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April 16, 2003

Senator Ann O'Connell, Chair
Senate Government Affairs
Nevada State Legislature, Capitol Complex
Carson City, Nevada 89701

Subject: Testimony on AB 328, Submission to Voters, the question of whether the legislature should direct the State Fire Marshal's Office to regulate the sale and use of fireworks...

Dear Senator O'Connell and members of the Committee

The Division of State Fire Marshal's Office supports AB 328 and believes that it is proper to let the people of the State of Nevada decide if the sale and use of fireworks should be regulated statewide.

According to the National Fire Protection Agency, in 1998, there were an estimated 21,700 fires involving fireworks, as reported to fire departments. There was \$15.6 million in direct property damage as a result of these fires. Fireworks related fires have typically caused at least \$20 million in property loss each year in the past decade.

On a typical 4th of July, fireworks cause more fires in the United States than all other causes combined. But, because most people encounter the risk of fireworks once a year, most Americans do not realize how great the risk is.

The National Fire Protection Association also reports that the number of injuries associated with the "amateur use of fireworks" continues to rise. In 2000, fireworks injuries reported to hospital emergency rooms rose 29% from 1999, to 8,500 injuries. Without discussing further details, the figures underscore the fact that the risk of fireworks use- measured as a rate of serious injuries per hour of exposure- ranks with the highest risks of any known product. Meantime, injuries associated with public displays remain low...indicating that fireworks are best handled by professionals, whose shows are spectacular but safe.

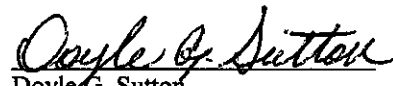
The State Fire Marshal's Office currently regulates "display" or commercial fireworks and storage, but specifically exempts fireworks designated as "consumer" or the old "Class C" designation of fireworks

(except for storage). If tasked with the development of regulation, public hearings and the administrative code process would decide the extent of regulation.

In short, we support the ballot question that would allow the voters to decide if the State Fire Marshal's Office should adopt regulations to regulate the sale and use of fireworks in all counties of this state.

Note: Currently, 32 states plus the District of Columbia allow some or all types of consumer fireworks, approved by enforcing authority, or as specified by law. 6 states allow only sparklers and/or other novelties. All consumer fireworks are banned in 10 states. Only 1 state has no consumer fireworks laws except at the county level...Nevada.

Respectively Submitted,

A handwritten signature in cursive script, reading "Doyle G. Sutton".

Doyle G. Sutton
Nevada State Fire Marshal

Legal or not for consumers, fireworks are too risky for amateurs

Permanent scarring, loss of vision, dismemberment – these are too often the harsh realities of amateur fireworks use. To keep the public safe from fireworks-related injuries and deaths, the nonprofit NFPA urges everyone to treat fireworks, whether legal or illegal for consumers, as suitable only for use by trained professionals. According to NFPA, amateur fireworks use endangers not only the users, but also bystanders and surrounding property and structures. Pyrotechnic devices ranging from sparklers to aerial rockets cause thousands of fires and serious injuries each year.

"Safe and sane fireworks don't exist," says Dr. John Hall, NFPA assistant vice president of Fire Analysis and Research. "When things go wrong with fireworks, they go very wrong, very fast, far faster than any fire protection provisions can reliably respond."

In recent years, fireworks have been one of the leading causes of injuries serious enough to require hospital emergency room treatment. Fireworks can result in severe burns, fractures, or scars or even death or disfigurement that can last a lifetime. The thousands of serious injuries each year typically harm the eyes, head, or hands, and are mostly reported in states where fireworks are legal. Even sparklers, which are considered by many to be harmless, reach temperatures of 1,200° F.

"Fireworks are dangerous and unpredictable, especially in the hands of amateurs," says Meri-K Appy, NFPA vice president of Public Education. "The few seconds of pleasure those fireworks may bring are not worth the risk of injury, permanent scarring, or even death."

Wooded areas, homes, and even automobiles have become engulfed in flames because of fireworks. Fireworks-related fires have typically caused at least \$20 million in property loss (not adjusted for inflation) each year in recent years. A substantial portion of the structure fire property loss due to fireworks typically involves bottle rockets or other fireworks rockets. These rockets can land on rooftops or wedge within certain structures and still retain enough heat to cause a fire.

"For most people, their family and their home represent the hard work of a lifetime and their hopes for the future," says Dr. Hall. "No one would risk losing what's most important to them if they understood the dangers of fireworks. There are safer alternatives to using fireworks on the Fourth of July."

Public fireworks displays are one of those alternatives. Conducted by trained professionals, these displays are the smartest and safest fireworks alternative for anyone because they are established under controlled settings and regulations. After these displays, or any other time, children should never pick up fireworks that may be left over. Fireworks that have been ignited and fail to immediately explode or discharge can cause injury because they may still be active. Children should always tell an adult if they find fireworks rather than picking up smoking or charred fireworks themselves, which is just too risky.

Clearly, fireworks are capable of devastating and fatal injuries. According to the American Pyrotechnics Association, there are currently eight states that ban all consumer fireworks (AZ, DE, GA, MA, NJ, NY, RI, and VT). The fireworks banned in these states don't become safer when used in others. Remember, all fireworks should be left to professionals.

State Fireworks Regulations (as of May 1, 1999)

Thirty-four states and the District of Columbia allow some or all types of consumer fireworks (formerly known as Class C Fireworks) approved by enforcing authority or as specified in law. Note: These states enforce the federal regulations and applicable state restrictions.

Alabama	Nebraska
Alaska	New Hampshire
Arkansas	New Mexico
California	North Carolina
Colorado	North Dakota
District of Columbia	Oklahoma
Florida	Oregon
Hawaii	South Carolina
Idaho	South Dakota
Indiana	Tennessee
Kansas	Texas
Kentucky	Utah
Louisiana	Virginia
Michigan	Washington
Mississippi	West Virginia
Missouri	Wisconsin
Montana	Wyoming

There is one state that has no fireworks laws, except at the county level:

Nevada

There are six states that allow only sparklers and/or other novelties:

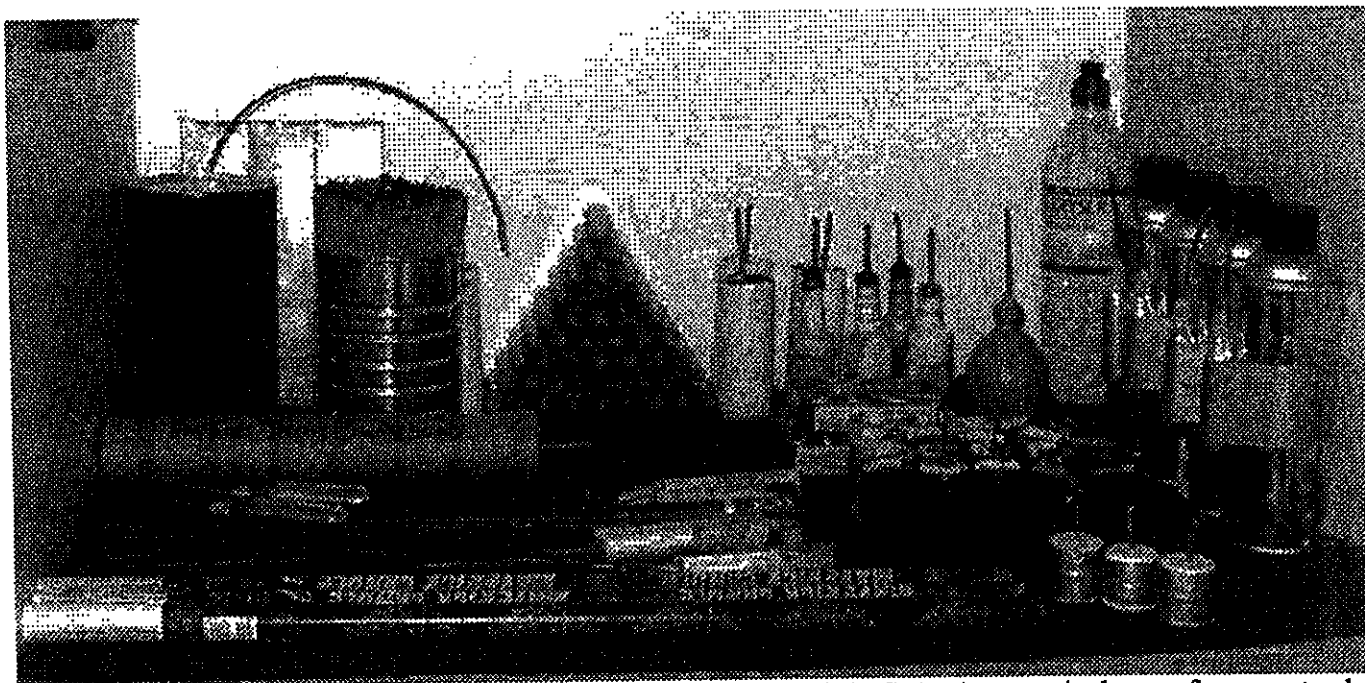
Illinois	Maryland
Iowa	Ohio
Maine	Pennsylvania

There are ten states that ban all consumer fireworks:

Arizona	Minnesota
Connecticut	New Jersey
Delaware	New York
Georgia	Rhode Island
Massachusetts	Vermont

Source: American Pyrotechnics Association

NATIONAL ACTIVITY



• **FIREWORKS TO IMPROVISED EXPLOSIVE DEVICES (IEDs):** Anyone in law enforcement who investigates the criminal use of explosives knows that improvised explosive devices (IEDs) and improvised incendiary devices (IIDs) are limited only by a bombmaker's imagination. The majority of bombmakers, however, do not have the expertise or patience to make or research complicated devices. Instead, they create crude devices out of readily available components. Because of this, modifying ordinary fireworks has become a very common way to produce IEDs. One very common illegal explosive device is known as the "M" type device. Virtually everyone knows what an M-80, M-100, or cherry bomb is and that they can destroy a mailbox or public toilet with little effort. People often believe these items to be common fireworks, but they are actually manufactured and distributed in violation of Federal explosives laws. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is heavily involved in investigating these devices.