

PETER J. ZUG, MEMBER

HARRISBURG OFFICE:  
HOUSE POST OFFICE BOX 202020  
MAIN CAPITOL BUILDING  
HARRISBURG, PENNSYLVANIA 17120-2020  
PHONE: (717) 787-2686

MYERSTOWN OFFICE:  
112 WEST MAIN AVENUE  
MYERSTOWN, PA 17067  
PHONE: (717) 866-9144



House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

APPROPRIATIONS  
CHAIRMAN, SUBCOMMITTEE ON  
EDUCATION  
INSURANCE  
CONSUMER AFFAIRS  
POLICY  
VETERANS AFFAIRS &  
EMERGENCY PREPAREDNESS  
CHESAPEAKE BAY COMMISSION

# MEMORANDUM

**TO:** ALL MEMBERS

**FROM:** REPRESENTATIVE PETER ZUG

**DATE:** JUNE 28, 2005

**SUBJECT:** Fireworks Law Legislation

---

In the near future, I will be introducing legislation which amends Act 65 of 1939 (Fireworks Law) by allowing municipalities to adopt ordinances which may be more restrictive than state law in regard to the sale and use of consumer and novelty fireworks within their municipality.

As you are aware, Act 204 of 2004 amended the state fireworks law by allowing consumer fireworks to be sold and displayed, provided that persons possessed permits issued by the municipality. As well, this new law provided blanket authority for "ground and hand held sparkling devices", "novelties" and "Toy caps" to be sold, possessed and displayed at all times across the Commonwealth.

I have had numerous municipal officials and firefighters contact my office in regard to a legislative change to revert control of fireworks sale and usage policies back to municipal governments. As well, the PA Fire and Emergency Services Institute and the PA Fireman's Legislative Federation have recently been very vocal on the safety ramifications of Act 204 of 2004, and are supportive of my legislative changes.

If you are interested in being a co-sponsor, please contact Lori Losch at 787-2686 or [llosch@pahousegop.com](mailto:llosch@pahousegop.com).



OFFICE OF THE MAYOR

Robert A. Anspach, Mayor



400 South Eighth Street  
Lebanon, PA 17042  
(717) 273-6711

July 11, 2005

Representative Peter Zug  
Room 150 A-East Wing  
Harrisburg, Pa. 17120-2020

Dear Representative Zug:

The Council of the City of Lebanon met in its regular session on June 27, 2005 at which time a resolution was introduced regarding Act 204 of the 2004 legislative session. Act 204 authorized certain pyrotechnics that were previously outlawed in many municipalities. The aforementioned resolution enjoins the legislature to revisit Act 204 as soon as possible for the purpose of adding language that would restore the authority of each municipality to decide which pyrotechnics, if any, would be authorized for sale and or use in their municipality.

I have taken this opportunity to attach a copy of Resolution 79, Sessions 2004-2005 for your review. The Council of the City of Lebanon and I respectfully ask you to introduce and support legislation which would restore the authority to each municipality regarding pyrotechnics. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert A. Anspach', is written over a horizontal line.

Robert A. Anspach  
Mayor

CC: Lebanon City Council  
Fire Commissioner  
City Clerk  
Chief of Police



# PENNSYLVANIA FIRE & EMERGENCY SERVICES INSTITUTE

223 State Street • Harrisburg, Pennsylvania 17101 • Toll-Free: 1.800.FIRELINE (1.800.347.3546)  
Phone: 717.236.5995 • Fax: 717.236.5996 • Internet: [www.pfsi.org](http://www.pfsi.org)

#### Honorary Co-Chairmen:

Senator Michael L. Waugh  
Senator Sean F. Logan  
Representative Stanley E. Saylor  
Representative Anthony DeLuca

#### Executive Board:

Donald H. Konkle, President  
David Wyrwas, Vice President  
Jeff Siegrist, Secretary  
Thomas Flanagan, Treasurer  
Stephen R. Wirth, Esq.  
Glenn D. Usdin  
Ivan Meeker  
Richard Botts  
Brian Connely

#### Statewide Advisory

**Board Chairman**  
Vince Difilippo

#### Executive Director

Thomas L. Savage III

October 14, 2005

Honorable Peter Zug  
State Representative  
Room 313 Main Capitol  
Harrisburg PA 17120

Dear Representative Zug:

The Pennsylvania Fire and Emergency Services Institute's Fire Works Task Group, consisting of well qualified Fire Chiefs and Fire Service Leaders, has completed their review of last years enacted changes to the PA's Fireworks Law by the Pennsylvania Legislature.

Familiar with fire codes and the safety needs of their own communities they have provided guidance to PFESI which has led to the following PFESI position on changes that need to be made to the existing Fireworks Law in Pennsylvania.

**We believe that Local Communities should have final jurisdiction to adopt and enforce more stringent regulations for fireworks and pyrotechnic items.**

**In addition, Fireworks that cannot be sold to Pennsylvania residents should not be sold to out of state residents. The selling to out of state persons only increases the transportation hazards within Pennsylvania and all the way home to their final destination. It is just an obvious attempt to circumvent other state's laws about Fireworks.**

**We implore the Legislature to address the two above issues so that legislation can be supported by The Pennsylvania Fire and Emergency Services Institute, and Pennsylvania's emergency responder and fire code enforcement communities.**

Below are some additional items for your consideration that we would like you to consider as you finalize and pass changes to make Pennsylvania and its residents and visitors safer through common sense use of Fireworks.

1. Permit the local municipality to adopt and enforce more stringent regulations for fireworks and pyrotechnic items.
2. If you sell to out of state persons, make the seller ship the fireworks home. Shipment to out of state purchasers from approved manufacturing or distribution sites in PA shall be by freight only in accordance with DOT regulations – Title 49 CFR for hazardous materials shipments.
3. Permit the local municipality to adopt and enforce regulations for the display of fireworks and limit them to licensed operators. (Can be included in 1. above)
4. Permit the local municipality to adopt regulations designating the fire official or fire chief as the enforcement authority. (Can be included in 1. above)
5. Change the definition of consumer fireworks to include pyrotechnic materials such as hand-held and ground effect sparklers, novelty items, and others as determined by the local municipality. (Can be included in 1. above)

We sincerely hope you will take these recommendations seriously and incorporate them in any final legislation regulating the sale and use of Fireworks and Pyrotechnic items. The inclusion of these recommendations will clearly send the message that in Pennsylvania, the safety and welfare of its citizens is paramount and that Pennsylvania's leaders will not compromise that safety for a profit motive.

Sincerely,

A handwritten signature in cursive script that reads "Thomas L. Savage III". The signature is written in dark ink and includes a stylized flourish at the end.

Thomas L. Savage III  
Executive Director