liability insurance."
(By Representative Shultz)

HB 284 - "An Act relating to elections."
(By Representative Boucher)

HB 587 - "An Act relating to municipal land entitlements; and providing for an effective date."
(By Representative Adams)

Hein
4/16/86

Original sponsor: Pourchot

IN THE HOUSE BY THE RULES COMMITTEE

CS FOR HOUSE BILL NO. 35 (Rules)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to state regulation of fireworks; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18.72.010(a) is amended to read:

(a) The sale, [OR] offer to sell, possession with intent to sell, or manufacture of dangerous fireworks at wholesale or retail for a [ANY] purpose other than industrial, agricultural, wildlife control or public display purposes is prohibited.

* Sec. 2. AS 18.72.010(c) is amended to read:

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. A [NO] fireworks wholesaler may not sell dangerous fireworks to anyone, unless the wholesaler [HE] has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the [FIREWORKS] wholesaler, and maintained as a permanent record of the sale.

* Sec. 3. AS 18.72 is amended by adding a new section to read:

Sec. 18.72.025. PURCHASE AND SALE OF FIREWORKS BY MINORS. The sale of fireworks to a person under 16 years of age is prohibited. A person under 18 years of age may not sell fireworks unless supervised by a person 18 years of age or older.

* Sec. 4. AS 18.72.030(a) is amended to read:

(a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state

fire marshal on forms provided by the state fire marshal [HIM]. The application shall be accompanied by an annual license fee of $50.

* Sec. 5. AS 18.72.040 is amended to read:

Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly [KNOWINGLY AND WILFULLY] fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN $500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate offense.

* Sec. 6. AS 18.72.050 is repealed and reenacted to read:

Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks regulations adopted in the state fire safety code

(1) "bottle rocket" means a type of skyrocket consisting of a tube, not exceeding one-half inch (12.5 mm) inside diameter and two and one-half inches in length, and a stick fastened to or contained in the tube for guidance and stability;

(2) "dangerous fireworks" includes all fireworks that are not defined as salable fireworks;

(3) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(4) "firecracker" has the meaning given in 49 C.F.R. 173.-100(r);

(5) "fireworks" means a composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "common" or "special" fireworks as set out in the hazardous materials regulations of the United States Department of Transportation, but does not include

(A) toy pistols, toy canes, toy guns, or other devices in which are used paper or plastic caps manufactured, packed, and shipped in accordance with United States Department of Transportation regulations; and

(B) model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(6) "manufacture" means the preparation of fireworks mixes and the loading and assembly of all fireworks;

(7) "recklessly" has the meaning given in AS 11.81.900(a)-(3);

(8) "salable fireworks" means common fireworks, as described in 49 C.F.R. 173.100(r), other than

(A) firecrackers; and

(B) skyrockets that meet the definition of bottle rockets under this section.

* Sec. 7. AS 18.72.060 is amended to read:

Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, <u>that</u> [WHICH] are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks.

* Sec. 8. AS 18.72.060 is amended by adding a new subsection to read:

(b) This chapter does not apply to

(1) the sale of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(2) the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry;

(3) gold star producing sparklers that contain no magnesium or chlorate;

(4) toy snakes that contain no mercury;

(5) smoke novelties and party novelties that contain less than 0.25 grain of explosive mixture;

(6) shells or cartridges used as ammunition in firearms;

(7) blank cartridges used for a theatrical or other entertainment production, or for signal or ceremonial purposes in sporting events or by military organizations.

* Sec. 9. This Act takes effect December 31, 1986.

INDEX

1. Cover Memo

2. CSHB 35

3. Sectional Analysis of HB 35

4. Summary and Fact Sheet

5. Position Papers

   Depart ent of Health and Social Services

   Depart ment of Public Safety

6. Newspaper Articles

7. Alaska Statutes Regulating Fireworks (AS 18.72)

8. Fiscal Notes

   Department of Health and Social Services

   Depart ment of Public Safety

   Department of Law

9. Documentation

   McFarland, Lynne, et al. 1984. "Risk Factors for Fireworks-Related Injury in Washington State," JAMA, Vol. 251, No. 24, pp. 3251-3254.

   Alaska Department of Natural Resources. "Wildland Fires Caused by Fireworks."

   National Safety Council. "Policy on the Use of Fireworks."

   Kale, Deborah and Beatrice Harwood. 1981. "Fireworks Injuries." U.S. Consumer Product Safety Commission, Directorate for Epidemiology, Division of Hazard Analysis. (Summary only)

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS

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House of Representatives

MEMORANDUM

DATE: April 21, 1986

TO: House Rules Committee
Representative Mike W. Miller, Chairman
Representative Kay Wallis, Vice Chairman
Representative Mike Davis
Representative Ben Grussendorf
Representative Jack Fuller
Representative Terry Martin
Representative Marco Pignalberi

FROM: Representative Pat Pourchot Pat

SUBJECT: CSHB 35, State Regulation of Fireworks

As you know, HB 35 was up on the Floor several weeks ago, lost narrowly and was returned to the Rules Committee.

The bill brought to the Floor would have banned the sale of certain fireworks on a statewide basis to help virtually all municipalities enforce their current bans on all fireworks. While the intent of the Judiciary CS was to ban only the sale of firecrackers, because the allowable fireworks were positively identified in the bill some other types of fireworks currently sold were also deleted.

Because these other types of fireworks have not been particularly associated with nuisance and safety problems and because they do contribute significantly to the sales and profits of fireworks dealers, the fireworks dealers were very much opposed to the original bill. At the same time most dealers and legislators agreed that a few kinds of fireworks, notably firecrackers and bottle rockets, contributed to a majority of the problems. Ironically, these fireworks contributed only a small part to the dealers' total sales profits.

Over the past several weeks I have had many discussions with legislators and fireworks dealers on the bill. I am happy to say that we have reached nearly unanimous agreement (one legislator continues to oppose a firecracker ban) on the proposed CS before you.

The bill is rewritten to delete reference to all types of fireworks except for those specifically banned. <u>All Class C fireworks allowed under federal regulation would be allowed except for firecrackers and bottle rockets</u>. In addition, fireworks sales to persons under the age of 16 would be prohibited, and fireworks sales would have to be supervised by an adult age 18 or over. The dealers with whom we have discussed the bill suggested these changes and are in full accord with them.

I hope the Committee will adopt the proposed Rules CS and return the bill to the floor at the earliest possible time.

Offered: 2/3/86
Referred: Rules

Original sponsor: Pourchot

IN THE HOUSE BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 35 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to state regulation of fireworks; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18.72.010(a) is amended to read:

(a) The sale, [OR] offer to sell, possession with intent to sell, or manufacture of dangerous fireworks at wholesale or retail for a [ANY] purpose other than industrial, agricultural, wildlife control or public display purposes is prohibited.

* Sec. 2. AS 18.72.010(c) is amended to read:

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. A [NO] fireworks wholesaler may not sell dangerous fireworks to anyone, unless the wholesaler [HE] has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the [FIREWORKS] wholesaler, and maintained as a permanent record of the sale.

* Sec. 3. AS 18.72.030(a) is amended to read:

(a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by the state fire marshal [HIM]. The application shall be accompanied by an annual license fee of $50.

* Sec. 4. AS 18.72.040 is amended to read:

Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly [KNOWINGLY AND WILFULLY] fails to comply with a provision of this

chapter or fireworks regulations adopted in the fire safety code is guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN $500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate offense.

* Sec. 5. AS 18.72.050 is repealed and reenacted to read:

Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks regulations adopted in the state fire safety code

(1) "cone fountain" means a cardboard or heavy paper cone containing not more than 50 grams of pyrotechnic composition and that has the same effect as a cylindrical fountain;

(2) "cylindrical fountain" means a cylindrical tube not more than three-fourths of an inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition, that may be supported on a base or spike or may be hand-held and that, upon ignition, produces a shower of colored sparks and, sometimes, a whistling effect;

(3) "dangerous fireworks" includes all fireworks that are not defined as salable fireworks;

(4) "dipped stick" means a stick or wire coated with not more than 100 grams of pyrotechnic composition, or if containing perchlorate or chlorate salts, not more than five grams of pyrotechnic composition, and that produces a shower of sparks upon ignition;

(5) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(6) "fireworks" means a composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "common" or "special" fireworks as set out in the hazardous materials regulations of the

United States Department of Transportation, but does not include

(A) toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufacture, packed, and shipped in accordance with United States Department of Transportation regulations; and

(B) model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(7) "flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition; this device does not have a fuse for ignition; the paper at one end of the tube is ignited to make the device function;

(8) "ground spinner" means a small device similar to wheel in design and effect and placed on the ground and ignited; a shower of sparks and color is produced by the rapidly spinning device;

(9) "illuminating torch" means a cylindrical tube containing not more than 100 grams of pyrotechnic composition, that may be supported on a base or spike or may be hand-held and that, upon ignition, produces a colored fire;

(10) "recklessly" has the meaning given in AS 11.81.900(a)-(3);

(11) "Roman candle" means a tube not exceeding three-eighths inches (9.5 mm) inside diameter, containing not more than 20 grams of pyrotechnic composition and not more than 10 balls spaced uniformly in the tube;

(12) "salable fireworks" includes only the following United States Department of Transportation common fireworks:

(A) cone fountains;

(B) cylindrical fountains;

(C) dipped sticks;

(D) flitter sparklers;

(E) ground spinners;

(F) illuminating torches;

(G) Roman candles;

(H) skyrockets with sticks;

(I) wheels;

(13) "skyrocket with stick" means a tube not exceeding one-half inch (12.5 mm) inside diameter, containing not more than 20 grams of pyrotechnic composition, with a stick fastened to or contained in the tube for guidance and stability;

(14) "wheel" means a pyrotechnic device attached to a post or tree by means of a nail or string, containing a total pyrotechnic composition of not more than 60 grams in each driver unit or 240 grams in each complete wheel, and that, upon ignition, revolves and produces a shower of color and sparks and, sometimes, a whistling effect.

* Sec. 6. AS 18.72.060 is amended to read:

Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, that [WHICH] are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks.

* Sec. 7. AS 18.72.060 is amended by adding a new subsection to read:

(b) This chapter does not apply to

(1) the sale of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(2) the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry;

(3) gold star producing sparklers that contain no magnesium or chlorate;

(4) toy snakes that contain no mercury;

(5) smoke novelties and party novelties that contain less than 0.25 grain of explosive mixture;

(6) shells or cartridges used as ammunition in firearms;

(7) blank cartridges used for a theatrical or other entertainment production, or for signal or ceremonial purposes in sporting events or by military organizations.

* Sec. 8. This Act takes effect December 31, 1986.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

M E M O R A N D U M January 31, 1985

SUBJECT: Sectional analysis of HB 35

TO: Representative Pat Pourchot

FROM: Edward H. Hein
Legislative Counsel

Section 1 inserts the word "purposes" on page 1, line 12, for clarity.

Section 2 makes changes to conform to proper drafting style.

Section 3 eliminates the personal pronoun "him" on page 1, line 24, to conform to proper drafting style.

Section 4 changes to mental state required for conviction of a violation of AS 18.72 to conform with the mental states recognized under the criminal code, AS 11.

Section 5 replaces some existing definitions of specific kinds of fireworks with definitions adapted from the Kentucky Revised Statutes that do not change the technical requirements in the existing definitions, but do add language describing the behavior or effects of the fireworks. The definition of "fireworks" at page 2, line 24, is changed from the existing circular definition to a meaningful generic definition of fireworks, as adapted from Kentucky law. The definition of "salable fireworks" at page 3, line 11, is a substantial change from existing law. Currently, Alaska law defines as salable fireworks all class C common fireworks, which includes explosive and aerial devices such as firecrackers, roman candles and skyrockets, among others. The new definition of "salable fireworks" in this bill limits them to five non-aerial, non-explosive devices, all of which are individually defined in the section. By so changing the definition of salable fireworks, the bill would significantly limit the kinds of fireworks that may be lawfully sold to the general public. In local areas of the

state even these may have been prohibited from sale to the public by ordinance.

Section 6 makes a change at page 3, line 27, to conform to proper drafting style.

Section 7 provides that state regulation of fireworks under AS 18.72 does not apply to seven situations in which devices are used that otherwise might be considered fireworks and thereby regulated under the chapter.

Section 8 provides an immediate effective date.

EHH:ojb
J11/043

HB 35, FIREWORKS REGULATION
Summary and Fact Sheet

Most municipalities in Alaska prohibit the use and sale of all fireworks. These municipalities include: the Municipality of Anchorage, the City of Fairbanks, the Fairbanks North Star Borough, the Matanuska-Susitna Borough, the Ketchikan Gateway Borough, the Kenai Peninsula Borough, and the cities of Ketchikan, Seward, Cordova, Soldotna, and Valdez. However, the unorganized areas of the state do not restrict use and sale. Without exception, there are violations in the municipalities due to availability of fireworks just across their boundaries.

HB 35 is intended to give substance to the restrictions imposed by these municipalities, by prohibiting on a statewide basis, firecrackers, bottle rockets, and skyrockets. The bill does not restrict the permitted public fireworks displays, approved by the State Fire Marshall. It allows for the sale and use of novelty fireworks, including glow worms and snakes, toy pistols, and toy cap guns.

The state statutes would not be as restrictive as most of the municipal prohibitions already on the books which provide for total bans on fireworks. The sale of sparklers, ground fountains, wheels, spinners and flitter sparklers (i.e., safe, nonexploding fireworks) would be allowed.

Thirty-six other states have restrictions on fireworks equal to or more restrictive than that which HB 35 proposes. This bill is modeled after Kentucky's statutes, the most recent state to revise its fireworks laws.

INJURIES/FIRES

- Fireworks have become a significant public safety problem.

  United States

  - In 1983, 8,277 injuries resulted from fireworks; 60 percent injured were children under age 15. (Consumer Product Safety Commission)

  - From 1974 to 1983, 74,000 fireworks-related injuries. (Consumer Product Safety Commission)

  Alaska

  - From 1980 to 1984, 141 fireworks-caused fires resulted in $669,400 in damages. [Alaska National Fire Incidence Reporting System (ANFIRS)]

  - $400,000 fire in Metlakatla--fireworks were the cause. (ANFIRS)

  - 1985, death of young boy in Seward

- A 339 acre fire near Soldotna cost $90,000 to extinguish (ANFIRS).

Anchorage

- In 1984, 632 complaints to the Anchorage Police Department relating to the illegal use of fireworks (Anchorage Police Department).

- Twenty-six minor fires on July Fourth in a 24 hour period--caused by fireworks.

Fireworks retailers are not going to be put out of business. The 49 licensed retailers may continue to sell cones, fountains, sparklers, and novelties, which are among the primary sources of their income.

Prior to the Kenai Borough prohibition, there were 49 fireworks retailers, holding 130 permits. Retail permits are $5.00 each. Of the ten wholesale permit holders, five are from out-of-state. These permits are $50.00 each.

POSITION PAPER/Department of Health & Social Services

POSITION PAPER

HOUSE BILL 35

For "An Act relating to state regulation of fireworks; and providing for an effective date."

The Department of Health and Social Services supports the intent of this bill for two reasons:

1) Fireworks contribute to fire losses, as documented by the State Fire Marshall;
2) Fireworks cause injuries, often to children, although no one as yet has documented fireworks injuries in Alaska.

BACKGROUND

According to the Centers for Disease Control of the United States Public Health Service, the State of Washington experienced a significant increase in burns, eye injuries, lacerations, and other injuries in 1982, after fireworks were made legally available outside Indian reservations. Based on reports from 14 hospitals in nine counties on July 4, the total number of fireworks injuries increased from 39 in 1981 to 88 in 1982. Burns, which increased from 17 to 46, accounted for most of the difference, with eye injuries increasing from 10 to 15, and lacerations from 3 to 8.

The Consumer Product Safety Commission estimates that 11,400 fireworks related injuries were treated at hospitals in 1981, with 8.8% subsequently being hospitalized. Approximately 45% of these injuries involved children under 14 years of age. Approximately 60% of the injuries were burns, and 25% were contusions, abrasions, and lacerations. Eye injuries account for some of the most disabling fireworks-related injuries.

The trend in fireworks-related injuries has been generally upward since 1975, when approximately 4,700 fireworks injuries were treated at hospitals.

Since 1966, the sale to consumers of large, Class B firecrackers, such as "cherry-bombs" and "M-80's," has been banned by Federal law because of the large amount of explosives they contain. In 1976, the Consumer Product Safety Commission lowered the permissible explosive charge in firecrackers to no more than 50 mg (0.772 grains) of powder and mandated performance, construction, and labeling specifications for all fireworks intended for public sale (collectively designated as Class C fireworks).

According to the National Fire Protection Association, the rate of injuries in States allowing many types of fireworks is more than seven times greater than that of states that ban all fireworks or allow only sparklers or snakes. The rate of fireworks related fires is 52 times greater.

POSITION PAPER/Department of Health & Social Services

The National Safety Council also reported 10 fireworks related deaths in 1980, verses 7 in 1979.

POSITION

The Department of Health and Social Services believes that restricting the sale of fireworks will result in reduced injuries, especially among children.

Recommended by: David Brees for
Robert I. Fraser, M.D.
Director
Division of Public Health

Date: 1/28/85

Approved by: John R. Pugh
John R. Pugh, Commissioner
Department of Health and
Social Services

Date: 1/30/85

ALASKA DEPARTMENT OF PUBLIC SAFETY
Position Paper

(January 28, 1985)

HOUSE BILL 35 - An act relating to state regulation of fireworks and providing for an effective date.

The Department of Public Safety supports this bill and any other measures that would help reduce Alaska's fire losses that keep our state first on the lists of property losses and deaths by fire in the entire United States. However, we believe this bill falls short of what is really needed; that is a total ban on the sale of "salable" or so-called "safe and sane" fireworks. Short of that, we will offer an amendment that will tighten up on the sale of fireworks.

The Alaska-National Fire Incident Reporting System (ANFIRS) indicates that, over the last 5 years, 141 fireworks caused fires occurred, with property losses approaching $700,000. No casualties were reported. Unfortunately, we do not have a burn/injury registry program, so we cannot give you data on the numbers of people who are injured by fireworks and seek treatment at hospital, clinics and doctor's offices. The Consumer Products Safety Commission reported 8,277 fireworks caused injuries nationwide in 1983. 74,000 were injured over the 1975-83 ten year period.

California and Oregon report that 1.5 percent of their fire losses are fireworks related. When you consider Alaska's losses, please remember our small statistical base. There were

130 retail sales permits and 7 wholesale permits issued in 1983 in Alaska. We do not know the quantities sold.

So, what is the answer? It is apparent that local control to enforce bans on the use of fireworks has failed. The following items highlight some of the more graphic incidents that have occurred over the last several years (see also copies of newsclippings, attached):

* **Wildlands fire caused by fireworks costs $5,000 to extinguish near Hope.**

* **339 acre fire near Soldotna costs $90,000 to extinguish.**

* **$400,000 plus structure in Metlakatla destroyed by fireworks caused fire.**

* **26 "minor" fires reported in Anchorage during a 24 hour period--cause?--fireworks.**

* **Anchorage couple awakened when bottle rockets shot through window, igniting bed and living room carpet.**

Public education will be suggested to teach the safe use of fireworks. The Journal of the American Medical Association

(June 15, 1984) reports that "public education doesn't seem to help curtail the burns, cuts, and other injuries resulting from fireworks accidents." When Washington changed its laws in 1982, legalizing fire crackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks safety education campaign. But, during the July 4 holiday after that change there were 82 injuries requiring emergency care--up from 39 a year earlier.

The National Safety Council says that a total ban on all fireworks--except those used by a professional pyrotechnician under controlled circumstances--is the best way to minimize fireworks-related injuries.

We cannot document any fireworks-related injuries in Alaska, but we have the details on property losses. Is more fire protection the answer? **It seems ironic for the state to hand out millions of capital dollars for fire stations and equipment each year and, at the same time, to permit the sale of fireworks.** That's like taking birth control pills after you're pregnant.

If legislation cannot be written to effect a total ban on the sale of "salable" fireworks, then we suggest this bill be amended to provide:

1. An increase in the amounts of public and property liability insurance.
2. A prohibition on the retail sale of "salable" fireworks by mail or telephone.
3. A limitation on the period of sales.
4. Sales to children under 16 years of age be prohibited.

Because the state licenses fireworks sales, we can be liable. Wrongful deaths create lawsuits of $500,000; injuries such as the loss of eyesight are being settled for $1,000,000 or more. The current limits of at least $200,000 and $50,000 are grossly inadequate.

The ability to purchase "salable" fireworks over the phone or by "mail order" totally destroys a local community's ability to ban sales and use.

A time limitation on the period of sales, such as from June 15 to July 6 of a calendar year will decrease the availability of fireworks, limiting their sales to the traditional holiday period.

Over 50 percent of the incidents in Alaska are attributable to "children with" as the ignition factor. Limiting sales to those persons over 15 years of age may reduce the number of incidents.

* * * * *

Most of the facts are here. The public (silent majority) seems to regard the use of fireworks as, not only a danger, but a nuisance. The Department of Public Safety is charged with the responsibility of developing ways and means of preventing fires. Give us the tools to do our job, if not a total ban, then a strengthening of the law.

ANCHORAGE TIMES EDITORIAL - July 15, 1985

A ban on fireworks

ONE OF THESE days all local governments in Alaska will do what most of the cities already have done, and that's ban the private use of fireworks. Maybe the state will have to do the job through a simple bit of legislation that makes the old-fashioned pyrotechnics illegal.

Fireworks have been a part of America's heritage for a couple hundred years. But the fact is they've become too dangerous to be allowed, outside of professionally staged events. Those should be enough.

IN ANCHORAGE, fireworks have been banned for many years and their absence hasn't been all that hard to live with. But they're still permitted in other areas close by. The Kenai Peninsula is a ready example. It was there, near Seward, that a fireworks explosion in a camper took the life of a little girl on the Fourth of July weekend.

Every year, it seems, someone is badly burned or disfigured or fatally injured while playing with fireworks. They just aren't worth the pain and suffering and grief.

THERE ARE THOSE who will argue that making fireworks illegal would be just one more erosion of the rights and liberties of individual citizens. Maybe it would be, but sometimes the greater public good must prevail.

We could still have fireworks — in all the public displays and exhibitions anybody would be willing to pay for. The job could be handled by professionals who know the perils involved.

But for the safety of other little girls — and little boys and their parents and friends — our Independence Day celebrations can do without people tossing firecrackers around.

ANCHORAGE TIMES July 5, 1986

Seward boy dies after fireworks explode in truck cab on road

by Earl Swift
and Christopher Jarvis
Times Writers

A Seward boy died at an Anchorage hospital Friday after fireworks he and his family were carrying in a truck exploded and set the pickup afire.

Wesley Jones, 5, was declared dead at Providence Hospital at 2:08 p.m. Friday, about 23 hours after he suffered severe burns in the accident on Seward's Bear Creek Road.

Alaska State Trooper spokesman Paul Edscorn said the boy was apparently injured as he, his two siblings, his parents and a family friend rode in a 1979 Ford Club Cab truck after buying fireworks at a stand on the town's outskirts.

Edscorn said Wesley, his 4-year-old stepsister, Camille Castillo, and his 6-year-old brother, Louis, were riding in the truck's back seat while their father, 41-year-old Kenneth Jones, rode up front with their mother, Linda Jones, and the driver, Seward resident Michael Corcoran.

As the vehicle traveled down Bear Creek Road, Edscorn said, the newly-purchased fireworks ignited.

"They have determined that there was a fairly large quantity of firewalks both in the front and rear seats — actually on the floor in the front and rear," Edscorn said.

While the pyrotechnics exploded and flames swept through the truck's large cab, Corcoran and the elder Jones jumped from the truck and pulled the children from the pickup, Edscorn said.

Both men suffered burns to their hands and arms in the process, Edscorn said, and Jones was still hospitalized at Providence late Friday in serious, but stable, condition.

Louis Jones and Camille Castillo — airlifted to Providence with their father and Wesley after they were initially treated at Seward General Hospital — were listed in serious condition late Friday, hospital officials said.

Linda Jones was not injured, he said.

Edscorn said details of the incident remained sketchy Friday, because there were few witnesses to the fire besides its victims.

Still unknown, he said, was the cause of the fireworks' ignition.

"They're all gone," he said. "At this point, we just don't know."

Bear Creek Volunteer Fire Department Chief Len Weimar said his men found the truck burning after the blaze was reported about 4 p.m.

ANCHORAGE TIMES EDITORIAL - December 5, 1985

A deaf ear

IT'S ALMOST unpatriotic to be concerned about the hazards inherent in the use of fireworks. After all, they're part of the nation's heritage — Fourth of July celebrations, state fairs, big festivals, carnivals and so on. Anyone who opposes the unrestricted use of fireworks finds himself in an uncomfortable position.

Yet the nagging thought persists that fireworks are dangerous and, as population increases, it makes more and more sense to limit fireworks to exhibitions staged by professional handlers.

THAT'S OUR VIEW from Anchorage. The view from Soldotna, where the Kenai Peninsula Borough sits, is quite different. Despite an overwhelming October advisory vote to the contrary, the borough assembly decided this week to allow continued public sale and use of fireworks.

In that same election, Kenai voters rejected a compromise that would have imposed a seasonal ban on fireworks — opting, instead, for the year-round prohibition.

THE BOROUGH assembly now has proposed an ordinance calling for a seasonal ban. It will be voted on Dec. 17.

The assembly could wind up doing exactly the opposite of what the people said in those advisory votes two months ago. If nothing else, that may ensure that the fireworks issue on the Kenai Peninsula will remain an explosive one for some time to come.

ANCHORAGE TIMES EDITORIAL - December 21, 1985

Cease-fire on the Peninsula

WITH A FIZZLE rather than a bang, the great fireworks controversy on the Kenai Peninsula apparently has ended. Let's commend those involved for taking final action in a dispute that has been smoldering for years.

The members of the Kenai Peninsula Borough Assembly get the kudos for reversing an earlier decision and voting last week to ban the sale and private use of fireworks, effective Jan. 15.

The issue has been argued for years. Opponents said unrestricted fireworks in the hands of a growing population would bring increasing threat to life and limb. The danger of summer forest fires resulting from careless use of fireworks was seen as another peril.

ON THE OTHER side, the free-spirited mood that treasures liberty and freedom from government regulation makes Peninsula residents, old and new, oppose bans of any kind. Those who fit this mold favored continued permission for the private sale and use of fireworks.

In an advisory referendum last fall, a majority of voters cast ballots in favor of outlawing fireworks. The borough assembly still balked and two weeks ago it voted to continue legalizing them.

IN A DELUGE of complaints, the public bombarded assemblymen by mail and telephone demanding that they reverse their action. The assembly capitulated.

But the new law doesn't mean there will be no fireworks at all next Fourth of July at Seward and elsewhere on the Peninsula. Public displays sponsored by cities, fair associations, amusement parks, charities, churches and civic organizations will be allowed.

That sounds, from this distance at least, like a proper way to go.

ANCHORAGE DAILY NEWS - December 18, 1985

Kenai Peninsula Assembly reverses stand, bans fireworks

By RONNIE CHAPPELL
Daily News reporter

SOLDOTNA — After years of debate, the Kenai Peninsula Borough Assembly Tuesday voted to outlaw the sale and use of fireworks on the Kenai Peninsula.

The year-round ban, which will take effect Jan. 15, was a reversal of an assembly vote two weeks ago, when an almost identical ordinance was defeated despite a borough referendum this fall calling for a total fireworks ban.

The assembly had been expected Tuesday to consider only a substitute ordinance allowing the sale and use of fireworks between Nov. 1 and April 1.

A deluge of phone calls and letters from angry voters appears to have salvaged the year-round ban.

"I received 26 letters and postcards," said Assemblywoman Marie Walli. "Phone calls, I couldn't begin to tell you." At one point, she said, the phone in her Anchor Point home was ringing so often she started referring callers to the borough clerk.

"I was leaning toward seasonal" restrictions, Walli said. But because of the calls and letters she changed her mind.

Other assembly members also said they were swamped with calls and letters.

Public fireworks displays sponsored by cities, fair associations, amusement parks, charities, churches and civic organizations will be allowed.

TUNDRA DRUMS - July 11, 1985

Firecracker sets van afire on Ridgecrest

A 1975 Chevy suburban was the only Bethel victim of fire cracker related incidents over the Fourth of July holiday.

Police said the vehicle caught fire in the post office parking lot after a 17-year-old juvenile tossed a fire cracker bottle rocket into a puddle near the car. The puddle apparently had some sort of flammable liquid in it, and the fire cracker explosion caused it to catch fire.

The car, which belonged to the juvenile's parents, caught fire as well and officials estimated damage at at least $2,500.

The incident, which happened on Saturday, is still under investigation but no charges have been filed, police said.

ANCHORAGE DAILY NEWS - July 6, 1985

Doctors busy with victims of fireworks

By ROBERT FURLOW
The Associated Press

WASHINGTON — As traditional as July Fourth fireworks, day-after reports of firecracker injuries spread Friday as doctors who try to repair the damage sought greater awareness of dangers involved — and perhaps a national ban.

Dr. Sloane Wilson, a Little Rock, Ark., opthalmologist, commenting during a break in a day of surgery on several accident victims, said: "When children lose their eyes it's a tragedy, and most of them simply aren't aware of the risk."

Wilson said he doubted a federal ban would be forthcoming. But he has begun a national survey on behalf of the American Academy of Opthalmology, hoping to get a better idea of just how many injuries fireworks do cause and whether there is much difference between states that do and don't have laws limiting or banning sales and use.

Estimates by his and other medical groups now put the yearly injury toll at between 14,000 and 20,000, many of them around the Fourth of July.

Dr. Joe Greensher, a Long Island, N.Y., pediatrician who is head of an accident prevention committee of the American Academy of Pediatrics, said, "There should be federal involvement," including a ban on general use of all but the smallest fireworks.

But he, too, said congressional action was unlikely, especially "with the present climate of letting business do things voluntarily."

"It's been a national problem for quite a number of years," he said in a telephone interview. "Here's another July Fourth gone by, and you see the reports," he added, noting in particular a news account he'd just heard of a 4-year-old Yonkers, N.Y., boy who'd lost parts of two fingers when a firecracker exploded in his hand.

Wilson, also speaking by telephone, said he had just been working on a 16-year-old boy who almost surely had lost his sight in one eye after being injured in a playful "fireworks war" in which teen-agers fire little firecracker rockets at each other.

Such little firecrackers, legal in many states, can reach a speed of 50 mph in a few feet, and erratic construction makes aim a guessing game, Wilson said.

State of Alaska

NOTES TO DECISIONS

This section represents an erroneous belief that cities are not liable in tort for negligence connected with fire-fighting activities. City of Fairbanks v. Schaible, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962).

As a city which maintains a fire department may be held liable for injuries resulting from negligence connected with the department's firefighting activities. City of Fairbanks v. Schaible, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962). See contra: City of Fairbanks v. Gilbertson, 16 Alaska 590 (1957), aff'd, 262 F.2d 734 (9th Cir. 1959), where § 56-2-2 ACLA 1949 (now AS 09.65.070) was ignored by both the district court and the Court of Appeals.

Collateral references. — Fire departments as pertaining to the governmental or to the proprietary branch of municipality. 9 ALR 143; 33 ALR 688; 84 ALR 514.

Sec. 18.70.160. Agreement not to affect insurance rates or liability. An agreement made under AS 18.70.150 and 18.70.160 shall be carried out in a manner which does not raise insurance rates. An agreement may not reduce the liability of an insurance company in case of loss during the absence of men and equipment. (§ 1 ch 92 SLA 1957)

Article 4. General Provisions.

Section

300. Definition of building

Sec. 18.70.300. Definition of building. In this chapter "building" means a structure, installation, facility, or edifice erected or in the process of being erected and which is used or intended for use as a commercial, industrial, business, institutional, other public building, or residential building containing four or more dwelling units. (§ 4 ch 176 SLA 1968; am § 27 ch 32 SLA 1971)

Revisor's notes. — In ch. 176, SLA 1968, this section was numbered 18.70.165.

Chapter 72. State Regulation of Fireworks.

Section

10. Regulation of sale of dangerous fireworks
20. Regulation of sale of salable fireworks
30. Fireworks wholesaler's license
40. Violation
50. Definitions
60. Application of chapter

Collateral references. — 31 Am. Jur. 2d, Explosions and Explosives, §§ 1-3, 48-52.

35 C.J.S., Explosives, §§ 1-3, 12, 13.

Bond conditioned for payment of damages for injury to person or damage to property, given as condition of permission by public for fireworks display or other exhibition or entertainment, as covering non-negligent injury or damage. 138 ALR 936.

Sec. 18.72.010. Regulation of sale of dangerous fireworks. (a) The sale or offer to sell dangerous fireworks at wholesale or retail for any purpose other than industrial, agricultural, wildlife control or public display is prohibited.

(b) A person desiring to use dangerous fireworks for industrial, agricultural, wildlife control or public display purposes shall first comply with the permit requirements of the fire safety code.

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. No fireworks wholesaler may sell dangerous fireworks to anyone, unless he has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the fireworks wholesaler, and maintained as a permanent record of the sale. (§ 1 ch 116 SLA 1969)

Sec. 18.72.020. Regulation of sale of salable fireworks. (a) A person holding a permit required by the fire safety code may sell or offer for sale salable fireworks, if

(1) the person has submitted to the state fire marshal a policy, or a certified true copy of a policy, of public liability and products liability insurance, including both accident and occurrence coverage, provided by the wholesale company selling fireworks to the person, in the amount of at least $200,000 for bodily injury or death and at least $50,000 property damage and the person is named as an insured party upon the policy and the policy is continuously in force while the person is engaged in the retail sale of fireworks, and

(2) an endorsement fee of $5 is paid to the state fire marshal for each year or fraction of year during which the permit holder is engaged in the retail sale of fireworks.

(b) Upon approval of the insurance required in (a) of this section, the permit of the holder shall be endorsed by the state fire marshal to indicate the holder's right to sell fireworks at retail, and shall indicate an expiration of the authority. The expiration date shall coincide with the expiration date of the permit holder's liability insurance. (§ 1 ch 116 SLA 1969; am § 1 ch 24 SLA 1981)

Effect of amendments. — The 1981 amendment deleted "to the" preceding "fireworks," substituted "to the person" for "retailer" following "fireworks," substituted "$200,000" for "$300,000" preceding "for bodily injury," substituted "$50,000" for "$100,000" preceding "property damage," deleted "upon which policy the state

and all governmental subdivisions of the state" preceding "and the," substituted "person is" for "permit holder shall be" preceding "named as," substituted "an insured party upon the policy" for "additional insureds," following "named as," substituted "the policy is" for "which shall be" preceding "continuously in force," and substituted "person" for "permit holder" preceding "is engaged" in subsection (a)(1).

NOTES TO DECISIONS

Injunction to halt enforcement of section. — See State v. Norene, Sup. Ct. Op. No. 572 (File No. 1167), 457 P.2d 926 (1969).

Sec. 18.72.030. Fireworks wholesaler's license. (a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by him. The application shall be accompanied by an annual license fee of $50.

(b) The license required under (a) of this section is valid until December 31 of the year during which it is issued, and is renewable upon the payment of each subsequent annual license fee and affirmation that the information contained in the wholesaler's original application for a fireworks wholesaler's license is currently accurate. (§ 1 ch 116 SLA 1969; am § 2 ch 24 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "$50" for "$500" following "annual license fee of" in subsection (a).

Sec. 18.72.040. Violation. A person who knowingly and wilfully fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $500, or by imprisonment for not more than six months, or by both. Each day of noncompliance constitutes a separate offense. (§ 1 ch 116 SLA 1969)

Sec. 18.72.050. Definitions. In this chapter and fireworks regulations adopted in the state fire safety code

(1) "dangerous fireworks" includes all fireworks which are not defined as salable fireworks;

(2) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(3) "fireworks" means salable fireworks or dangerous fireworks;

(4) "salable fireworks" are ICC Class C Common Fireworks and shall include only those fireworks enumerated as ICC Class C Common Fireworks in the regulations of the Interstate Commerce Commission, as the regulations are presently constructed, and, more specifically, shall include and be limited to the following:

(A) roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter not to exceed $^3/_8$ inch;

(B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed ½ inch, with the rocket sticks being securely fastened to the tubes;

(C) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed ½ inch;

(D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed ¾ inch;

(E) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;

(F) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel, and the inside tube diameter of driver units not to exceed ½ unit;

(G) illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight;

(H) dipped sticks, the pyrotechnic composition of which contains chlorate or perchlorate which do not exceed five grams, and sparklers, the composition of which does not exceed 100 grams each and which contains no magnesium or magnesium and a chlorate or perchlorate;

(I) mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight;

(J) firecrackers with soft casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight;

(K) novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives. (§ 1 ch 116 SLA 1969)

Sec. 18.72.060. Application of chapter. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, which are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks. (§ 1 ch 116 SLA 1969)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: CS HB 35
Title: An Act Relating to State regulation of fireworks...
Sponsor: Representative Pourchot
Requestor:
Date of Request: 3/18/85

FISCAL DETAIL
Agency Affected: Health & Social Services
Program Category Affected: Public Health
BRU, Program or Subprogram(s) Affected: State Health Services BRU, Adm. Services, Emergency Medical Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert I. Fraser, M.D. RF/DJD
Phone: 465-3090
Division: Public Health
Date: March 18, 1985

Approved by Commissioner: [signature]
Date: 3/19/85 JCC
Agency: Health and Social Services

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 35

Title: State Regulation of Fireworks

Sponsor: Representative Pourchot

Requestor: House State Affairs

Date of Request: 1-28-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected: Fire Prevention

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-					
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: G.E. Brunton GEB Phone: 465-4331

Division: Fire Prevention Date: 1/23/85

Approved by: Commissioner: [signature] Date: 1-28-85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: FEB 1 1985

REQUEST

Bill/Resolution No.: HB 35

Title: "An Act relating to state regulation of fireworks..."

Sponsor: Repr. Pourchot

Requestor: House State Affairs

Date of Request: 1/28/85

FISCAL DETAIL

Agency Affected: Department of Law

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill amends AS 18.72.010(a) by changing the definition of "salable fireworks" and making some minor changes to the existing statute that regulates the sale of fireworks. There are currently 7 wholesale dealers and about 130 retail dealers licensed to sell fireworks in the state. During the past several years there have been about 12 fireworks sales violations by licensed dealers. By further restricting the types of fireworks that may be sold, most of those that go bang will no longer be salable, this bill could result

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: 1/30/85

Approved by Commissioner: Richard L. Pegues /For Norman C. Gorsuch Date: 1/30/85

Agency: Department of Law

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

ANALYSIS (Cont'd.)

in some additional misdemeanor prosecutions for violation of fireworks sales regulations. Based upon past experience, however, it does not appear that the increase in prosecution will be significant enough to warrant fiscal note costs. This is the type of bill that, when taken by itself, will not result in a fiscal impact. However, when taken in conjunction with other similar measures, bills of this nature divert prosecution resources from other more serious offenses because of their cummulative effect.

Original Contributions

JAMA
THE JOURNAL of the American Medical Association
June 22/29, 1984 Vol 251, No. 24

Risk Factors for Fireworks-Related Injury in Washington State

Lynne V. McFarland, MS; Jeffrey R. Harris, MD; John M. Kobayashi, MD, MPH; Richard C. Dicker, MD, MPH

• To determine the frequency and effects of and risk factors for fireworks-related injury, we identified all 146 persons who were injured by fireworks and sought emergency care during the 1983 July 4 holiday in the Seattle area. The mean charge for medical care for the injuries received was $562; 7.1% of those injured required hospitalization. In a matched-pair case-control study, use of either of two fireworks types—firecrackers or aerial devices—was significantly associated with injury (odds ratios [ORs], 3.3 and 2.9, respectively; 95% confidence intervals [CI], 1.2, 8.5, and 1.2, 6.6, respectively). Also associated with injury were several fireworks misuse behaviors, including lack of adult supervision of children (OR, 11.5; CI, 2.8, 100.6). We conclude that fireworks cause serious injuries that theoretically could be prevented by behavioral changes or decreased availability of high-risk fireworks devices.

(*JAMA* 1984;251:3251-3254)

IN 1982, Washington State changed its law governing the sale of fireworks. Under federal law, fireworks are categorized into three classes: class A and B devices contain more than 50 mg of gunpowder and are illegal for sale to the general public, and class C devices contain 50 mg of gunpowder or less. The sale of individual types of class C fireworks is under state control. Previously, Washington State allowed only the sale of class C ground-display devices (devices that stay on the ground, often emitting sparks). However, in 1982, the sale of class C firecrackers (devices that explode and make noise) and some class C aerial devices (devices that either fly or shoot projectiles into the air) was legalized, but skyrockets and missile rockets remained illegal. During the July 4 holiday that followed the law change, we reported a doubling, from the previous year, in the number of fireworks-related injuries reported by 11 hospitals, from 39 injuries in 1981 to 88 injuries in 1982.[1] In response to this increase, in 1983, we conducted active surveillance to determine the number, circumstances, and costs of these injuries and a case-control study to determine risk factors for injury.

METHODS

Surveillance

We identified all fireworks-related injuries in King County (metropolitan Seattle, population, 1.3 million) by active surveillance of all emergency rooms and emergency clinics open during the legal days of fireworks sale (June 28 to July 6, 1983). A designated contact person, usually the emergency room supervisor, collected demographic and injury information on all patients. Injured persons were counted as cases if they had been admitted to an emergency facility with an injury related to fireworks and the injury they received had occurred during the legal days of fireworks sale. We designated two types of cases: those in active users (persons who were using fireworks at the time of injury) and those in innocent bystanders (persons who were not using fireworks themselves at the time of injury).

After the patients were identified, we mailed each a letter that explained our study and included a picture of fireworks types (for determining which device caused their injury). After one week, we called the patients, verified the age, sex, and injury information, and administered a standard questionnaire about the circumstances and costs of injury, fireworks exposure, and fireworks use behaviors. In most cases, charges for medical care were ascertained directly from medical bills. We interviewed only the parents of children aged 5 years or younger but interviewed all other injured persons directly.

Case-Control Study

We conducted a matched-pair case-control study by telephone. For each active user who was a King County resident, we obtained a control who was a King County resident, had used fireworks during the 1983 July 4 holiday but remained uninjured, and who was matched by sex and age plus or minus two years. Controls were contacted by a modified random-digit dialing technique.[2] The first five numbers of the injured person's telephone number were fixed, then combined with two other numbers obtained successively from a random number table, until a proper match was found. Each control was interviewed immediately after completion of the corresponding injured person's interview. As with the injured persons, we interviewed only the parents of children aged 5 years or younger but interviewed all other controls directly. We obtained informed verbal consent from both the injured persons and controls before administering the questionnaire. When children were interviewed, we obtained consent from both the child and a parent. Injured persons and

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Reprint requests to Division of Field Services, Epidemiology Program Office, Centers for Disease Control, Atlanta, GA 30333 (Dr Harris).

controls were asked identical questions regarding exposure to fireworks and their methods of fireworks use. The questions on fireworks use were designed to reflect the "customary" use of fireworks and not the circumstance that led to injury. All interviews were performed by one person (L.V.H.), and all interview questions were read in a standard manner.

Data Analysis

Differences in means for the surveillance data were analyzed by Student's *t* test for unpaired data. The matched-pair data were analyzed in matched fashion, and McNemar χ^2, odds ratios (ORs), and exact 95% confidence intervals (CI) were calculated,[7] and conditional logistic regression analysis was carried out.[8] Differences between the means of matched-pair groups were analyzed with Student's *t* test for paired data. A significance level of .05 was used for all tests.

RESULTS

A total of 146 persons with fireworks-related injuries were identified in King County during the study period. All 22 hospitals and ten emergency clinics open during the July 4 holiday participated. Of the 146 injured persons, 126 (86%) were initially treated in hospital emergency rooms, and 20 (14%) were initially treated in emergency clinics.

The site and type of injury (Table 1) were available for all 146 persons, while age and sex were available for all but one person. Most common were multiple injuries, followed by single-site burns, eye injuries, lacerations, and ear injuries (usually perforated eardrums). Isolated eye injuries made up 16% of the total injuries; however, nine of the multiple injuries involved the eye, so that overall, 32 (22%) of the 146 injuries involved the eye. Two of the multiple injuries resulted in amputation (one of a finger and one of a complete hand). Injured persons were from 2 to 64 years old; 72 (50%) were younger than 16 years. One hundred six (73%) of the injured were males, and 39 (27%) were females.

We were able to interview by telephone 113 (77%) of the 146 injured persons. Of those not interviewed, 12 refused participation and 21 were lost due to unavailable or incorrect telephone numbers. Those persons interviewed did *not* differ significantly by age or sex from those persons not interviewed. For the persons interviewed, the mean time from injury to interview was 25 days. From the telephone interviews, we obtained information on the race of the injured persons, their county of residence, the charges for medical care they received for their injury, the type of fireworks that caused their injury, and the circumstances of injury. The race of those interviewed reflected the racial composition of King County: 101 (89%) were white and 12 (11%) were nonwhite.[9]

The county of residence information allowed a population-based estimate of the incidence of fireworks-related injury during the July 4 holiday in King County. Of the 113 persons interviewed, 98 (87%) were King County residents. Applied to the total of 146 injured persons, this provided an estimated total of 126 King County residents injured by fireworks. The incidence of fireworks-related injury, therefore, was 126 per 1.3 million King County residents, or 9.7 per 100,000 persons for the nine-day interval from June 28 through July 6. The information obtained on medical care charges included both dollars spent and the type and amount of treatment required. The mean dollar charge for care for all injured persons was $562 (median, $132), and 14% of those interviewed required care that cost more than $500. Eight (7%) of those interviewed required hospitalization, for an average of seven days. For these, the average charge for medical care was $5,431 (median, $4,688). The other 105 (93%) injured persons were not hospitalized but required an average of 2.4 outpatient visits, at a mean charge of $191 (median, $130). Twenty percent of those injured remained under medical care a month after injury.

The type of fireworks device responsible for injury was also determined for all 113 persons interviewed (Table 2). Ground display devices caused 36% of all injuries, 47% of burns, 43% of multiple injuries, and 25% of eye injuries. Firecrackers caused 34% of all injuries, 75% of ear injuries, 42% of lacerations, and 35% of multiple injuries. Aerial devices caused 23% of all injuries, 44% of eye injuries, and 42% of lacerations. Homemade devices, such as lead pipe bombs, caused 5% of all injuries. Hospitalization rates differed by device type, ranging from 0% for injuries caused by public display devices to 33% for injuries caused by homemade devices (Table 2).

We were able to determine the legal status of 88 (78%) of the fireworks devices causing injury (Table 3). If the devices are classified according to the 1982 Washington law, 58 (66%) of the 88 classifiable injuries were caused by legal fireworks and 30 (34%) by illegal fireworks. Nineteen (22%) of the injuries were caused by devices "newly legalized" in 1982. If the devices are classified according to federal law, 66 (75%) of the 88 classifiable injuries were caused by legal devices. The hospitalization rate for persons injured by devices illegal

Table 1.—Fireworks-Related Injuries, by Site and Type, King County, Washington, July 4 Holiday, 1983

Injury Site	No. Injured (%)
Multiple site	57 (39)
Single site	
Burns	41 (28)
Eye	23 (16)
Lacerations	17 (12)
Ear	6 (4)
Other	2 (1)
Total	146 (100)

Table 2.—Fireworks-Related Injuries and Hospitalization Rates, by Responsible Device, King County, Washington, July 4 Holiday, 1983

Fireworks Type	No. Injured (%)	No. Hospitalized (%)*
Ground display	41 (36)	1 (2)
Firecrackers	38 (34)	3 (8)
Aerial	26 (23)	2 (8)
Homemade	6 (5)	2 (33)
Public display	1 (1)	0 (0)
Other	1 (1)	0 (0)
Total	113 (100)	8 (7)

*Percent is number hospitalized divided by number injured times 100, for a given fireworks type.

Table 3.—Fireworks-Related Injuries and Hospitalization Rates, by Federal Legal Status of Device Causing Injury, King County, Washington, July 4 Holiday, 1983

	No. Injured (%)	No. Hospitalized (%)*
Federally legal	66 (58)	2 (3)
Illegal	22 (19)	4 (18)
Unknown status	25 (22)	2 (8)
Total	113 (99)	8 (7)

*Percent is number hospitalized divided by number injured times 100, for a given fireworks type.

Table 4.—Fireworks-Related Injuries, by Circumstances at Time of Injury, King County, Washington, July 4 Holiday, 1983

Circumstance	No. Injured (%)
Misuse of devices	
Holding in hand	36 (31)
Altered device	12 (11)
Relighting	9 (8)
Hit by thrown device	6 (5)
Exploding inside container	5 (4)
Misused aerial devices	4 (4)
Horseplay	3 (3)
Carried in pocket	1 (1)
Malfunctioning devices	17 (15)
Other	
Hit by sparks	16 (14)
Hit by car while avoiding fireworks, etc	5 (4)
Total	113 (100)

Table 5.—Risk of Fireworks-Related Injury, by Device Used, King County, Washington, July 4 Holiday, 1983*

Fireworks Type	Discordant Matched Pairs†	Odds Ratio‡ (Confidence Intervals§)
Firecrackers	19/6	3.3 (1.2, 8.5)
Aerial	23/8	2.9 (1.2, 6.5)
Ground display	13/13	0.9 (0.4, 2.0)

*n=168.
†Case exposed, control not exposed/case not exposed, control exposed.
‡Odds ratio from conditional logistic regression model.
§95% confidence intervals, precision-based.

Table 6.—Risk Factors for Fireworks-Related Injuries, King County, Washington, July 4 Holiday, 1983*

Behavior	Discordant Matched Pairs†	Odds Ratio (95% Confidence Interval)
Not usually supervised by adults	23/2	11.5 (2.8, 100.6)‖
Drinking‖	11/13	0.8 (0.3, 2.0)¶
Relighting	27/3	8.5 (1.8, 43.0)¶
Throwing	30/4	5.5 (1.2, 25.2)¶
Holding in hand	24/6	4.7 (1.2, 18.0)¶
Bending over to light	39/9	4.0 (1.3, 12.0)¶
Carrying in pocket	22/3	1.9 (0.4, 8.3)¶
Others throwing	24/13	1.6 (0.6, 4.9)¶
Exploding inside containers	24/12	0.8 (0.2, 2.5)¶
Others drinking	16/26	0.3 (0.1, 0.9)¶

*n=168 unless otherwise indicated.
†Case exposed, control not exposed/case not exposed, control exposed.
‡All aged 15 years or younger, n=82.
§McNemar odds ratio, with exact 95% confidence intervals.
‖All aged 16 years or older, n=82.
¶Odds ratio from conditional logistic regression model with precision-based 95% confidence intervals.

under federal law (18%) was six times higher than that for persons injured by devices legal under federal law.

Information on the circumstances of injury included the date and time of day of injury, the fireworks use behavior at the time of injury, and whether the person injured was actively using fireworks at the time of injury. Seventy-nine (70%) of the injuries occurred over the three-day July 4 holiday weekend. Of the 113 injuries, 81 (72%) occurred before dark and only 32 (28%) occurred after dark. The fireworks use behaviors at the time of injury are given in Table 4. Misuse or mishandling of fireworks was the cause of 75 (66%) of the injuries, while malfunctioning fireworks caused only 17 (15%) of the injuries. Holding fireworks in the hand was the most common misuse behavior.

Of the 113 persons interviewed, 97 (86%) were actively using fireworks at the time of their injury, and 16 (14%) were innocent bystanders. The active users were predominantly male (78%) and older (mean age, 19.1 years), while the innocent bystanders were more commonly female (62%) and younger (mean age, 14.2 years).

Eighty-four of the injured persons were active users from King County and thus were eligible for the case-control study. Injured persons were compared with controls for both their quantity of exposure to fireworks and their fireworks use behaviors. The quantity of exposure to fireworks over the entire July 4 holiday season, as measured by dollars spent and number of days used, was not significantly different for injured persons and controls. Injured persons spent a mean of $41 (median, $24) on fireworks, and controls spent $31 (median, $20). Injured persons used fireworks for a mean of 3.0 days, and controls used fireworks for a mean of 2.7 days.

Injured persons and controls did differ significantly in their use of specific fireworks types (Table 5). Use of firecrackers had the highest risk of injury, and use of aerial devices also carried a significant risk. Use of ground display devices, however, was not associated with injury. A conditional logistic regression model that included all three of these variables yielded similar results (Table 5).

The risks of injury associated with various fireworks use behaviors are given in Table 6. The highest risk was associated with lack of adult supervision (asked only of those aged 15 years or younger). Other behaviors with significantly elevated risk in a univariate analysis were relighting fireworks that do not ignite at first, throwing fireworks, carrying fireworks in one's pocket, bending over fireworks to light them (instead of approaching them from the side), and holding fireworks in the hand. Behaviors that were not found to carry a significantly elevated risk of injury were exploding fireworks inside of containers, accompanying persons who were throwing fireworks, drinking alcohol while using fireworks (asked only of those aged 16 years or older), or accompanying persons who were drinking alcohol while using fireworks. A conditional logistic regression model included the eight behavior questions that were asked of persons of all ages and excluded the parental supervision and alcohol use questions. Results were similar to those of the univariate analysis; however, carrying fireworks in one's pocket was no longer significantly associated with injury in this model.

COMMENT

We carried out active surveillance of fireworks-related injuries via emergency facilities in the metropolitan Seattle area during the 1983 July 4 holiday and found a substantial number of expensive injuries. Our

surveillance identified 146 persons who were injured during the nine-day sales period and provided an estimated incidence of 9.7 fireworks-related injuries per 100,000 persons. This incidence is three times as high as the 3.1 injuries per 100,000 persons estimated by the National Electronic Injury Surveillance System (NEISS) during the 1981 July 4 holiday.[4] Although most of the difference between our estimate and the NEISS estimate can probably be accounted for by the fact that some other states have more restrictive fireworks laws than Washington, some of the difference may be due to our more complete case ascertainment. The NEISS reporting network includes only hospital emergency rooms. In our study, 14% of the fireworks-related injuries were reported by nonhospital emergency clinics.

The average charge for medical care required for the injured persons we interviewed was quite high—$562. Even higher was the average cost for hospitalized injured persons—$5,431. If we accept the NEISS estimate of 11,400 fireworks-related injuries in the United States in 1981,[4] then the direct costs of fireworks-related injuries in that year approximated $6.5 million. This estimate includes only immediate direct costs but does not include lifetime medical care costs, or indirect costs, such as time lost from work and decreased productivity. These other costs may be large. Twenty-two percent of the injuries in our study involved the eye. While we did not systematically determine the long-term sequelae of these injuries, Wilson found that 30% of fireworks-related eye injuries in Arkansas resulted in irreversible visual loss.[7]

Our study showed that most persons injured by fireworks were young males. Half of the injured persons were younger than 16 years, and almost three fourths were male. These findings agree with those of earlier studies.[4,9] Our study design did not allow us to determine, however, whether young males are truly at greater risk for fireworks-related injury or whether they are simply more frequent users of fireworks.

As in other studies, most (75%) of the injuries we identified resulted from use of fireworks that are legal under federal law. The NEISS[4] found that 80% of fireworks-related injuries were caused by federally legal class C devices, while McPheeters and Straehley[10] in Hawaii found that 90% were caused by federally legal devices. Injuries caused by legal devices were not as likely to result in hospitalization, however, as those caused by illegal devices.

Our case-control study determined that it was not greater exposure to fireworks in general, but exposure to firecrackers and aerial devices in particular, that was associated with increased risk of injury. The case-control method differentiated between the popularity of devices (ground-display devices caused the most injuries) and the relative danger of the devices (firecrackers and aerial devices had significantly elevated risk associated with their use).

Several fireworks use behaviors were associated with increased risk of injury. Paramount among these was the use of fireworks by children without adult supervision. A surprising result was the lack of association between alcohol use and fireworks-related injury. This is inconsistent with the association between alcohol use and other types of injury.[11] The apparent protective effect of being accompanied by a person using alcohol was a result of confounding by parental supervision.

The combined results of our surveillance and case-control studies suggest legislative and educational strategies for prevention of fireworks related injury. Most of the injuries we found were caused by legal fireworks. In addition, we identified two types of fireworks—firecrackers and aerial devices—that place their users at increased risk of injury. Legislation, on either a federal or state level, to decrease the availability of these two device types may result in a decrease in the number of fireworks-related injuries. The other prevention strategy is education. Most of the injuries we identified were caused by misuse of fireworks, and most occurred in children. The high risk associated with lack of parental supervision of children indicates that increased parental supervision and a consequent reduction in general fireworks misuse might decrease the number of injuries among children. Washington State's recent experience suggests that legislation is the more effective of these two strategies. Sale of firecrackers and some aerial devices was legalized in 1982, and the number of injuries in 1982 was twice that in 1981.[1] Between the 1982 and 1983 seasons, no further law changes were made, but a large fireworks safety educational campaign was undertaken, and the number of injuries did not decrease but increased slightly (authors' unpublished observations).

We will have the opportunity to evaluate further the effect of legislation. In March 1984, Washington's Governor John Spellman signed into law Engrossed Substitute House Bill 1652, which will again make the sale of firecrackers and some exploding aerial devices illegal.

We are grateful to the emergency facility supervisors who helped with data collection, to Joy Herndon, MS, Division of Surveillance and Epidemiologic Studies, Epidemiology Program Office, Centers for Disease Control, Atlanta, for statistical assistance, to Bette Lebens for manuscript preparation, and to Elizabeth Hatfield, MPH, National Society to Prevent Blindness, for guidance in study design.

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BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

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Anchorage, Alaska 99510
PHONE: (907) 276-2653

9-1111

January 17, 1985

JAN 23 1985

Representative Pat Pourchot
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Attention: Mr. Richard Ramsey

Dear Mr. Ramsey:

You recently requested that my office provide you with statistics for wildland fires caused by fireworks. We have consolidated the available data from both the State and federal fire protection agencies for the past three years. This should provide a representative picture of fireworks inpact on the fire suppression effort. Please realize that the data presented cannot be 100 percent accurate because of the difficulty of accurately determining the exact cause of all fires to which these agencies respond. Associated acreages burned and suppression cost data is also supplied for your information.

Sincerely,

Leroy E. Hallett

for John L. Sturgeon
State Forester

WILDLAND FIRES CAUSED BY FIREWORKS
ALASKA DIVISION OF FORESTRY
1982-1984

YEAR	NUMBER OF FIREWKS FIRES	TOTAL HUMAN CAUSED FIRES	PERCENT FIREWORKS	ACRES BURNED BY FIREWORKS	ACRES BURNED TOTAL	FIREWORKS FIRES SUPPRESSION COST	TOTAL FIRE SUPPRESSION COST
Area Protected by Alaska Division of Forestry							
1982	13	149	8%	5.25	1,295	26,386	2,300,000
1983	19	366	5%	3.15	32,276	5,477	6,400,000
1984	27	436	6%	369.0	8,167	31,924	5,800,000
Area Protected by the USDA Forest Service							
1982	1	25	4%	.1	4	400	DNA
1983	2	26	8%	.2	37.6	800	DNA
1984	4	20	20%	7.2	13	7,600	DNA
Area Protected by the USDI - BLM Alaska Fires Service							
1982	DNA						
1983	3	117	2.5%	0.0	98,154	942	9,200,000
1984	4	99	4%	5.0	115,871	DNA	DNA

DNA = Data Not Available

FIREWKS = fireworks

YEAR	NUMBER OF FIREWKS FIRES	TOTAL HUMAN CAUSED FIRES	PERCENT FIREWORKS	ACRES BURNED BY FIREWORKS	ACRES BURNED TOTAL	FIREWORKS FIRES SUPPRESSION COST	TOTAL FIRE SUPPRESSION COST
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1984	4	99	4%	5.0	115,871	DNA	DNA

DNA = Data Not Available

National Safety Council

National Safety Council Policy
on

USE OF FIREWORKS

POLICY

The National Safety Council opposes the use of fireworks by adults and children, except by professional pyrotechnicians under controlled conditions.

BASIS

The misuse of fireworks by adults and children continues to cause several thousand needless injuries and deaths each year. Such accidents occur in spite of legislation banning the sale of certain types of fireworks in many states, as well as recently enacted federal regulations.

Enforcement of these regulations is exceedingly difficult, or lax, and use of fireworks continues to be a common practice.

IMPLEMENTATION

The National Safety Council supports in principle the public displays of fireworks under controlled conditions, but advocates more stringent regulations prohibiting the sale and indiscriminate use by adults and children. It is very evident that present regulations have not achieved the predicted reduction in fires and in deaths and injuries to children and adults from fireworks.

The National Safety Council strongly urges appropriate federal and state agencies to rigidly enforce existing regulations prohibiting sales of fireworks or their ingredients.

And it encourages local and state authorities to more diligently enforce existing legislation banning the sale and use of fireworks by the general public.

The National Safety Council calls upon all organizations and agencies concerned with the safety of the American public to intensify their educational efforts to inform adults and children regarding the hazards inherent in the use of fireworks.

FIREWORKS INJURIES

1981

Deborah Kale

Beatrice Harwood

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Directorate for Epidemiology

Division of Hazard Analysis

1981

FIREWORKS

Summary

Firework-related injuries have increased, albeit irregularly, since 1974. The 1981 estimate, 11,400 injuries, equals the previous high of 11,100 estimated for the Bicentennial year.

An annual study conducted during the Independence Day holidays indicates that firecrackers continue to account for a major portion of firework-related injuries. Injuries attributed to the more powerful devices, the federally banned Class B firecrackers, appear to have decreased somewhat in recent years. However, injuries identified with Class C firecrackers, a category which since December 1976 has included both legal and illegal devices, have demonstrated an increase over the last couple of years to a point above that estimated for 1976. (In 1976 CPSC reduced the amount of permissible pyrotechnic charge in Class C firecrackers from 130 to 50 milligrams, but their physical dimensions, historically about 1½ by ¼ inch diameter, do not necessarily identify the amount of charge). Injuries associated with fireworks other than firecrackers have also increased over their previous high reported during the Bicentennial year.

Fire department data, which was reviewed from four states for years 1977 through 1980 indicates an increase in firework-related fires during this time period. Unlike personal injury cases, which involved firecrackers more frequently than other kinds of fireworks, house fire incidents most frequently involved rocket-type fireworks, which usually ignited roofing materials.

Data from previous years have indicated that most injuries associated with both (federally) legal and illegal fireworks involved misuse rather than product malfunction. Moreover, injuries attributed to permissible fireworks, from either misuse or malfunction, were generally minor, and did not often require hospitalization.

Nevertheless, the upward trend in injuries and fires over the last several years is discomforting. Even if the increase merely reflects production and sales trends, the fact that fireworks continue to be associated with a large number of preventable injuries each year is a problem of continuing concern.