

# Agenda Report

July 30, 2012

**TO:** Honorable Mayor and City Council

**THROUGH:** Legislative Policy Committee (07/25/2012)

**FROM:** Fire Department

**SUBJECT: OPPOSITION TO CALIFORNIA SB 1468 (CALDERON) PROPOSING AUTHORIZATION FOR "SAFE AND SANE" FIREWORKS SALES AND USE DURING NEW YEAR ACTIVITIES.**

## **RECOMMENDATION:**

It is recommended that the City Council Oppose the adoption of California Senate Bill 1468 (Calderon), and authorize the Mayor to send correspondence stating Pasadena's position.

## **BACKGROUND:**

All fireworks contain explosive materials known as pyrotechnic compositions. "Safe and Sane" is a designation assigned to certain fireworks that the State and Federal governments judge to contain sufficiently small enough quantities of pyrotechnic composition as to be supposedly safe for use by untrained and unsupervised consumers. Yet, every year, numerous injuries and fires occur over the period of time surrounding the Fourth of July. The City has prohibited the use of "Safe and Sane" fireworks, and all other fireworks, by residents since at least the 1970s.

State Senator Charles Calderon has introduced Senate Bill 1468 to allow the sales of so-called "Safe and Sane" fireworks over a period surrounding New Year. According to Senator Calderon, "SB 1468 preserves local control and, at the same time, assists in raising the necessary funds to assist state and local fire and law enforcement agencies to have the critical financial resources to deal with the enforcement, education, fire operation, suppression and training activities surrounding both illegal fireworks and safe and sane fireworks use in their community. Local jurisdiction[s] could generate roughly an additional \$4.9 million in new fee revenue for the 4th of July each year and over another \$1 million for the New Year's period."

In addition, the Author claims that, "SB 1468 will allow nonprofit organizations throughout the state an additional opportunity to raise critical dollars to fund critical

**Opposition to California SB 1468 (Calderon)**

July 30, 2012

Page 2 of 3

programs in their community utilizing a 100% consignment fundraising tool." [Author's statement, SB 1468]

According to the National Fire Protection Association, in 2010 (the most recent year for which statistics are available):

"The Fireworks report outlines specific statistics regarding how the use of consumer fireworks relates to fire danger including:

- In 2010, fireworks caused an estimated 15,500 reported fires, including 1,100 structure fires, 300 vehicle fires, and 14,100 outside and other fires.
- These fires resulted in an estimated eight reported deaths, 60 civilian injuries and \$36 million in direct property damage.

The report demonstrates using consumer fireworks heightens the risk of injury and even death. The study showed:

- The risk of fireworks injury was highest for children ages 5-14 with more than twice the risk for the general population.
- Sparklers and novelties alone accounted for 38 percent of the 8,600 emergency room fireworks injuries in 2010."

Despite Senator Calderon's claims, the risks of fireworks use by consumers continue to outpace potential benefits. Any revenue gained by the community through charities that sell fireworks would likely be easily offset by one fire or one serious injury. This holds true equally for the Fourth of July or for New Year sales. Despite the ban on fireworks in Pasadena, the City is still subject to increased risks and costs due to the sales taking place in other cities in the area. Nothing in SB 1468 prevents or discourages individuals from buying fireworks in one jurisdiction and bringing them to Pasadena.

In addition to the general risk posed by fireworks over July 4<sup>th</sup>, sales of fireworks over New Year would have additional significant and alarming dangers for the City. In addition to the expected risk of fires and injuries, the presence of fireworks in the crowds at the Rose Parade and Rose Bowl are especially troubling. The increased crowd density in these locations greatly increases then potential for mass casualty incidents. Whereas home use of fireworks may endanger groups of ten to twenty people, or so, along the Rose Parade route or in the tailgating areas of the Rose Bowl, perhaps a hundred or slightly more people would be within a similar area.

The presence of fireworks in the crowds at the Rose Bowl and Rose Parade would also greatly impede the special security measures in place through the Threat Assessment and Response Team program. Bomb-detecting canines cannot discriminate between fireworks and larger explosives. Limited specialized resources could be wasted chasing potential bombs that turned out to be fireworks. Or, fireworks could be used to create a distracting incident to mask the movement of an actual device.

Passage of SB 1468 would not only increase the "normal" risk for consumer fireworks, but would greatly hinder and complicate the already challenging efforts to safeguard the Rose Parade and Rose Bowl.

**COUNCIL POLICY CONSIDERATION:**

Passage of Senate Bill 1468 would conflict with existing Council Policies to enhance public safety.

**FISCAL IMPACT:**

If Senate Bill 1468 is passed and the City Council reversed the existing ban on fireworks, the City could expect to generate some limited revenue. If we assume ten fireworks stands with gross sales of \$20,000 each, the City could generate up to \$14,000. Likely all, and probably significantly more, of that revenue would be offset by the cost of increased enforcement, emergency response and public education activities.

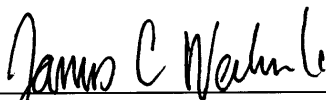
Respectfully submitted,



CALVIN E. WELLS

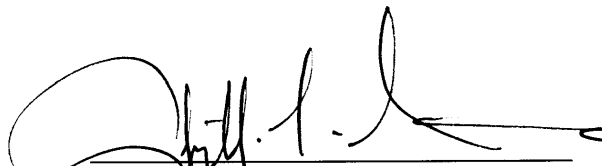
Fire Chief

Prepared by:



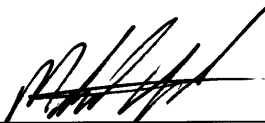
JAMES C. WECKERLE  
Hazardous Materials Specialist

Concurred by:



PHILLIP L. SANCHEZ  
Police Chief

Approved by:



MICHAEL J. BECK  
City Manager