

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900 00/2

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SSTA

HB

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HB

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1 prohibit or regulate more restrictively than this chapter the offering  
2 for sale, exposure for sale, sale, use, or explosion of fireworks.

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

4 (b) This chapter does not apply to

5 (1) the sale, and use in emergency situations, of pyro-  
6 technic signaling devices and distress signals for marine, aviation,  
7 and highway use;

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

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

12 (4) toy snakes that contain no mercury;

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

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

16 (7) blank cartridges used for a theatrical or other enter-  
17 tainment production, or for signal or ceremonial purposes in sporting  
18 events or by military organizations.

19 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.-  
20 10.070(c).

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 30, 1986

SUBJECT: Sectional analysis of CSHB 35 (Rules)  
TO: Representative Pat Pourchot  
FROM: Edward H. Hein *EH*  
Legislative Counsel

Section 1 prohibits the possession of dangerous fireworks with the intent to sell or manufacture, unless for industrial, agricultural, wildlife control, or public display purposes.

Sec. 2 makes changes to conform to proper drafting style.

Sec. 3 prohibits the sale of fireworks to persons under 16, and prohibits a person under 18 from selling fireworks unless supervised by an adult.

Sec. 4 substitutes the proper term in place of a personal pronoun to conform to proper drafting style.

Sec. 5 changes the penalty for violation of fireworks laws. The maximum fine is raised from \$500 to \$1,000; the maximum imprisonment is reduced from six months to 90 days. The culpable mental state required for conviction is expanded to include reckless conduct, as well as knowing and intentional conduct.

Sec. 6 retains the current definitions of "dangerous fireworks" and "fire safety code", but removes all other definitions and replaces them with definitions appropriate to the changes made by other sections of the bill. Specifically, "salable fireworks" and "firecracker" are given meanings based on definitions appearing in federal Consumer Product Safety Commission regulations. "Fireworks" is defined in accordance with the definition in the Kentucky Revised Statutes and a model fireworks act. Bottle rockets and firecrackers are, by definition, not allowed to be sold to the general public.

Representative Pat Pourchot  
Page 2  
April 30, 1986

Sec. 7 changes "which" to "that" to conform to proper drafting style.

Sec. 8 creates seven exclusions from fireworks regulation. Specifically, these are: signaling devices for marine, aviation, and highway safety; explosives and signal flares used in business or industry; certain sparklers; toy snakes; certain smoke and party novelties; firearms ammunition; and blank cartridges used for theatrical, sports, or ceremonial purposes.

Sec. 9 provided an effective date of December 31, 1986.

EHH:mkr  
m5/051

SUMMARY

CSHB 35 (Rules) - 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.

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 agreement on changes to the bill. These changes have been incorporated into a new Rules CS and provide for:

- 1) the sale of all fireworks currently allowable under federal regulation except for firecrackers and bottle rockets; and
- 2) the limitation of sales to persons age 16 or over. Sales must be supervised by a person age 18 or over.

Most people who have worked on the bill, including dealers, have agreed that most of the fire, personal injury and nuisance problems can be attributed to the two types of fireworks prohibited by the new CS. Ironically, these two types contribute only a small part of the dealers' total sales profits. At the same time, some of the types of fireworks left off the allowable list in the original bill contribute substantially to current sales and would continue to be permitted under the new Rules CS.

The new Rules CS is a better bill from both the perspective of fireworks retailers and those of us who seek to reduce public health and safety problems. I urge your support for this bill.

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.

Position Paper

CS for House Bill No. 35 (Rules)

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

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

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

BACKGROUND

In 1984, according to the Consumer Product Safety Commission, there were 7 reported deaths and over 9,800 injuries associated with fireworks. Over half of the injuries consisted of burns or lacerations and many were suffered by children under 15. Some of these injuries were quite severe, involving loss of hearing, loss of sight, or loss of limb.

The Center for Disease Control in Atlanta reports that the trend in fireworks related injuries has been generally upward since 1975, when approximately 4,700 persons were treated for fireworks related injuries in hospital emergency rooms.

According to a book on Injury Control, by Dr. Julian A. Waller, bottle rockets, in particular, were associated with high injury rates. These devices are especially likely to cause eye injuries.

The National Fire Protection Association reports that the rate of injuries in states allowing many types of fireworks is significantly greater than in states that ban all fireworks or allow only sparklers and snakes.

POSITION

The Department of Health and Social services believes that restricting the sale of fireworks to persons over 16 years of age,

**POSITION PAPER / Department of Health & Social Services**

and prohibiting the sale of firecrackers and bottle rockets, will result in reduced injuries, especially among children.

Recommended by: Elizabeth Ward  
Elizabeth Ward, M.N.  
Director  
Division of Public Health

Date: 5/5/86

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

Date: 5/5/84

CSHB 35 RLS

AN ACT RELATING TO STATE REGULATION OF FIREWORKS; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: POURCHOT

CO-SPONSORS:

CURRENT STATUS: (S) SA

DATE		PAGE	ACTION
01/14/85	(H)	20	READ THE FIRST TIME - REFERRAL(S)
03/20/85	(H)	638	SA RPT CS 4DP 1NR 1AMEND
03/20/85	(H)	638	2 ZERO FISCAL NOTES
02/03/86	(H)	1960	JUD RPT CS(JUD) 1DP 5NR
02/03/86	(H)	1960	ZERO FISCAL NOTE
03/13/86	(H)		RULES TO CALENDAR 3/14/86
03/14/86	(H)	2378	READ THE SECOND TIME
03/14/86	(H)	2378	JUD CS ADOPTED UNAN CONSENT
03/14/86	(H)	2378	AM NO 1 ADOPTED UNAN CONSENT
03/14/86	(H)	2378	ADVANCED TO THIRD READING UNAN CONSENT
03/14/86	(H)	2379	READ THE THIRD TIME CSHB 35(JUD) AM
03/14/86	(H)	2379	FAILED PASSAGE Y18 N20 X1 A1
03/14/86	(H)	2379	HURLEY NOTICE OF RECONSIDERATION
03/17/86	(H)	2404	RECONSIDERATION HELD TO 3/19/86
03/19/86	(H)	2429	RECON TAKEN UP - IN THIRD READING
03/19/86	(H)	2429	RETURN TO RLS COMMITTEE
04/21/86	(H)	2795	RLS RPT CS(RLS) 4DP RULES
04/23/86	(H)		RULES TO CALENDAR 4/24/86
04/24/86	(H)	2877	REREAD THE THIRD TIME
04/24/86	(H)	2878	RETURN TO SECOND UNAN CONSENT
04/24/86	(H)	2878	RLS CS ADOPTED UNAN CONSENT
04/24/86	(H)	2878	RETURN TO 2ND FOR AM 1 FLD Y19 N19 A2
04/24/86	(H)	2878	PASSED ON RECONSIDERATION Y27 N11 A2
04/24/86	(H)	2879	EFFECTIVE DATE SAME AS PASSAGE
04/24/86	(H)	2886	TRANSMITTED TO (S)
04/25/86	(S)	2473	READ THE FIRST TIME - REFERFAL(S) STATE AFFAIRS JUDICIARY RULES

HB 31

HOUSE BILL NO. 31 by Shultz and Marrou, entitled:

"An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping."

was read the first time and referred to the Judiciary and Resources Committees.

HB 32

HOUSE BILL NO. 32 by Marrou, entitled:

"An Act relating to the permanent fund; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

HB 33

HOUSE BILL NO. 33 by Shultz, entitled:

"An Act relating to agricultural rights to land."

was read the first time and referred to the Resources and Finance Committees.

HB 34

HOUSE BILL NO. 34 by M.M. Miller, entitled:

"An Act relating to the limitation of certain types of liquor licenses."

was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

HB 35

HOUSE BILL NO. 35 by Pourchot, entitled:

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

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 19

The Judiciary Committee has considered HOUSE BILL NO. 19 (relating to runaway minors), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 19 (Judiciary):

"An Act relating to runaway and missing minors."

and reports it back as follows: M.M. Miller (Chairman), Gruenberg, Taylor, Phillips and Clocksin recommend do pass.

HB 19 was referred to the Finance Committee.

HB 35

The State Affairs Committee has considered HOUSE BILL NO. 35 (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman), Boucher, Cato and M.M. Miller recommend do pass; Navarre has no recommendation; Jenkins signed "with amendments". Two zero fiscal notes were attached.

HB 35 was referred to the Judiciary Committee.

HB 78

The Finance Committee has considered HOUSE BILL NO. 78 (relating to occupational licensing fees; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 78 (Labor & Commerce) (page 431) and reports it back as follows: Duncan, Ringstad, Pourchot, Frank and Binkley recommend do pass; Uehling recommends do not pass; Adams (Chairman), Szymanski, Larson and Rieger have no recommendation. A zero fiscal note with analysis was attached.

HB 78 was referred to the Rules Committee for placement on the calendar.

The zero fiscal note with analysis appears in House Journal Supplement No. 32.

HB 126

The Judiciary Committee has considered HOUSE BILL NO. 126 (amending the Alaska Securities Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Phillips, Pettyjohn, Taylor and Gruenberg recommend do pass.

HB 126 was referred to the Finance Committee.

REPORTS OF STANDING COMMITTEES

The State Affairs Committee has reviewed the qualifications of Eleanor Andrews as Commissioner of the Department of Administration and recommends confirmation. The report was signed by Hurley (Chair), Navarre, Cato, Jenkins, Boucher, Collins and M.M. Miller.

The State Affairs Committee has reviewed the qualifications of Esther Wunnicke, Commissioner of the Department of Natural Resources and recommends confirmation as successor to the Office of Lieutenant Governor. The report was signed by Hurley (Chair), Navarre, Jenkins, Boucher, Collins and M.M. Miller.

HJR 60

The State Affairs Committee has considered HOUSE JOINT RESOLUTION NO. 60 (relating to the International Year of Peace) and reports it back as follows: Hurley (Chair), Navarre, M.M. Miller, Collins, Cato and Boucher recommend do pass; Jenkins has no recommendation.

HJR 60 was referred to the Rules Committee for placement on the calendar.

HB 35

The Judiciary Committee has considered HOUSE BILL NO. 35 (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman) recommends do pass; Sund, Gruenberg, Clocksin, Pettyjohn and Phillips have no recommendation. An updated zero fiscal note was attached.

HB 35 was referred to the Rules Committee for placement on the calendar.

HE 68

The Judiciary Committee has considered HOUSE BILL NO. 68 (relating to motor vehicle liability insurance), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 68 (Labor & Commerce) (page 1053) and reports it back as follows: Pettyjohn and Phillips recommend do pass; M.M. Miller (Chairman), Clocksin and Gruenberg have no recommendation. A zero fiscal note was attached.

HB 68 was referred to the Finance Committee.

HB 699

HOUSE BILL NO. 699, by the Finance Committee, entitled:

"An Act creating the Railbelt energy fund; and providing for an effective date."

was read the first time and referred to the House Special Committee on State Loans and the Finance Committee.

CONSIDERATION OF THE DAILY CALENDARSECOND READING OF HOUSE BILLSHB 35

HOUSE BILL NO. 35 (relating to state regulation of fire-works; effective date) was read the second time with the State Affairs Committee report (page 638) and the Judiciary Committee report (page 1960).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 35(Jud)

Amendment No. 1 by Martin and Pourchot:

Page 3, line 3:

Following "in which" insert "are used"

Delete "manufacture" and insert "manufactured"

Representative Martin moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 35(Jud)am

CSHB 35(Jud)am was read the third time.

The question being: "Shall CSHB 35(Jud)am pass the House?"  
The roll was taken with the following result:

CSHB 35(JUD)AM

Yeas: 18 Cato, Clocksin, Collins, Duncan,  
Gruenberg, Grussendorf, Hanley,  
Herrmann, Hurley, Koponen, Larson,  
Martin, Miller, M.M., Navarre,  
Pourchot, Rieger, Shultz, Uehling

Nays: 20 Adams, Binkley, Cotten, Davis,  
Frank, Fuller, Furnace, Goll,  
Jenkins, Marrou, Miller, M.W.,  
Pearce, Pettyjohn, Phillips,  
Ringstad, Sund, Szymanski, Taylor,  
Thompson, Wallis

Excused: 1 Pignalberi

Absent: 1 Boucher

And so, CSHB 35(Jud)am failed to pass the House.

Representative Hurley gave notice of reconsideration of her vote on CSHB 35(Jud)am.

HB 534

HOUSE BILL NO. 534 (relating to violent crimes compensation; effective date) was read the second time with the State Affairs Committee report (page 2127) and the Judiciary Committee report (page 2375).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 534 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 534(Jud)

Representative Clocksin moved and asked unanimous consent that CSHB 534(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 534(Jud) was read the third time.

LEGISLATIVE CITATIONS

Representative Clocksin moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the House approved the following citations:

Honoring - Don Harrison

Honoring - Young Alaskans, Alaska Native Leadership Project

Honoring - Chugiak High School Chaparrals Dance/Drill Team

Honoring - Hoonah Alaska Native Brotherhood Basketball Team, 1986 Gold Medal 'B' Bracket Champions

which were referred to the Chief Clerk for transmittal to the Senate; and

Honoring - William "Bill" Green

which was sent to enrolling.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House as noted:

Representative Fuller - March 20 through plane time, March 24, 1986

Representative M.W. Miller - March 24 through March 27, 1986

Representative Pettyjohn - April 3, 1986

Representative Furnace - March 19 through March 23, 1986

There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that the reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date) be held until Wednesday, March 19, 1986. There being no objection, it was so ordered.

Honoring - William "Bill" Mendenhall

which was referred to the Chief Clerk for transmittal to the Senate; and

In Memoriam - Bertha Porter

which was sent to enrolling.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House as noted:

Representative Davis - March 21 through plane time, March 24, 1986

Representative Boucher - from adjournment, March 27 through March 31, 1986

Representative Pourchot - from adjournment, March 27 through plane time, April 1, 1986

Representative Ringstad - March 27 - March 30, 1986

Representative Clocksin - March 21, 1986

Representative Adams - March 21, 1986

There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Pourchot brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date), which had been held over (page 2404).

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be returned to the Rules Committee. There being no objection, it was so ordered.

CSHB 224(Jud)am

Representative M.M. Miller brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 224 (Judiciary) amended (relating to mandatory use of safety devices), which had been held over (page 2381).

HJR 72

A zero fiscal note was attached.

HJR 72 was referred to the Rules Committee for placement on the calendar.

CSHB 35(Jud)am

The Rules Committee has considered COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Rules) (same title) and reports it back as follows: M.W. Miller (Chairman), Grussendorf, Fuller and Martin recommend do pass.

CSHB 35(Jud)am was returned to the Rules Committee for placement on the calendar.

HB 68

The Rules Committee has considered HOUSE BILL NO. 68 (relating to motor vehicle liability insurance), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 68 (Rules) (same title) and reports it back as follows: M.W. Miller and Martin recommend do pass; Grussendorf and Fuller have no recommendation.

HB 68 was returned to the Rules Committee for placement on the calendar.

HB 284

The Rules Committee has considered HOUSE BILL NO. 284 (relating to elections), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 284 (Rules):

"An Act relating to elections; and providing for an effective date."

and reports it back as follows: M.W. Miller (Chairman) recommends do pass; Fuller, Grussendorf and Martin have no recommendation. A letter of intent, signed by the Chairman, appears below:

House Rules Committee  
Letter of Intent  
for  
CSHB 284(Rules)

"New Section 47 of CSHB 284 (Rules), which requires that the permanent fund dividend application include a voter registration form, has an immediate effective date. This section takes effect immediately, instead of January 1, 1987, because the Department of Revenue solicits bids for printing of the permanent fund dividend application in December. It is the intent of the House Rules Committee that 1987 be the first year that a voter registration form is included in the permanent fund dividend application."

CSSSHB 700(Fin)am

Representative Clocksin moved and asked unanimous consent that CSSSHB 700(Fin)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSSSHB 700(Fin)am was read the third time.

The question being: "Shall CSSSHB 700(Fin)am pass the House?" The roll was taken with the following result:

CSSSHB 700(FIN)AM

Yeas:	38	Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Miller, M.W., Navarra, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis
Nays:	2	Frank, Marrou
Excused:	0	
Absent:	0	

And so, CSSSHB 700(Fin)am passed the House.

Representative Pettyjohn gave notice of reconsideration of his vote on CSSSHB 700(Fin)am and moved and asked unanimous consent that the reconsideration be held until Monday, April 28, 1986. There being no objection, it was so ordered.

THIRD READING OF HOUSE BILLSCSHB 35(Jud)am

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date), which had been returned to the Rules Committee after its reconsideration had been brought up (page 2429), was read the third time.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be returned to second reading for the purpose of specific amendment, namely COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Rules) (same title) (page 2795). There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that CSHB 35(Rls) be adopted in lieu of CSHB 35(Jud)am.

Representative Marrou objected and withdrew his objection. There being no further objection, it was so ordered.

CSHB 35(Rls)

CSHB 35(Rls) was automatically in third reading.

Representative Jenkins moved and asked unanimous consent that CSHB 35(Rls) be returned to second reading for the purpose of specific Amendment No. 1.

Representative Pourchot objected.

Amendment No. 1 by Jenkins:

Page 2, lines 23 - 24:

Delete all material and renumber remaining paragraphs consecutively.

Page 3, line 14, after "firecrackers":

Insert "containing more than 50 milligrams of pyrotechnic composition"

The question being: "Shall CSHB 35(Rls) be returned to second reading for the purpose of specific Amendment No. 1?" The roll was taken with the following result:

CSHB 35(RLS) MOTION

Yeas: 19 Collins, Frank, Furnace,  
Gruenberg, Hunley, Jenkins,  
Larson, Marrou, Martin, Navarre,  
Pearce, Pettyjohn, Phillips,  
Pignalberi, Rieger, Ringstad,  
Szymanski, Taylor, Thompson

CSHB 35(Rls)

Nays: 19 Adams, Binkley, Boucher, Cato,  
Clocksin, Cotten, Davis, Duncan,  
Fuller, Goll, Grussendorf,  
Herrmann, Hurley, Koponen,  
Miller, M.M., Pourchot, Shultz,  
Sund, Wallis

Excused: 0

Absent: 2 Miller, M.W., Uehling

And so, the motion failed.

The question to be reconsidered: "Shall CSHB 35(Rls) pass the House?" The roll was taken with the following result:

CSHB 35(RLS) RECONSIDERATION

Yeas: 27 Binkley, Boucher, Cato, Clocksin,  
Collins, Cotten, Duncan, Fuller,  
Furnace, Gruenberg, Grussendorf,  
Hanley, Herrmann, Hurley, Koponen,  
Larson, Martin, Miller, M.M.,  
Navarre, Pearce, Pettyjohn,  
Phillips, Pourchot, Rieger,  
Shultz, Taylor, Thompson

Nays: 11 Adams, Davis, Frank, Goll,  
Jenkins, Marrou, Pignalberi,  
Ringstad, Sund, Szymanski, Wallis

Excused: 0

Absent: 2 Miller, M.W., Uehling

And so, CSHB 35(Rls) passed the House on reconsideration.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 35(Rls) was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Clocksin moved and asked unanimous consent that the House approve the citations on the calendar. There

ENGROSSMENTCSHB 35(R1s)

CSHB 35(R1s) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 284(R1s)am

CSHB 284(R1s)am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 418

HB 418 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 494(Jud)

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

CSHB 494(Jud)  
Relating to liens for labor or material furnished.

ANNOUNCEMENTS

Labor & Commerce		On adjournment
Time changed		
Judiciary		2:30 p.m., 4/24
Time changed		
Finance		2:15 p.m., 4/24
Time changed		
Minority Caucus	Court 603	3:00 p.m., 4/24
Majority Caucus	Majority Room	9:00 a.m., 4/25

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 con-

nected 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 ACIA 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 munic-

ipality. 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

Section

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," substi-

tuted "\$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  $\frac{3}{8}$  inch;

(B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  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  $\frac{1}{2}$  inch;

(D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed  $\frac{3}{4}$  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  $\frac{1}{2}$  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 sparkiers, 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)

each side or end of such package shall be not less than ¼-inch in height. The number of caps in these inside packages shall be limited so that not more than 10 grains of explosives composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 173.109.

(q) Explosive rivets, each containing not more than 375 milligrams of explosive composition, are exempt from specification packaging and labeling requirements when packed in pasteboard or other inside boxes in securely closed strong wooden boxes, fiberboard boxes or metal containers. Each outside container must be marked "EXPLOSIVE RIVETS". No other restrictions apply in this part.

→ (r) **Common fireworks are fireworks** devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which produces or is intended to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight; nor shall such device or component, upon functioning, project or disperse any metal, glass or brittle plastic fragments. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects). Any new device, not enumerated in this paragraph, must be examined by the Bureau of Explosives and approved by the Director, OHMT, before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, except articles defined in paragraphs (s) through (y) inclusive, of this section,

other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 173.51, are classed as Special Fireworks (see § 173.88(d)).

(1) **Roman candles**, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ¼ inch.

(2) **Sky-rockets with sticks**, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ¼ inch. The rocket sticks must be securely fastened to the tubes.

(3) **Helicopter type rockets**, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ¼ inch.

(4) **Cylindrical fountains**, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter shall not exceed ¾ inch.

(5) **Cone fountains** total pyrotechnic composition not to exceed fifty grams each in weight.

(6) **Wheels**, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred and forty grams for each complete wheel. The inside tube diameter of driver units shall not exceed ¼ inch.

(7) **Illuminating torches** and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.

(8) **Dipped sticks**, the pyrotechnic composition of which contains any chlorate or perchlorate shall not exceed 5 grams. Sparklers, the composition of which does not exceed 100 grams each and which contain no magnesium or magnesium and a chlorate or perchlorate, are not subject to the regulations in Parts 170-189 and 397 of this title.

(9) **Mines and shells** of which the mortar is an integral part, total pyrotechnic composition not to exceed forty grams each in weight.

(10) **Firecrackers and salutes with 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



tion not to exceed two grains each in weight.

(11) Novelties consisting of two or more devices enumerated in this paragraph when examined by the Bureau of Explosives and approved by the Director, OHMT.

(s) Igniter cord consists of textile yarns and/or a wire uniformly covered with a combustible chemical mixture, with or without additional textile or wire counterings, waterproofing or finishing coatings which, when ignited burns externally at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal containers plainly marked "IGNITER CORD."

(t) Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark. These devices must be so designed that they will neither burst nor cause external flame on functioning.

(u) Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning. Ignition elements, if attached, must be of a design examined by the Bureau of Explosives and approved by the Director, OHMT.

(v) Oil well cartridges are tubular devices each containing not more than 350 grains of propellant powder and having no ignition device or element. Cartridges must be constructed and packed so that they will be incapable of functioning en masse as a result of exposure to external flame.

(w) Actuating cartridges, explosive, fire extinguisher or valve consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate valves on remotely controlled fire extinguishers or other apparatus.

(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of type examined by the Bureau of Explosives and approved by

the Director, OHMT and are described as follows:

(1) Cigarette loads consist of wooden pegs to which are affixed a small amount of explosive composition.

(2) Trick matches consist of book matches, strike anywhere matches, or strike-on-box matches which have small amounts of explosive or pyrotechnic composition affixed to the match stem just below the match head.

(3) Trick noise makers, explosive, consist of spheres containing a small amount of explosive composition.

(y) Smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and very signal cartridges are devices designed to produce visible effects for signal purposes. These devices must contain no bursting charges and no more than 200 grams of pyrotechnic composition each (see Note 1); exclusive of smoke composition (see Note 2), unless greater weight of composition is examined by the Bureau of Explosives and approved by the Director, OHMT.

NOTE 1: Pyrotechnic compositions (other than smoke compositions) are defined as chemical mixtures which on burning and without explosion, produce visible or brilliant displays or bright lights.

NOTE 2: Pyrotechnic smoke compositions are defined as chemical smoke producing mixtures, which on ignition burn at a controlled rate, without the production of flame and without the build-up of internal pressure that would rupture or burst the end product.

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning. These devices must be so designed that they will not function other explosive devices in the package sympathetically.

(aa) Explosive power devices, Class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, Class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a type examined by the Bureau of Explosives and ap-

CONSUMER PRODUCTS SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

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IMPORTS  
1500.265 Imports; definitions.  
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1500.272 Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

Authority: Secs. 2-5, 10, 14, 74 Stat. 372-78, 378-79, as amended, 80 Stat. 1303-05, 83 Stat. 187-89, 84 Stat. 1673 (15 U.S.C. 1261 and note, 1262-64, 1269, 1273) unless otherwise noted.

Source: 38 FR 27012, Sept. 27, 1973, unless otherwise noted.

§ 1500.1 Scope of subchapter.

Set forth in this Subchapter C are the regulations of the Consumer Product Safety Commission issued pursuant to and for the implementation of the Federal Hazardous Substances Act as amended (see § 1500.3(a)(1)).

§ 1500.2 Authority.

Authority under the Federal Hazardous Substances Act is vested in the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)).

§ 1500.3 Definitions.

(a) *Certain terms used in this part.* As used in this part:

(1) "Act" means the Federal Hazardous Substances Act (Pub. L. 88-613, 74 Stat. 372-81 (15 U.S.C. 1261-74)) as amended by:

(i) The Child Protection Act of 1968 (Pub. L. 89-756, 80 Stat. 1303-05).

(ii) The Child Protection and Toy Safety Act of 1969 (Pub. L. 91-113, 83 Stat. 187-90).

(iii) The Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 1670-74).

(2) "Commission" means the Consumer Product Safety Commission established May 14, 1973, pursuant to provisions of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1207-33 (15 U.S.C. 2051-81)).

(b) *Statutory definitions.* Except for the definitions given in section 2 (c) and (d) of the act, which are obsolete, the definitions set forth in section 2 of the act are applicable to this part and are repeated for convenience as follows (some of these statutory definitions are interpreted, supplemented, or provided with alternatives in paragraph (c) of this section):

(1) "Territory" means any territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico but excluding the Canal Zone.

(2) "Interstate commerce" means (i) commerce between any State or territory and any place outside thereof and (ii) commerce within the District of Columbia or within any territory not organized with a legislative body.

(3) "Person" includes an individual, partnership, corporation, and association.

(4)(i) "Hazardous substance" means: (A) Any substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substance which the Commission by regulation finds, pursuant to the provisions of section 3(a) of the act, meet the requirements of section 2(f)(1)(A) of the act (restated in (A) above).

(C) Any radioactive substance if, with respect to such substance as used in a particular class of article or as packaged, the Commission determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with the act in order to protect the public health.

(D) Any toy or other article intended for use by children which the Commission by regulation determines, in accordance with section 3(e) of the act, presents an electrical, mechanical, or thermal hazard.

(ii) "Hazardous substance" shall not apply to pesticides subject to the Federal Insecticide, Fungicide, and Rodenticide Act, to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house. "Hazardous substance" shall apply, however, to any article which is not itself a pesticide within the mean-

**WARNING (OR CAUTION)**

**FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if more descriptive).**  
Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place on level surface.  
Light fuse and get away.

(ii) *California candles.*

**WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Hold in hand at bottom of tube.  
Point away from body so that neither end points toward body.

(iii) *Spike and handle cylindrical fountains.*

(A) *Spike fountains.*

**WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Stick firmly in ground in an upright position.

Do not hold in hand.  
Light fuse and get away.

(B) *Handle fountains.*

**WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Hold in hand—point away from body.  
Light fuse.

(iv) *Roman Candles.*

**WARNING (OR CAUTION) SHOOTS FLAMING BALLS**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Stick butt end in ground.  
Do not hold in hand.  
Light fuse and get away.

(v) *Rockets with sticks.*

**WARNING (OR CAUTION) FLAMMABLE**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place in wooden trough or iron pipe at 75° angle, pointing away from people or flammable material.  
Do not hold in hand.  
Light fuse and get away.

(vi) *Wheels.*

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if MORE DESCRIPTIVE)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Attach securely by means of a nail through the hole (or place on hard flat surface, for ground spinners).  
Light fuse and get away.

(vii) *Illuminating torches.*

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if MORE DESCRIPTIVE)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Hold in hand—point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive).  
Light fuse (or light fuse and get away, if more descriptive).

(viii) *Sparklers.*

On the front and back panels:

**WARNING (OR CAUTION) FLAMMABLE**

On the side, front, back, top, or bottom panel.

**CAUTION**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Do not touch glowing wire (or do not touch hot plastic, wood, etc., if more descriptive).  
Hold in hand with arm extended away from body.  
Keep burning end or sparks away from wearing apparel or other flammable material.

(ix) *Mines and shells.*

**WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS (OR SHOOTS FLAMING BALLS, if MORE DESCRIPTIVE)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place on hard smooth surface (or place upright on level ground, if more descriptive).  
Do not hold in hand.  
Light fuse and get away.

(x) *Whistles without report.*

**WARNING (OR CAUTION) FLAMMABLE**  
SHOOTS WHISTLE IN AIR (if applicable)

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Do not hold in hand.  
Light fuse and get away.

(xi) *Toy snook devices and fitter devices.*

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if MORE DESCRIPTIVE)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Do not hold in hand.  
Light fuse and get away.

(xii) *Helicopter-type rockets.*

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if MORE DESCRIPTIVE)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place on hard, open surface.  
Light fuse and get away.

(xiii) *Party poppers.*

**WARNING (OR CAUTION) FLAMMABLE**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
Do not point either end toward face or other person.  
Hold in hand—jerk string.

(xiv) *Missile-type rockets.*

**WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if MORE DESCRIPTIVE)**

Use only under (close) adult supervision.  
(Use of the word close is optional.)  
For outdoor use only.  
Place on hard, open surface.  
Light fuse and get away.

(xv) *Labeling—General.* Any fireworks device not required to have a specific label as indicated above shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed. All labels required under this section shall comply with the requirements of § 1500.121 of these regulations. (See also 1500.17(a)(3), (8) and (9); 1500.83(a)(27); 1500.85(a)(2); and Part 1507.)

(38 FR 27012, Sept. 27, 1973, as amended at 41 FR 22034, June 8, 1976; 48 FR 16, Jan. 3, 1983)

§ 1500.15 Labeling of fire extinguishers.

When a substance or mixture of substances labeled for use in or as a fire extinguisher produces substances that are toxic within the meaning of § 1500.3(c)(1) and (2) when used according to label directions to extinguish a fire, the containers for such substances shall bear the following labeling:

(a) When substances are produced that meet the definition of highly toxic in § 1500.3(c)(1), the signal word "Danger" and the statement of hazard "Poisonous gases formed when used to extinguish flame or on contact with heat" are required labeling.

(b) When substances are produced that meet the definition of toxic in § 1500.3(c)(2), the signal word "Caution" or "Warning" and the statement of hazard "Dangerous gas formed when used to extinguish flame or on contact with heat" are required labeling.

(c) Regardless of whether paragraph (a) or (b) of this section applies, any substance or mixture of substances labeled for use as a fire extinguisher that, if applied to an electrical fire, would subject the user to the likelihood of electrical shock shall be conspicuously labeled "Caution: Do not use on electrical wires."

(d) The statements specified in paragraphs (a), (b), and (c) of this section shall be in addition to any other that may be required under the act. All such substances or mixtures of substances shall also bear the additional statements "Use in an enclosed place may be fatal" and "Do not enter area until well ventilated and all odor of chemical has disappeared."

§ 1500.17 Banned hazardous substances.

(a) Under the authority of section 2(a)(1)(B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

(1) Mixtures that are intended primarily for application to interior ma-

solid, waxes, florets, etc., as a water repellent treatment and that are "extremely flammable" within the meaning of section 2(1) of the act (repeated in § 1500.3(b)(10)).

(2) Carbon tetrachloride and mixtures containing it (including carbon tetrachloride and mixtures containing it used in fire extinguishers), excluding unavoidable manufacturing residues of carbon tetrachloride in other chemicals that under reasonably foreseeable conditions of use do not result in an atmospheric concentration of carbon tetrachloride greater than 10 parts per million.

(3) Fireworks devices intended to produce audible effects (including but not limited to cherry bombs, M-80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition; except that this provision shall not apply to such fireworks devices if all of the following conditions are met:

(i) Such fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate. (See also 1500.14(b)(7); 1500.17(a) (8) and (9); 1500.83(a)(27); 1500.85(a)(2); and Part 1507).

(4) Liquid drain cleaners containing 10 percent or more by weight of sodium and/or potassium hydroxide; except that this subparagraph shall not apply to such liquid drain cleaners if packaged in accordance with a standard for special packaging of such articles promulgated under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 1670-74 (15 U.S.C. 1471-76)).

(5) Products containing soluble cyanide salts, excluding unavoidable manufacturing residues of cyanide salts in other chemicals that under reasonable and foreseeable conditions of use will not result in a concentration of cyanide greater than 25 parts per million.

(6)(i) Any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around the household that:

(A) Is shipped in interstate commerce after December 31, 1973, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce after December 31, 1972, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

(C) [Reserved]

(D) The provisions of paragraph (a)(6)(i) of this section do not apply to artists' paints and related materials.

(ii) Any toy or other article intended for use by children that:

(A) Is shipped in interstate commerce after December 31, 1973, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce after December 31, 1972, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

(iii) Since the Commission has issued comprehensive regulations for lead-containing paint and certain consumer products bearing such paint at the 0.06 percent level under the Consumer Product Safety Act (see 16 CFR Part 1303), subparagraphs (i) and (ii) of section 1500.17(a)(6) are revoked as to the subject products manufactured after February 27, 1978.

NOTE: The effective date of paragraph (a)(6)(i)(A) and (a)(6)(i)(B) was stayed by an order published in the FEDERAL REGISTER of August 10, 1973 (37 FR 16078).

(7) General-use garments containing asbestos (other than garments having a bona fide application for personal protection against thermal injury and so constructed that the asbestos fibers will not become airborne under reasonably foreseeable conditions of use).

(8) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of more than 50 milligrams (.772 grains) of pyrotechnic composition (not including firecrackers included as components of a rocket), aerial bombs, and devices that may be confused with candy or other foods, such as "dragon eggs," and "cracker balls" (also known as "ball-type caps"), and including kits and components intended to produce such fireworks except such devices which meet all of the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local governmental agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate. (See also 1500.17(a) (3) and (9)).

(9) All fireworks devices, other than firecrackers, including kits and components intended to produce such fireworks, not otherwise banned under the act, that do not comply with the applicable requirements of Part 1507 of this chapter, except fireworks devices which meet all the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the

wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate. (See also 1500.17(a) (3) and (8)).

(10) Self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant manufactured or imported on or after October 7, 1974. (See also 1500.17(a) (3) and (8)).

(Secs. 2(f)(1), (A), (B), (g), (q)(1)(B), 3(a), 74 Stat. 372, 374, as amended 80 Stat. 1304-08, 83 Stat. 187-189, 90 Stat. 503 (15 U.S.C. 1261, 1262); sec. 701 (e), (f), (g), 82 Stat. 1055-56, as amended 70 Stat. 819, 72 Stat. 948 (21 U.S.C. 371 (e), (f), (g)), sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)))

38 FR 27012, Sept. 27, 1973, as amended at 38 FR 27514, Oct. 4, 1973; 38 FR 31820, Nov. 15, 1973; 39 FR 30114, Aug. 31, 1974; 39 FR 42903, Dec. 9, 1974; 41 FR 22935, June 2, 1976; 42 FR 44202, Sept. 1, 1977; 43 FR 12310, Mar. 24, 1978; 48 FR 18, Jan. 3, 1983)

§ 1500.13 Banned toys and other banned articles intended for use by children.

(a) Toys and other children's articles presenting mechanical hazards. Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

(1) Any toy rattle containing, either internally or externally, rigid wires, sharp protrusions, or loose small objects that have the potential for causing lacerations, puncture wound injury, aspiration, ingestion, or other injury. (But see 1500.88(a)(1)).

(2) Any toy having noise-making components or attachments capable of being dislodged by the operating features of the toy or capable of being deliberately removed by a child, which toy has the potential for causing lacer-

ing instrument or cartridge does not exceed 3 grams.

138 FR 27012, Sept. 27, 1973; 42 FR 33026, June 29, 1977, as amended at 43 FR 32745, July 28, 1978; 43 FR 47176, Oct. 13, 1978; 44 FR 42678, July 20, 1979; 46 FR 11513, Feb. 9, 1981; 46 FR 16, Jan. 3, 1983

§ 1500.85 Exemptions from classification as a banned hazardous substance.

(a) The term "banned hazardous substance" as used in section 2(q)(1)(A) of the act shall not apply to the following articles provided that these articles bear labeling giving adequate directions and warnings for safe use:

(1) Chemistry sets and other science education sets intended primarily for juveniles, and replacement components for such sets, when labeled in accordance with § 1500.83(a)(23).

(2) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of not more than 50 milligrams (.772 grains) of pyrotechnic composition. (See also 1500.14(b)(7); 1500.17(a)(3), (8) and (9); and Part 1507).

(3) [Reserved]

(4) Educational materials such as art materials, preserved biological specimens, laboratory chemicals, and other articles intended and used for educational purposes.

(5) Liquid fuels containing more than 4 percent by weight of methyl alcohol that are intended and used for operation of miniature engines for model airplanes, boats, cars, etc.

(6) Novelties consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and not more than 25 percent by weight of acetone, and intended for blowing plastic balloons.

(7) Games containing, as the sole hazardous component, a self-pressurized container of soap solution or similar foam-generating mixture provided that the foam-generating component has no hazards other than being in a self-pressurized container.

(8) Model rocket propellant devices designed for use in light-weight, recoverable, and reflyable model rockets, provided such devices:

(i) Are designed to be ignited by electrical means.

(ii) Contain no more than 62.5 grams (2.2 ounces) of propellant material and produce less than 80 newton-seconds (17.92 pound seconds) of total impulse with thrust duration not less than 0.050 second.

(iii) Are constructed such that all the chemical ingredients are preloaded into a cylindrical paper or similarly constructed nonmetallic tube that will not fragment into sharp, hard pieces.

(iv) Are designed so that they will not burst under normal conditions of use, are incapable of spontaneous ignition, and do not contain any type of explosive or pyrotechnic warhead other than a small parachute or recovery-system activation charge.

(9) Separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines wherein all of the chemical ingredients are preloaded so the user does not handle any chemical ingredient and are so designed that the main casing or container does not rupture during operation.

(10) Solid fuel pellets intended for use in miniature jet engines for propelling model jet airplanes, speed boats, racing cars, and similar models, provided such solid fuel pellets:

(i) Weigh not more than 11.5 grams each.

(ii) Are coated with a protective resinous film.

(iii) Contain not more than 35 percent potassium dichromate.

(iv) Produce a maximum thrust of not more than 7½ ounces when used as directed.

(v) Burn not longer than 12 seconds each when used as directed.

(11) Fuses intended for igniting fuel pellets exempt under subparagraph (10) of this paragraph.

(12) Kits intended for construction of model rockets and jet propelled model airplanes requiring the use of difluorodichloromethane as a propellant, provided the outer carton bears on the main panel in conspicuous type size the statement "WARNING—Carefully read instructions and cautions before use."

(13) Flammable wire materials intended for electro-mechanical activation and release devices for model kits described in paragraph (12) of this

section, provided each wire does not exceed 15 milligrams in weight.

138 FR 27012, Sept. 27, 1973, as amended at 41 FR 22935, June 8, 1976; 42 FR 43391, Aug. 29, 1977; 46 FR 16, Jan. 3, 1983

§ 1500.86 Exemptions from classification as a banned toy or other banned article for use by children.

(a) The term "banned hazardous substance" as used in section 2(q)(1)(A) of the act (repeated in § 1500.3(b)(15)(1)(A)) of the act shall not apply to the following articles:

(1) Toy rattles described in § 1500.18(a)(1) in which the rigid wires, sharp protrusions, or loose small objects are internal and provided that such rattles are constructed so that they will not break or deform to expose or release the contents either in normal use or when subjected to reasonably foreseeable damage or abuse.

(2) Dolls and stuffed animals and other similar toys described in § 1500.18(a)(3) in which the components that have the potential for causing laceration, puncture wound injury, or other similar injury are internal, provided such dolls, stuffed animals, and other similar toys are constructed so that they will not break or deform to expose such components either in normal use or when subjected to reasonably foreseeable damage or abuse.

(3) Lawn darts and similar sharp-pointed articles not intended for toy use and marketed solely as a game of skill for adults, provided such articles:

(i) Bear the following statement on the front of the panel of the carton and on any accompanying literature:

WARNING: Not a toy for use by children. May cause serious or fatal injury. Read instructions carefully. Keep out of reach of children.

Such statement shall be printed in sharply contrasting color within a borderline and in letters at least one-quarter inch high on the main panel of the container and at least one-eighth inch high on all accompanying literature.

(ii) Include in the instructions and rules clear and adequate directions

and warnings for safe use including a warning against use when any person or animal is in the vicinity of the intended play or target area.

(iii) Are not sold by toy stores or store departments dealing predominantly in toys and other children's articles.

(4) Any article known as a "baby-bouncer," "walker-jumper," or "baby-walker" and any other similar article (referred to in this subparagraph as "article(s)") described in § 1500.18(a)(6) provided:

(i) The frames are designed and constructed in a manner to prevent injury from any scissoring, shearing, or pinching when the members of the frame or other components rotate about a common axis or fastening point, or otherwise move relative to one another; and

(ii) Any coil springs which expand when the article is subjected to a force that will extend the spring to its maximum distance so that a space between successive coils is greater than one-eighth inch (0.125 inch) are covered or otherwise designed to prevent injuries; and

(iii) All holes larger than one-eighth inch (0.125 inch) in diameter and slots, cracks, or hinged components in any portion of the article through which a child could insert, in whole or in part a finger, toe, or any other part of the anatomy are guarded or otherwise designed to prevent injuries; and

(iv) The articles are designed and constructed to prevent a accidental collapse while in use; and

(v) The articles are designed and constructed in a manner that eliminates from any portion of the article the possibility of presenting a mechanical hazard through pinching, bruising, lacerating, crushing, breaking, amputating, or otherwise injuring portions of the human body when in normal use or when subjected to reasonably foreseeable damage or abuse; and

(vi) Any article which is introduced into interstate commerce after the effective date of this subparagraph is labeled:

(A) With a conspicuous statement of the name and address of the manufac-

#### § 1507.1 Scope.

This Part 1507 prescribes requirements for those fireworks devices (other than firecrackers) not otherwise banned under the act. Any fireworks device (other than firecrackers) which fails to conform to applicable requirements is a banned hazardous substance and is prohibited from the channels of interstate commerce. Any fireworks device not otherwise banned under the act shall not be a banned hazardous substance by virtue of the fact that there are no applicable requirements prescribed herein.

#### § 1507.2 Prohibited chemicals.

Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

(b) Boron.

(c) Chlorates, except:

(1) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included.

(2) In caps and party poppers.

(3) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 800 milligrams) is potassium, sodium, or barium chlorate.

(d) Gallates or gallic acid.

(e) Magnesium (magnesium/aluminum alloys, called magnalium, are permitted).

(f) Mercury salts.

(g) Phosphorus (red or white). Except that red phosphorus is permissible in caps and party poppers.

(h) Picrates or picric acid.

(i) Thiocyanates.

(j) Titanium, except in particle size greater than 100-mesh.

(k) Zirconium.

#### § 1507.3 Fuses.

(a) Fireworks devices that require a fuse shall:

(1) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempted from § 1507.3(a)(1).

(2) Utilize only a fuse which will burn at least 3 seconds but not more than 6 seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus 8 ounces of dead weight or double the weight of the device, whether is less, without separation from the fireworks device.

#### § 1507.4 Bases.

The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.

#### § 1507.5 Pyrotechnic leakage.

The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation.

#### § 1507.6 Burnout and blowout.

The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

#### § 1507.7 Handles and spikes.

(a) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length (see § 1500.14(b)(7)). Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber.

(b) Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than 1/8-inch in diameter of 1/4-inch square.

#### § 1507.8 Wheel devices.

Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that

they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

#### § 1507.9 Toy smoke devices and filter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and first fire upon ignition) during normal operation.

(b) Toy smoke devices and filter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M-80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition comes in direct contact with the plastic.

#### § 1507.10 Rockets with sticks.

Rockets with sticks (including sky-rockets and bottle rockets) shall utilize a straight and rigid stick to provide a direct and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, and normal operation.

#### § 1507.11 Party poppers.

Party poppers (also known by other names such as "Champagne Party Poppers," and "Party Surprise Poppers.") shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

### PART 1508—REQUIREMENTS FOR FULL-SIZE BABY CRIBS

Sec.  
1508.1 Definitions.  
1508.2 Scope of part.  
1508.3 Dimensions.  
1508.4 Spacing of crib components.  
1508.5 Component spacing test method for § 1508.4(b).

Sec.  
1508.6 Hardware.  
1508.7 Construction and finishing.  
1508.8 Assembly instructions.  
1508.9 Identifying marks, warning statement, and compliance declaration.  
1508.10 Recordkeeping.  
1508.11 Requirements for cutouts.  
FIGURES 1-3

AUTHORITY: Secs. 2(K)(X), (Q)(X), (a), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262).

SOURCE: 38 FR 32129, Nov. 21, 1973, unless otherwise noted.

#### § 1508.1 Definitions.

For the purposes of this part:

(a) "Full-size baby crib" means a bed (1) that is designed to provide sleeping accommodations for an infant, (2) that is intended for use in the home, and (3) that is within a range of  $\pm 5.1$  centimeters ( $\pm 2$  inches) of the interior length or width dimensions specified for full size baby cribs in § 1508.3.

#### § 1508.2 Scope of part.

This part sets forth the requirements whereby full-size baby cribs (as defined in § 1508.1(a)) are not banned articles under § 1500.18(a)(13) of this chapter.

#### § 1508.3 Dimensions.

Full-size baby cribs shall have dimensions as follows:

(a) Interior. The interior dimensions shall be  $71 \pm 1.3$  centimeters ( $28 \pm 1/2$  inches) wide as measured between the innermost surfaces of the crib sides and  $133 \pm 1.6$  centimeters ( $52 \pm 1/4$  inches) long as measured between the innermost surfaces of the crib end panels, slats, rods, or spindles. Both measurements are to be made at the level of the mattress support spring in each of its adjustable positions and no more than 5 centimeters (2 inches) from the crib corner posts or from the first spindle to the corresponding point of the first spindle at the other end of the crib. If a crib has contoured or decorative spindles, in either or both of the sides or ends, the measurement shall be determined from the largest diameter of the first turned spindle within a range of 10 centimeters (4 inches) above the mattress support.

## 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.

## 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 fire-

works 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 fireworks 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.

## 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.

## 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.

# 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 al-

most 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 ap-

pears 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 sea-

sonal" 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., ophthalmologist, 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 Ophthalmology, 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 teenagers 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 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : 4/22/86

**REQUEST**  
 Bill/Resolution No. : CSHB 35(rls)  
 Title : State Regulation of Fireworks  
 \_\_\_\_\_  
 Sponsor : Representative Pourchot  
 Requestor : House Rules  
 Date of Request : 4/22/86

**FISCAL DETAIL**  
 Agency Affected : Public Safety  
 BRU : Fire Prevention  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Gordon E. Brunton *gub* Phone : 465-4331  
 Division : Fire Prevention Date : 4/22/86

Approved by Commissioner : [Signature] Date : 4/22/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

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
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME	-0-					
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

Prepared By: G.E. Brunton *bus* Phone: 465-4331  
 Division: Fire Prevention Date: 1/23/85

Approved by: Commissioner *Michael Clemons* 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 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CS HB 35 (Rules)  
 Title : An Act Relating to State  
 Regulation of Fireworks...  
 Sponsor : Rep. Pourchot  
 Requestor : \_\_\_\_\_  
 Date of Request : 5/5/86

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : State Health Services, Adm.  
 Services, Emergency Medical Services  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-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 : Elizabeth Ward, M.N. *E. Ward*  
 Division : Public Health

Phone : 465-3090  
 Date : May 5, 1986

Approved by Commissioner : *J. R. King*  
 Agency : Dept. of Health & Social Services

Date : 5/5/86

Distribution (by Agency preparing fiscal note) :

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

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)**

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-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. <sup>RF/17</sup> 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: 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
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**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: Norman O. 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)

FISCAL NOTE

HB 35

Page 2

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 cumulative effect.

## Original Contributions

# 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.<sup>1</sup> 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 25 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.<sup>2</sup> 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

From the Department of Epidemiology, University of Washington (Ms McFarland), and the Department of Social and Health Services, Division of Health, Office of Public Health Laboratories and Epidemiology (Dr Kobayashi), Seattle, and the Divisions of Field Services (Dr Harris) and Surveillance and Epidemiologic Studies (Dr Dicker), Epidemiology Program Office, Centers for Disease Control, Atlanta.

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.M.), 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  $\chi^2$ , odds ratios (ORs), and exact 95% confidence intervals (CI) were calculated,<sup>1</sup> and conditional logistic regression analysis was carried out.<sup>2</sup> 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 148 injured persons, 128 (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 148 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 89 (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. These persons interviewed did not differ significantly by age or sex from those persons not interviewed. For the persons inter-

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

Injury Site	No. Injured (%)
Multiple site	67 (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	29 (23)	2 (8)
Homemade	8 (6)	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.

viewed, 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.<sup>1</sup>

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,

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	86 (58)	2 (3)
Illegal	22 (18)	4 (18)
Unknown status	26 (22)	2 (8)
Total	113 (99)	8 (7)

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

\$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 25% 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, 59 (66%) of the 88 classifiable injuries were caused by legal fireworks and 29 (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 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 stream device	6 (5)
Exploding inside container	6 (4)
Misused aerial devices	4 (4)
Horseplay	3 (3)
Carried in pocket	1 (1)
Malfunctioning devices	17 (15)
Other	
Hit by sparks	10 (14)
Hit by car while avoiding fireworks, etc	6 (4)
<b>Total</b>	<b>113 (100)</b>

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 76 (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,

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

Fireworks Type	Discordant Matched Pairs†	Odds Ratio‡ (95% Confidence Interval)
Firecrackers	19/8	3.3 (1.2, 8.8)
Aerial	23/8	2.9 (1.2, 6.4)
Ground display	13/13	0.9 (0.4, 2.0)

\*n=108.

†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 adult§	23/8	11.5 (2.8, 100.8)§
Drinking¶	11/13	0.8 (0.3, 2.0)¶
Relighting	27/3	8.8 (1.8, 43.0)¶
Throwing	30/4	5.8 (1.2, 26.2)¶
Holding in hand	24/6	4.7 (1.2, 18.0)¶
Bending over to light	30/9	4.0 (1.3, 12.0)¶
Carrying in pocket	22/3	1.9 (0.4, 8.3)¶
Others throwing	24/13	1.6 (0.8, 4.8)¶
Exploding inside containers	24/12	0.8 (0.2, 2.6)¶
Others drinking	16/26	0.3 (0.1, 0.9)¶

\*n=108 unless otherwise indicated.

†Case exposed, control not exposed/case not exposed, control exposed.

‡W aged 18 years or younger, n=82.

§McNemar odds ratio, with exact 95% confidence intervals.

¶W aged 18 years or older, n=82.

‡Odds ratio from conditional logistic regression model with precision-based 95% confidence intervals.

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 fire-

works 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 18 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 148 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.<sup>1</sup> 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,<sup>2</sup> 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.<sup>3</sup>

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.<sup>4,5</sup> 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<sup>1</sup> found that 80% of fireworks-related injuries were caused by federally legal class C devices, while McPheeters and Strachley<sup>6</sup> 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.<sup>7</sup> 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 fire-

works 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.<sup>8</sup> 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, Epidemiologic Program Office, Centers for Disease Control, Atlanta, for statistical assistance, to Eette Lebens for manuscript preparation, and to Elizabeth Hatfield, MPH, National Society to Prevent Blindness, for guidance in study design.

#### References

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BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

DIVISION OF FORESTRY

Pouch 7-005  
Anchorage, Alaska 99510  
PHONE: (907) 276-2653

9-1111

January 17, 1985

JAN 23 1985

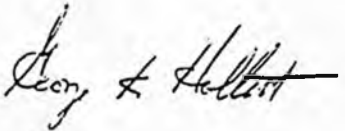
Representative Pat Pourchot  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

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 impact 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,



*JL* 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
<u>Area Protected by Alaska Division of Forestry</u>							
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
<u>Area Protected by the USDA Forest Service</u>							
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
<u>Area Protected by the USDI - BLM Alaska Fires Service</u>							
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
<u>Area Protected by Alaska Division of Forestry</u>							
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
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<u>Area Protected by the USDA Forest Service</u>							
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
<u>Area Protected by the USDI - BLM Alaska Fires Service</u>							
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



# 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

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 disconcerting. 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.

Offered: 4/21/86  
Referred: Rules

*Hein*

Original sponsor: Pourchot

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 35 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

COMMITTEE COPY

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

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

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

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

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

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

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

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

23 (4) "firecracker" has the meaning given in 49 C.F.R. 173.-  
24 100(r);

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

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

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

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

10 (7) "recklessly" has the meaning given in AS 11.81.900(a)-  
11 (3);

12 (8) "salable fireworks" means common fireworks, as de-  
13 scribed in 49 C.F.R. 173.100(r), other than

14 (A) firecrackers; and

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

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

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

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

27 (b) This chapter does not apply to

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

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

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

5 (4) toy snakes that contain no mercury;

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

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

9 (7) blank cartridges used for a theatrical or other enter-  
10 tainment production, or for signal or ceremonial purposes in sporting  
11 events or by military organizations.

12 \* Sec. 9. This Act takes effect December 31, 1986.  
13  
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# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSHB35(JUD)  
 Title : State regulation of fireworks

Sponsor : House Judiciary  
 Requestor : House Rules  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Fire Prevention

Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		0	0	0	0	0
---------	--	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

*IC* Prepared by : Gordon E. Brunton *gub* Phone : 465-4331  
 Division : Fire Prevention Date : 2/5/86  
 Approved by Commissioner *[Signature]* Date : 2/6/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James A. Smith  
Signature of Camera Operator

11/24/89  
Date

HB

50

# COMMITTEE REPORT

## SENATE

FURTHER:

3/21/85

Date APR 23, 1985

Mr. President

The Committee on STATE AFFAIRS considered CSNB 50(Fin)  
relating to Alaska bidder preference.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for CSHB 50 (SA)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Edna De Vries  
V. J. ...  
Bill Kay  
Tim Kelly

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chairman

[Signature]  
Chairman recommendation

AMENDMENT NO. 2

Add a new section 4 and renumber other sections accordingly:

\* Section 4. AS 37.05.230(7) is amended to read:

(7) the provisions of this section relative to an "Alaska bidder" do not apply to contracts estimated to exceed \$500,000, [of the Department of Transportation and Public Facilities which are authorized under AS 35.15 or AS 19.10.]

Notwithstanding this subsection, an "Alaska bidder" preference may be waived by the Commissioner of <sup>AND COM ADM</sup> Transportation and Public Facilities in cases of competitive bids where mandatory federal guidelines would apply which restrict such a preference.

SEC 6.

A M E N D M E N T

Offered in the HOUSE

By \_\_\_\_\_

TO: COMMITTEE SUBSTITUTE TO HOUSE BILL 50 (Finance)

Page \_\_, line \_\_:

Add the following new material to read:

\* Sec. \_\_. AS 37.05.230(5) is repealed and reenacted to read:

(5) In this section, "Alaska bidder" means a person who

(A) holds a current Alaska Business license;

*Business activity*  
(B) has more than \$1,000,000 worth of annual sales in the state or performs more than 20 percent of the person's annual business in the state, whichever is less;

(C) certifies under penalty of perjury that the bidder will employ Alaska residents in the performance of the contract unless resident laborers are unqualified or unavailable; and

(D) maintains a permanent place of business in the state for a period of six months immediately preceding the date of the bid.

*E,*



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Avenue  
P.O. Box 6-614  
Anchorage, Alaska 99502-0614  
[907] 333-9561

March 29, 1985

HB 50  
M

SCHOOL BOARD  
Jim Robinson  
President  
Bettye Davis  
Vice-President  
Jean Buchanan  
Clerk  
Immediate Past President  
Martha Roderick  
Clerk Pro Tem  
Lee Gorsuch  
Treasurer  
Past President  
Carol Stolpe  
Assistant Treasurer  
William Frick  
Parliamentarian

SUPERINTENDENT  
E.E. (Gene) Davis, Ed.D.

The Honorable Mitch Abood  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Abood:

Subject: House Bill #50 - "An Act Relating to Alaska  
Bidder's Preference"

We recommend that this bill not pass.

The primary reason for opposing this bill is that no preference dollar limit is contained in the bill. On a \$10 million dollar project the 10 percent preference could amount to \$1 million dollars.

Current Anchorage School District Policy contains a 5 percent local bidder's preference for firms maintaining offices within the boundaries of the Municipality of Anchorage. The maximum dollar preference allowed is \$5,000.

Bidder's preferences tend to limit competition in the market-place and therefore, the usual result is higher costs to the taxpayers.

Sincerely,

E. E. (Gene) Davis, Ed.D.  
SUPERINTENDENT

jlm

cc L. T. Freeman, Assistant Superintendent for Business  
Management  
Bill Miles, School District Lobbyist

RECEIVED  
APR 2 1985

CONFERENCE COMMITTEE SUBSTITUTE  
House Bill No. 106

For an Act entitled: "An Act relating to Alaska bidder preference."

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

\* Section 1. AS 37.05 is amended by adding a new section to read:

Sec. 37.05.225. PURPOSE. The legislature finds that there exists in the state continuing high unemployment, underutilization of resident construction and supply firms, and high costs unfavorable to the welfare of Alaskans and to the economic health of the state. The purpose of bidder preference for resident firms when the state acts as a market participant using state funds is to encourage local industry, strengthen and stabilize the economy, decrease unemployment, and enhance the tax and revenue base of the state.

\* Section 2. AS 37.05.230(1)(B) is amended to read:

(B) a bid shall be awarded to an Alaska bidder if the [HIS] bid is not more than five percent higher than the lowest nonresident bidder's, except that a contract bid of \$100,000 or less shall be awarded to an Alaska bidder if the bid is not more than 15 percent higher than the lowest nonresident bidder's; and

\* Section 3. AS 37.05.230 (5)(A) is amended to read: (HOLDS) has held a current Alaska Business License for a period of six months immediately preceding the date of the bid.

\* Section 4. AS 37.05.230(5) is amended by adding a new subparagraph to read: (D) if a joint venture, is composed entirely of venturers that qualify under this paragraph;

\* Section 5. AS 37.05.230(7) is amended to read: (7) the provisions of this section relative to an "Alaska bidder" do not apply to a contract (CONTRACTS) estimated to exceed \$100,000 (\$5,000), of (EITHER) the Department of Transportation and Public Facilities, which is (ARE) authorized under AS 35.15 and the provisions of this section do not apply to a contract of less than \$100,000 of that department if their application would result in loss of federal funds (AS 35.15.010 - 35.15.120, OR THE DEPARTMENT OF HIGHWAYS, WHICH ARE AUTHORIZED UNDER AS 19.10.010 - 19.10.280);

(LAST YEARS BILL)

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 50 (FIN)  
 Title: An act relating to Alaska  
bidders preference  
 Sponsor: Grussendorf and Sund  
 Requestor: House Finance Committee  
 Date of Request: March 14, 1985

FISCAL DETAIL

Agency Affected: none  
 Program Category Affected: none  
 BRU, Program or Subprogram(s) Affected:  
none

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
<b>TOTAL</b>		0				

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS: Attach a separate page if necessary

Prepared By: Al Adams, Chair *APA* Phone: 465-3706  
 Division: House Finance Committee Date: 3/14/85

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

REPRESENTATIVE  
BEN GRUSSENDORF

P. O. Box 828  
SITKA, ALASKA 99835  
(907) 747-8458

RULES COMMITTEE  
LEGISLATIVE COUNCIL

DISTRICT 3  
ELFIN COVE  
PELICAN  
PORT ALEXANDER  
SITKA  
TENAKEE

# Alaska State Legislature



House of Representatives  
SPEAKER OF THE HOUSE

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3824  
(907) 465-3720

## SECTIONAL ANALYSIS OF CS HB 50 (Finance):

This bill adds two sections and amends one section of existing law (AS 37.05) as follows:

Section 1. Adds a new section (AS 37.05.225. PURPOSE) to establish in statute a legislative purpose for bidders preference. The purpose is based on economic conditions in Alaska, including continuous high unemployment, underutilization of resident construction and supply firms, and unfavorably high costs which impact the economic health of the State.

Section 2. Amends AS 37.05.230(1)(a), increasing the existing bidders preference from "not more than five percent" to "not more than 10 percent higher than the lowest nonresident bidder's."

Section 3. Adds a new subsection (e) to AS 37.05.315, providing that municipalities using state grant funds, in part or whole, for competitively bid contracts or projects may utilize the bidders preference set out in Section 2.

Except for the three sections above, the other provisions of AS 37.05 would remain as is in existing statutes.

# AIECA

ALASKA  
INDEPENDENT  
ELECTRIC  
CONTRACTORS  
ASSOCIATION

RECEIVED  
3/4/85

The Honorable BEL GRUSSENDORF  
Speaker of the House  
Pouch V  
Juneau, Alaska 99811

Dear Speaker Grussendorf,

21 February 1985

We write in support of HB 50, relating to Alaska Bidder's Preference.

Our organization represents the largest segment of the State's electrical contractors; the Independents. Most of us are long term Alaskans, who have been here winter after winter, surviving the crash after the pipeline completion and the like. We hire Alaskans, pay our Alaskan taxes, are licensed, bonded and insured in concert with State law.

In the past several years we have seen great quantities of "contractors" come up here from areas of dismal fiscal outlook, attempting to make a grab for some big construction money. Many do not bother to apply for registration, licensing or bonding, and numerous are the horror stories associated with their work.

Not only are they injuring Alaskans, both in the residential markets and in the commercial markets, but they are giving a bad name to a trade in which we take pride and try to support. We know of several parallels to the contractor difficulties noted above, involving suppliers doing business here from the states.

We support the increase in the Alaska Bidder Preference as a logical way to attempt to protect the people, companies and industries who are ALWAYS HERE, in bad winters, miserable breakups and poor economic climates.

We would be pleased to work with you during passage of this amendment; thank you in advance,

DON TANNER  
President

Charter Members: ALL PHASE ELECTRIC, B & E ELECTRIC, DINOBAT ELECTRIC, FUCHS ELECTRIC, HUSKY ELECTRIC, INDEPENDENT ELECTRIC, RAINBOW ELECTRIC, RAVEN ELECTRIC, RICH CREEK ELECTRIC, TANNER & SONS ELECTRIC, YELLOW ELECTRIC, LTD.



ALASKA CHAPTER  
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

POSITION STATEMENT

ON LEGISLATION INCREASING

THE

ALASKA BIDDER PREFERENCE (HB 50)



HB 50

POSITION PAPER ON HB 50

The Alaska Chapter, Associated General Contractors of America, Inc. (A.G.C.) represents more than 900 member companies, including most of the general contracting companies engaged in Alaska's commercial construction.

A.G.C. is opposed to HB 50 which proposes to raise the Alaska bidder preference percentage, contained in AS 37.05.230, from 5% to 10%. Primarily, A.G.C. opposes any local preference for the construction industry including the existing 5% preference. A.G.C.'s opposition is founded on both practical and philosophical considerations.

From a practical perspective, a preference for local contractors:

- inflates the cost to the owner
- increases the uncertainty in the bidding process
- increases construction bidding requirements
- increases the potential for litigation
- delays the awarding of projects

Further, there is a strong likelihood that such a scheme is unconstitutional. In Attorney Robert Goldberg's recent study submitted to the Department of Labor, pages 50 and 51 state in part:

". . . While that court has not decided the constitutionality of the five percent bidder preference in AS 37.05.230, two of the five justices (Rabinowitz and Burke) have already announced that they regard the preference as manifestly unconstitutional because: 'A discrimination between residents and non residents solely on the object of assisting the one class over the other economically cannot be upheld under either the privileges and immunities or equal protection clauses.' Irby-Northface v. Commonwealth Electric Co., 664 P.2d 557, 562 (Alaska 1983) (Rabinowitz, J., concurring), quoting Lynden Transport, Inc. v. State, 532 P.2d 700, 710 (Alaska 1975)"

From a philosophical perspective, A.G.C. opposes government regulations of the construction industry. A.G.C. supports the free market, competitive bidding system for awarding construction contracts. This system has stood the test of time as the most economical system for the owner and a fair system for the contractors. Consistency dictates that A.G.C. not seek special regulatory favor for Alaska contractors. Further, a local preference is not consistent with the competition free market system.

Although this legislation has no effect on projects awarded by the Department of Transportation and Public Facilities, it would affect such State agencies as: The Alaska Power Authority, University of Alaska, Department of Corrections, Department of Administration, Pioneer Homes and the Court System. The Alaska Power Authority has experienced bidder preference law suits, including a case that had to be settled by the Supreme Court before the bid could be let. Litigation prior to project award increases the cost and is not in the best interest of the construction industry or the general public.

A 10% bidder preference will unnecessarily and substantially increase the cost of building Alaska's infrastructure. At a time of dwindling oil revenues we suggest that the 10% bidder preference not be approved.

D. Statutory Provisions Governing Public Contracts

Title 36 of the Alaska Statutes, which governs public contracts, includes three chapters granting preferences to Alaskan individuals and businesses. AS 36.10, discussed above, requires preferential hiring of Alaska residents for the performance of public works contracts. AS 36.15 requires the use, wherever practicable, of Alaska forest products in state-funded construction. AS 36.20.010 provides that: "In making purchases or awarding contracts for supplies, commodities or material for an office or institution of this state preference shall be given, whenever practicable, to producers and dealers in the state, price and quality being equal." This provision is implemented in AS 37.05.230(1) which establishes competitive building requirements but provides that "a bid shall be awarded to an Alaska bidder if the bid is not more than five percent higher than the lowest nonresident bidder's..."

The future of these preferences, however, appears uncertain at best. The Superior Court has recently ruled AS 36.10.010 to be violative of the privileges and immunities clause in Francis v. Robison, et al., 3AN 83-9969 Civil, a decision the state is currently appealing to the Alaska Supreme Court. While that court has not decided the constitutionality of the five percent bidder preference in AS 37.05.230, two of the five

justices (Rabinowitz and Burke) have already announced that they regard the preference as manifestly unconstitutional because: "A discrimination between residents and non residents solely on the object of assisting the one class over the other economically cannot be upheld under either the privileges and immunities or equal protection clauses." Irby-Northface v. Commonwealth Electric Co., 664 P.2d 557, 562 (Alaska 1983) (Rabinowitz, J., concurring), quoting Lynden Transport, Inc. v. State, 532 P.2d 700, 710 (Alaska 1975).

Conspicuous by their absence from Alaska's public contract statutes are provisions in effect in some jurisdictions permitting or requiring bidding preferences or set-asides for small business and/or minority business enterprises. Nor does Alaska have a statutory requirement that contractors have affirmative action programs, although such requirements are in practice included in some state contracts. As discussed below, measures such as these could serve as constitutionally permissible means of fighting unemployment in Alaska.

E. DOT & PF Affirmative Action Program

One major state agency has made commitments to increase contracting opportunities for minority business enterprises. In 1980, the Department of Transportation and Public Facilities (DOT & PF) entered into a settlement agreement