

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
20-38 (COR)	Telo T. Taitague Sabina Flores Perez	AN ACT TO <i>AMEND</i> §§ 58109 AND 58110 OF CHAPTER 58, AND TO REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47.	1/13/25 12:02 p.m.	1/23/25	Committee on Public Safety, Emergency Management, and Guam National Guard.	Request 1/23/25 Waiver 2/10/25	4/14/25 2:00 p.m.	5/8/25 As Amended.	



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

May 6, 2025

The Honorable Frank F. Blas, Jr.
Speaker
I Mina'trentai Ocho na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: The Honorable V. Anthony Ada 
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 20-38 (COR), As Amended by the Committee on Public Safety, Emergency Management, and Guam National Guard

Håfa Adai Speaker Blas:

Transmitted herewith is the Committee Report on Bill No. 20-38 (COR) - As Amended by the Committee on Public Safety, Emergency Management, and Guam National Guard - ***AN ACT TO AMEND §§ 58109 AND 58110 OF CHAPTER 58, AND TO REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47.***

Committee votes are as follows:

3 TO DO PASS
1 TO NOT PASS
1 TO REPORT OUT ONLY
 TO ABSTAIN
 TO PLACE IN INACTIVE FILE

Sincerely

SHAWN GUMATAOTAO

Chairman
Committee on Public Safety, Emergency Management, and Guam National Guard



COMMITTEE ON RULES

RECEIVED:

May 6, 2025 4:53 p.m.
Marie Crisostomo



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

COMMITTEE REPORT

Bill No. 20-38 (COR) - As Amended by the Committee on Public Safety, Emergency Management, and Guam National Guard - ***AN ACT TO AMEND §§ 58109 AND 58110 OF CHAPTER 58, AND TO REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47.***



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

May 6, 2025

MEMORANDUM

To: Members of the Committee on Public Safety, Emergency Management, and Guam National Guard

From: Chairman Shawn Gumataotao

Subject: Committee Report on Bill No. 20-38 (COR), As Amended by the Committee on Public Safety, Emergency Management, and Guam National Guard

Håfa Adai:

Transmitted herewith for your consideration is the Committee Report on Bill No. 20-38 (COR) - As Amended by the Committee on Public Safety, Emergency Management, and Guam National Guard - ***AN ACT TO AMEND §§ 58109 AND 58110 OF CHAPTER 58, AND TO REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47.***

This report includes the following:

- Copy of COR Referral of Bill No. 20-38 (COR);
- Notices of Public Hearing;
- Copy of the Public Hearing Agenda;
- Public Hearing Sign-in Sheets;
- Copies of Submitted Written Testimony;
- Committee Vote Sheet;
- Committee Report Digest;
- Copy of Bill No. 20-38 (COR), As Introduced;
- Copy of Bill No. 20-38 (COR), As Amended by the Committee;
- Copy of Bill No. 20-38 (COR), As Amended by the Committee (Markup); and,
- Fiscal Note/Fiscal Note Waiver.

Please take the appropriate action on the attached vote sheet.

Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

SHAWN GUMATAOTAO

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

January 23, 2025

To: Rennae V. C. Meno
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: Senator Christopher M. Dueñas 
Acting Chairperson, Committee on Rules

Subject: Referral of Bill No. 20-38 (COR)

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 20-38 (COR)** – Telo T. Taitague, Sabina Flores Perez. – “AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.”

Please ensure that the subject bill is referred to the Committee on Public Safety, Emergency Management, and Guam National Guard chaired by Senator Eulogio Shawn Gumataotao. I also request that the same be forwarded to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.





Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

First Notice of Public Hearing - Monday, April 14, 2025, beginning at 2:00 p.m.

2 messages

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Mon, Apr 7, 2025 at 11:01 AM

To: phnotice@guamlegislature.gov

Bcc: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, "vicespeakertonyada@guamlegislature.gov" <vicespeakertonyada@guamlegislature.gov>, "office.senatorbri@guamlegislature.gov" <office.senatorbri@guamlegislature.gov>, "senator.duenas@guamlegislature.gov" <senator.duenas@guamlegislature.gov>, Jesse Lujan <senator.lujan@guamlegislature.gov>, "officeofsenatorshellycalvo@guamlegislature.gov" <officeofsenatorshellycalvo@guamlegislature.gov>, "senatortelot@gmail.com" <senatortelot@gmail.com>, Office of Senator Borja <contact@senatorvinceborja.com>, Senator Vince Borja <vince.borja@guamlegislature.gov>, "senatorjoessanagustin@gmail.com" <senatorjoessanagustin@gmail.com>, "malafunkshun@guamlegislature.gov" <malafunkshun@guamlegislature.gov>, "senator.perez@guamlegislature.gov" <senator.perez@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "senator.parkinson@guamlegislature.gov" <senator.parkinson@guamlegislature.gov>, "senatorterlajegum@gmail.com" <senatorterlajegum@gmail.com>, Joann Camacho <joann.camacho@guamlegislature.gov>, Guam Legislature Clerks <clerks@guamlegislature.gov>, Legislative Counsel <legislativecounsel@guamlegislature.gov>, Ed Pocaigue <sgtarms@guamlegislature.gov>, news@guampdn.com, publisher@glimpsesofiguam.com, publisher@pacificislandtimes.com, reporters@postguam.com, newsdirector@kuam.com, reporters@kuam.com, Troy Torres <troy@kanditnews.com>, news@kanditnews.com, raygibsonradio@gmail.com, context@pasquines.us, guamwebsites@gmail.com, managingeditor@glimpsesofiguam.com, editor@glimpsesofiguam.com, reporter2@glimpsesofiguam.com, kyle@power98.com, patti@thewave105.com, dice@power98.com, reese@power98.com, marc@postguam.com, fparedes@edisonresearch.com, dick.sheffield@abc.com, ready@guamwebz.com, thomas.manglona@marianaspress.com, local@bayareanewsgroup.com, local@bakersfield.com, runner@csub.edu, jimk@ebpublishing.com, tritonscalluog@gmail.com, nestor@postguam.com

April 7, 2025

MEMORANDUM

To: **All Senators, Stakeholders, Media**

From: **Senator Shawn Gumataotao**
Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

Subject: **First Notice of Public Hearing – Monday, April 14, 2025, beginning at 2:00 p.m.**

Buenas yan Håfa adai! Please be advised that the Committee on Public Safety, Emergency Management, and Guam National Guard will conduct a Public Hearing on **Monday, April 14, 2025, beginning at 2:00 p.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*. The agenda will include the following discussion item:

- **Bill No. 20-38 (COR)** by Senators Telo Taitague and Sabina Perez, which is "*AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.*"

Watch Live

The Public Hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via *I Liheslaturan Guåhan's* live feed. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

How to Participate

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Shawn Gumataotao at (671) 647-1409/1411 or via email at office.senatorshawn@guamlegislature.gov no later than Friday, April 11, 2025, for further guidance.

If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the hearing date and they should be addressed to Senator Shawn Gumataotao, Chairman of the Committee. Testimonies may be submitted via Senator Gumataotao's mailbox located at the Guam Congress Building in *Hagåtña* or via email to the Office of Senator Shawn Gumataotao at the aforementioned address.

Special Accommodations

Individuals requiring special accommodations, auxiliary aids or services are asked to submit their request to Ms. Diana Topasna at the Office of Senator Shawn Gumataotao at (671) 647-1409/1411, 120 Father Duenas Avenue Capitol Plaza Building, Suite 103, *Hagåtña*, Guam 96910, or via email at office.senatorshawn@guamlegislature.gov.
Si Yu'os Ma'åse'!

--

Office of Senator Eulogio Shawn Gumataotao
Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard
38th Guam Legislature
120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910
(671) 647-1409/1411

2 attachments

 **First Notice of 04.14.25 Public Hearing on Bill 20-38 (COR).pdf**
241K

 **Bill No. 20-38 (COR).pdf**
1347K

Ed Pocaigue <sgtarms@guamlegislature.gov>
To: Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Mon, Apr 7, 2025 at 11:10 AM

Hafa Adai,

Posted on calendar.

[Quoted text hidden]



Edward S. Pocaigue, Jr.

Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guahan

Guam Congress Building, 1st Floor

163 Chalan Santo Papa

Hagåtña, Guam 96910



1-671-969-3514



sgtarms@guamlegislature.gov

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First Notice of Public Hearing - Monday, April 14, 2025 beginning at 2:00 pm

 PRINT

**First Notice of Public Hearing - Monday, April
14, 2025 beginning at 2:00 pm**

PUBLIC HEARING



 **Posted on:** 04/07/2025 11:00 AM

 **Posted by:** Diana Topasna

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):**
OFFICE OF SENATOR SHAWN GUMATAOTAO (/notices?
division_id=294)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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April 7, 2025

MEMORANDUM

To: **All Senators, Stakeholders, Media**

From: **Senator Shawn Gumataotao**

Chairman, Committee on Public Safety, Emergency Management, and
Guam National Guard

Subject: **First Notice of Public Hearing – Monday, April 14, 2025, beginning at 2:00 p.m.**

Buenas yan Håfa adai! Please be advised that the Committee on Public Safety, Emergency Management, and Guam National Guard will conduct a Public Hearing on **Monday, April 14, 2025, beginning at 2:00 p.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*. The agenda will include the following discussion item:

Bill No. 20-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2020-38%20\(COR\)%20HISTORY.pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2020-38%20(COR)%20HISTORY.pdf)) by Senators Telo Taitague and Sabina Perez, which is *"AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY."*

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How to Participate

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Shawn Gumataotao at (671) 647-1409/1411 or via email at **office.senatorshawn@guamlegislature.gov** (**<mailto:office.senatorshawn@guamlegislature.gov>**) no later than Friday, April 11, 2025, for further guidance.

If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the hearing date and they should be addressed to Senator Shawn Gumataotao, Chairman of the Committee. Testimonies may be submitted via Senator Gumataotao's mailbox located at the Guam Congress Building in *Hagåtña* or via email to the Office of Senator Shawn Gumataotao at the aforementioned address.

Special Accommodations

Individuals requiring special accommodations, auxiliary aids or services are asked to submit their request to Ms. Diana Topasna at the Office of Senator Shawn Gumataotao at (671) 647-1409/1411, 120 Father Duenas Avenue Capitol Plaza Building, Suite 103, *Hagåtña*, Guam 96910, or via email at [**office.senatorshawn@guamlegislature.gov**](mailto:office.senatorshawn@guamlegislature.gov) ([**mailto:office.senatorshawn@guamlegislature.gov**](mailto:office.senatorshawn@guamlegislature.gov)).

Si Yu'os Ma'åse'!

PLEASE MAKE CHECKS PAYABLE TO INTER-ISLAND COMMUNICATIONS

INTER-ISLAND COMMUNICATIONS INC.
1868 HALSEY DR.
HAGATNA, GU 96910
(671) 477-7108/9448

Advertiser: Office of Senator Shawn Gumataotao
Co-Op:
ScriptID: LIVE READ APR 14 PH PSA
Length: :60

"The following is a Guam Open Government Law Announcement.

The Legislative Committee on Public Safety, Emergency Management, and Guam National Guard will hold a Public Hearing on Monday, April 14, 2025, at 2:00 pm in the Public Hearing Room of the Guam Congress Building in Hagatna.

The agenda includes Bill 20-38 (COR), which is AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.

Individuals requiring assistance or special accommodations to participate in the public hearing should contact the Office of Senator Shawn Gumataotao at 671-647-1409/1411 or via email at office.senatorshawn@guamlegislature.gov.

The preceding was an Open Government Law Announcement."

Station Documentation Statement

This announcement was broadcast 4 times, as entered in the station's program log. The times this announcement was broadcast were billed to this station's client on our invoice number 25040003 dated 4/15/2025 at his earned rate of:

25.00 each for 4 announcements, for a total of \$100.00
For a total of 4 announcements for a total of \$100.00



Station Official Signature



Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Second Notice of Public Hearing - Monday, April 14, 2025, beginning at 2:00 p.m.

1 message

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Sat, Apr 12, 2025 at 10:00 AM

To: phnotice@guamlegislature.gov

Bcc: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, "vicespeakertonyada@guamlegislature.gov" <vicespeakertonyada@guamlegislature.gov>, "office.senatorbri@guamlegislature.gov" <office.senatorbri@guamlegislature.gov>, "senator.duenas@guamlegislature.gov" <senator.duenas@guamlegislature.gov>, Jesse Lujan <senator.lujan@guamlegislature.gov>, "officeofsenatorshellycalvo@guamlegislature.gov" <officeofsenatorshellycalvo@guamlegislature.gov>, "senatortelot@gmail.com" <senatortelot@gmail.com>, Office of Senator Borja <contact@senatorvinceborja.com>, Senator Vince Borja <vince.borja@guamlegislature.gov>, "senatorjoessanagustin@gmail.com" <senatorjoessanagustin@gmail.com>, "malafunkshun@guamlegislature.gov" <malafunkshun@guamlegislature.gov>, "senator.perez@guamlegislature.gov" <senator.perez@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "senator.parkinson@guamlegislature.gov" <senator.parkinson@guamlegislature.gov>, "senatorterlajegum@gmail.com" <senatorterlajegum@gmail.com>, Joann Camacho <joann.camacho@guamlegislature.gov>, Guam Legislature Clerks <clerks@guamlegislature.gov>, Legislative Counsel <legislativecounsel@guamlegislature.gov>, Ed Pocaigue <sgtarms@guamlegislature.gov>, news@guampdn.com, publisher@glimpsesofiguam.com, publisher@pacificislandtimes.com, reporters@postguam.com, newsdirector@kuam.com, reporters@kuam.com, Troy Torres <troy@kanditnews.com>, news@kanditnews.com, raygibsonradio@gmail.com, context@pasquines.us, guamwebsites@gmail.com, managingeditor@glimpsesofiguam.com, editor@glimpsesofiguam.com, reporter2@glimpsesofiguam.com, kyle@power98.com, patti@thewave105.com, dice@power98.com, reese@power98.com, marc@postguam.com, fparedes@edisonresearch.com, dick.sheffield@abc.com, ready@guamwebz.com, thomas.manglona@marianaspress.com, local@bayareanewsgroup.com, local@bakersfield.com, runner@csub.edu, jimk@ebpublishing.com, tritonscalluog@gmail.com, nestor@postguam.com

April 12, 2025

MEMORANDUM

To: **All Senators, Stakeholders, Media**

From: **Senator Shawn Gumataotao**

Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

Subject: **Second Notice of Public Hearing – Monday, April 14, 2025, beginning at 2:00 p.m.**

Buenas yan Håfa adai! Please be advised that the Committee on Public Safety, Emergency Management, and Guam National Guard will conduct a Public Hearing on **Monday, April 14, 2025, beginning at 2:00 p.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*. The agenda will include the following discussion item:

- **Bill No. 20-38 (COR)** by Senators Telo Taitague and Sabina Perez, which is "*AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.*"

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How to Participate

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Si Yu'os Ma'åse'!

--

Office of Senator Eulogio Shawn Gumataotao
Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard
38th Guam Legislature
120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910
(671) 647-1409/1411

2 attachments



Second Notice of 04.14.25 Public Hearing on Bill 20-38 (COR).pdf
237K



Bill No. 20-38 (COR).pdf
1347K

Second Notice of Public Hearing - Monday, April 14, 2025 - 2:00 p.m.

 PRINT

**Second Notice of Public Hearing - Monday,
April 14, 2025 - 2:00 p.m.**

PUBLIC HEARING



 **Posted on:** 04/12/2025 10:15 AM

 **Posted by:** Diana Topasna

 **Public Hearing Date:** 04/14/2025 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):**
OFFICE OF SENATOR SHAWN GUMATAOTAO (/notices?
division_id=294)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

 **Share this notice**

April 12, 2025

MEMORANDUM

To: **All Senators, Stakeholders, Media**

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Chairman, Committee on Public Safety, Emergency
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Bill No. 20-38 (COR).

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%202020-](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%202020-38%20(COR)%20HISTORY.pdf)

38%20(COR)%20HISTORY.pdf) by Senators Telo Taitague and Sabina Perez, which is "AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY."

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INTER-ISLAND COMMUNICATIONS INC.
1868 HALSEY DR.
HAGATNA, GU 96910
(671) 477-7108/9448

KSTO Invoice

Invoice ID: 25040002
Invoice Date: 4/15/2025
Account ID: XXXXXXXXXX
Order ID: 0734-003
Account Rep: Sandy Cruz

Amount Due: \$100.00

Amount Paid: _____

OFFICE OF SENATOR SHAWN GUMATAOTAO

ALL TIMES SHOWN ARE
APPROXIMATE WITHIN 5
MINUTES.

Sponsor: Office of Senator Shawn Gumataotao
LIVE READ APR 14 PH PSA

Page 1

Date	Time	Length	Description	CopyID / ISCI Code	Cost
4/7/2025	09:03 AM	:60	Spot	LIVE READ APR 14 PH PSA	[Package]
4/7/2025	05:03 PM	:60	Spot	LIVE READ APR 14 PH PSA	[Package]
4/12/2025	08:18 AM	:60	Spot	LIVE READ APR 14 PH PSA	[Package]
4/12/2025	04:47 PM	:60	Spot	LIVE READ APR 14 PH PSA	[Package]
4/15/2025			Package		100.00

BILL 20-38(COR)

4 Total Items

Total Cost:

100.00

AFFIDAVIT OF PERFORMANCE: I Certify that, in accordance with the Official
Station Logs, announcements were broadcast as shown on this
invoice, _____

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Amount Due:

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1868 HALSEY DR.
HAGATNA, GU 96910
(671) 477-7108/9448

Advertiser: Office of Senator Shawn Gumataotao
Co-Op:
ScriptID: LIVE READ APR 14 PH PSA
Length: :60

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The agenda includes Bill 20-38 (COR), which is AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.

Individuals requiring assistance or special accommodations to participate in the public hearing should contact the Office of Senator Shawn Gumataotao at 671-647-1409/1411 or via email at office.senatorshawn@guamlegislature.gov.

The preceding was an Open Government Law Announcement."

Station Documentation Statement

This announcement was broadcast 4 times, as entered in the station's program log. The times this announcement was broadcast were billed to this station's client on our invoice number 25040002 dated 4/15/2025 at his earned rate of:

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Station Official Signature



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

April 7, 2025

Mr. Fred Bordallo Jr
Director
Guam Department of Corrections
Sent via: fred.bordallo@doc.guam.gov

Subject: Public Hearing on Bill No. 20-38 (COR)

Håfa adai Director Bordallo,

Please be informed that a public hearing on the bill referenced above is scheduled for Monday, April 14, 2025, at 2:00 p.m. in the Public Hearing Room of the Guam Congress Building in Hagåtña.

The Notice of Public Hearing and a copy of the bill by Senator Telo T. Taitague, which is "***AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.***" are attached to this letter for your easy reference.

The Committee on Public Safety, Emergency Management, and Guam National Guard invites you to participate in the public hearing.

Please contact my office at the number provided below or via email at office.senatorshawn@guamlegislature.gov should you have any questions.

Si Yu'os ma'åse'!

SHAWN GUMATAOTAO
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachments: Notice of 4.14.25 Public Hearing
Bill No. 20-38 (COR)



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

April 7, 2025

Ms. Marie Lizama
Director
Department of Revenue and Taxation
Sent via: marie.lizama@revtax.guam.gov

Subject: Public Hearing on Bill No. 20-38 (COR)

Håfa adai Director Lizama, *Marie*

Please be informed that a public hearing on the bill referenced above is scheduled for Monday, April 14, 2025, at 2:00 p.m. in the Public Hearing Room of the Guam Congress Building in Hagåtña.

The Notice of Public Hearing and a copy of the bill by Senator Telo T. Taitague, which is "**AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.**" are attached to this letter for your easy reference.

The Committee on Public Safety, Emergency Management, and Guam National Guard invites you to participate in the public hearing.

Please contact my office at the number provided below or via email at office.senatorshawn@guamlegislature.gov should you have any questions.

Si Yu'os ma'åse'!

SHAWN GUMATAOTAO
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachments: Notice of 4.14.25 Public Hearing
Bill No. 20-38 (COR)



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

April 7, 2025

Ms. Catherine Castro
President
Guam Chamber of Commerce
Sent via: ccastro@guamchamber.com.gu

Subject: Public Hearing on Bill No. 20-38 (COR)

Håfa adai President Castro, *Catherine*

Please be informed that a public hearing on the bill referenced above is scheduled for Monday, April 14, 2025, at 2:00 p.m. in the Public Hearing Room of the Guam Congress Building in Hagåtña.

The Notice of Public Hearing and a copy of the bill by Senator Telo T. Taitague, which is "**AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.**" are attached to this letter for your easy reference.

The Committee on Public Safety, Emergency Management, and Guam National Guard invites you to participate in the public hearing.

Please contact my office at the number provided below or via email at office.senatorshawn@guamlegislature.gov should you have any questions.

Si Yu'os ma'åse'!

Eulogio Shawn Gumataotao
SHAWN GUMATAOTAO
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachments: Notice of 4.14.25 Public Hearing
Bill No. 20-38 (COR)



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

April 7, 2025

Mr. Daren D. Burrier
Fire Chief
Guam Fire Department
Sent via: daren.burrier@gfd.guam.gov

Subject: Public Hearing on Bill No. 20-38 (COR)

Håfa adai Chief Burrier,

Please be informed that a public hearing on the bill referenced above is scheduled for Monday, April 14, 2025, at 2:00 p.m. in the Public Hearing Room of the Guam Congress Building in Hagåtña.

The Notice of Public Hearing and a copy of the bill by Senator Telo T. Taitague, which is "**AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.**" are attached to this letter for your easy reference.

The Committee on Public Safety, Emergency Management, and Guam National Guard invites you to participate in the public hearing.

Please contact my office at the number provided below or via email at office.senatorshawn@guamlegislature.gov should you have any questions.

Si Yu'os ma'åse'!

SHAWN GUMATAOTAO
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachments: Notice of 4.14.25 Public Hearing
Bill No. 20-38 (COR)



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

April 7, 2025

Mr. Stephen Ignacio
Chief
Guam Police Department
Sent via: stephen.ignacio@gpd.guam.gov
chief@gpd.guam.gov

Subject: Public Hearing on Bill No. 20-38 (COR)

Håfa adai Chief Ignacio,

Please be informed that a public hearing on the bill referenced above is scheduled for Monday, April 14, 2025, at 2:00 p.m. in the Public Hearing Room of the Guam Congress Building in Hagåtña.

The Notice of Public Hearing and a copy of the bill by Senator Telo T. Taitague, which is "**AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.**" are attached to this letter for your easy reference.

The Committee on Public Safety, Emergency Management, and Guam National Guard invites you to participate in the public hearing.

Please contact my office at the number provided below or via email at office.senatorshawn@guamlegislature.gov should you have any questions.

Si Yu'os ma'åse'!

SHAWN GUMATAOTAO
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachments: Notice of 4.14.25 Public Hearing
Bill No. 20-38 (COR)



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

April 7, 2025

Mr. Jeff Sanchez
Owner
ShowPro Pyrotechnics
sent via email: [REDACTED]

Subject: Public Hearing on Bill No. 20-38 (COR)

Håfa adai Mr. Sanchez,

Please be informed that a public hearing on the bill referenced above is scheduled for Monday, April 14, 2025, at 2:00 p.m. in the Public Hearing Room of the Guam Congress Building in Hagåtña.

The Notice of Public Hearing and a copy of the bill by Senator Telo T. Taitague, which is "***AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.***" are attached to this letter for your easy reference.

The Committee on Public Safety, Emergency Management, and Guam National Guard invites you to participate in the public hearing.

Please contact my office at the number provided below or via email at office.senatorshawn@guamlegislature.gov should you have any questions.

Si Yu'os ma'åse'!

SHAWN GUMATAOTAO
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachments: Notice of 4.14.25 Public Hearing
Bill No. 20-38 (COR)



OFFICE OF SENATOR

Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

April 14, 2025

Ms. Michelle Lastimoza
Administrator
Guam Environmental Protection Agency
Sent via: michelle.lastimoza@epa.guam.gov

Håfa adai Administrator Lastimoza:

Based on a request made during today's public hearing on Bill No. 20-38 (COR), which is *AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY*, the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) requests for written testimony from the Guam Environmental Protection Agency (GEPA) on the aforementioned legislation.

Please submit the requested information to my office via email at office.senatorshawn@guamlegislature.gov. The Committee looks forward to receiving GEPA's written comments in time for the markup meeting on Bill No. 20-38 (COR) which is scheduled for April 23, 2025.

Respectfully,


SHAWN GUMATAOTAO

Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

cc: Committee Members



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

Committee on Public Safety, Emergency Management, and Guam National Guard

Public Hearing
Public Hearing Room, Guam Congress Building
Monday, April 14, 2025, 2:00 p.m.

AGENDA

- I. Call to Order**
- II. Opening Remarks/Housekeeping**
- III. Public Comment Section:**

Bill No. 20-38 (COR) by Senators Telo Taitague and Sabina Perez, which is *AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.*

- IV. Question-and-Answer Section**
- V. Closing Remarks**
- VI. Adjournment**



Office of Senator

SENATOR EULOGIO SHAWN GUMATAOTAO

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

I Mina'trentai Ocho na Liheslaturan Guåhan • 38th Guam Legislature

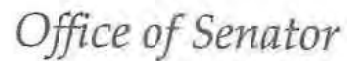
PUBLIC HEARING ON BILL 20-38

"AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY".

Monday, April 14, 2025, at 2:00 p.m.
Public Hearing Room, Guam Congress Building

SIGN-IN SHEET

NAME	AGENCY OR ORGANIZATION (IF ANY)	Please indicate with √		Contact Number	Email Address	Support	Oppose
		Written	Oral				
Christine C. Fegeran	DOAG-FSRD	✓		671-300-7976	Christine.Fegeran@doag.guam.gov	✓	
Ajalyn Omelan	DOAG-FSRD	✓		671-300-7977	ajalyn.omelan@doag.guam.gov	✓	
EDWARD ARTURO	GFD		✓	671-642-3454	edward.arturo@gfd-guam.gov		
JEFF SANCHEZ	JAMZMEDIA		✓			✓	
PASCUAL ROBLES	GFD					✓	



SENATOR EULOGIO SHAWN GUMATAOTAO

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

I Mina'trentai Ocho na Liheslaturan Guåhan • 38th Guam Legislature

PUBLIC HEARING ON BILL 20-38

"AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY".

Monday, April 14, 2025, at 2:00 p.m.
Public Hearing Room, Guam Congress Building

SIGN-IN SHEET

[illegible]



Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lt. Governor

Department of Agriculture Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913



Chelsa Muña
Director
Roy Gamboa
Deputy Director

14 April 2025

Senator Shawn Gumataotao (office.senatorshawn@guamlegislature.org)
Chairperson, Committee on Public Safety, Emergency Management,
and Guam National Guard
120 Father Duenas Avenue
Capitol Plaza Building, Suite 103
Hagatna, Guam 96910

RE: Written testimony on Bill No. 20-38 (COR) by Senators Telo Taitague and Sabina Perez, which is – An act to repeal §§58109 and 58110 of Chapter 58, and repeal chapter 58B of Division 3, Title 10, Guam Code Annotated as enacted by Public Law 37-47 in their entirety.

Hafa Adai Senator Gumataotao:

Thank you for the opportunity to provide written testimony on Bill No. 20-38 (COR) – An act to repeal §§58109 and 58110 of Chapter 58, and repeal chapter 58B of Division 3, Title 10, Guam Code Annotated as enacted by Public Law 37-47 in their entirety. A bill to repeal the recently enacted legalization and regulation of the use of consumer-grade fireworks.

The Bill, compliments Guam's Forest Action Plan (GFAP) which describes wildfires as a top threat to our forests and natural resources. Approximately 4% of total land area has burned annually in Guam from 2015-2024. The proposed Bill will support reducing our wildfire risk, and the potential for danger at a time when public safety lacks the necessary personnel and working assets to staff and operate at full capacity to meet our current wildfire response needs. Our fireworks law prior to the inclusion of Chapter 58B of Division 3, Title 10, GCA, had been applauded by fire partners across national and international boundaries for its restraint and protections for the community of Guam.

I reiterate from my previous testimony that we do not have naturally occurring wildfires on Guam. All of Guam's wildfires are human caused. Our office works with partners to track and map Guam's wildfire occurrences/frequencies which we have used to develop place-based educational information and factsheets to spread awareness locally. The fire community across national and international networks have provided sound data (data the Guam Fire Department has done a great job sharing over the years) that to disregard would be ill advised and counterintuitive to our local efforts to keep our community safe. To ignore local and national data is to literally turn a blind eye to the facts, the science, and best information made available.

Currently, we have a team of 10 wildland firefighters for Guam, that means, 4 individuals per firetruck with only 2 trucks currently running but desperately requiring much needed maintenance and new parts. The others must follow behind in an auxiliary vehicle with limited

Director's Office (671) 300-7965 | Agricultural Dev. Services (671) 300-7973 | Animal Health (671) 300-7964/6
Aquatic & Wildlife Resources (DAWR) (671) 735-0294 | Forestry & Soil Resources (671) 300-7975/7
Plant Nursery (671) 300-7974 | Biosecurity Division (671) 475-1427 | Pest Hotline (671) 475-7378
Website: doag.guam.gov

REPORT THREATS TO GUAM'S NATURAL RESOURCES (671) 864-TOKA (8652)

access and mobility. Wildlife isn't our only job, these same individuals are also tasked with Guam's reforestation projects, protecting forest, soil and water from wildfire. When the Guam Fire Department is focused on protecting life and property on Guam, your Forestry Division is the only other team protecting our natural resources for the people of Guam. The Department of Defense partners are terrific, but their assets deploy when DoD property is at risk. We, your DOAG-FSRD and GFD are tasked with responding, and investigating fires, and our teams are sorely in need of staffing. Please consider, when all of Guam's wildfires are human caused, how much easier your decision will make, placing an incendiary device, a 'safe and sane' firework, on our shelves. With respect, we understand the draw, the emotion tied to memories of fireworks and celebration, but we have to consider and lead by the best of examples that we as an island community prioritize the safety of our island home, her natural resources, and overall health and safety of our people. Be the voice that prioritizes people living in harmony with their environment and what it means to be people of the land.

Should you have any questions regarding this testimony, please do not hesitate to contact me at Christine Camacho Fejeran, Forestry Division Chief, currently, Acting Director at (671)300-7976 or email Christine.Fejeran@doag.guam.gov, respectively. Si Yu'os Ma'åse'.

Sincerely,

Christine Camacho Fejeran
Acting Director



Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Fw: Resending with Attachments - Public Hearing on Bill No. 20-38 (COR) - Monday, April 14, 2025 for 2:00pm

2 messages

Christine Fejeran <Christine.Fejeran@doag.guam.gov>

Mon, Apr 14, 2025 at 1:51 PM

To: "office.senatorshawn@guamlegislature.gov" <office.senatorshawn@guamlegislature.gov>

[Get Outlook for Android](#)

From: Christine Fejeran <Christine.Fejeran@doag.guam.gov>

Sent: Monday, April 14, 2025 1:03:27 PM

To: office.senatorshawn@guamlegislature.org <office.senatorshawn@guamlegislature.org>

Cc: Chelsa Muna <Chelsa.Muna@doag.guam.gov>; foestry@doag.guam.gov <foestry@doag.guam.gov>;

Ajalyn M. Omelau <Ajaly.M.Omelau@doag.guam.gov>; Angelica Perez <Angelica.Perez@doag.guam.gov>;

senatortelot@gmail.com <senatortelot@gmail.com>

Subject: Resending with Attachments - Public Hearing on Bill No. 20-38 (COR) - Monday, April 14, 2025 for 2:00pm

Hafa Adai Senator Gumataotao:

Resending because I missed adding copies of our Guam factsheets and webapp links on wildland fire. I am a Steering Committee member for the Pacific Fire Exchange (PFX) and our data is shared with the team to generate the attached factsheets and infographics for Guam and the islands.

Senator Gumataotao, as the Chairman of the Committee on Public Safety, Emergency Mangement, and Guam National Guard, please see written testimony from your Guam Department of Agriculture for Bill No. 20-38 (COR) by Senators Telo Taitague and Sabina Perez, which is – An act to repeal §§58109 and 58110 of Chapter 58, and repeal chapter 58B of Division 3, Title 10, Guam Code Annotated as enacted by Public Law 37-47 in their entirety.

Testimony and Factsheet Attachments:

1. DOAG Testimony - CCFejeran
2. Pacific Fire Exchange (PFX): The Grassfire Cycle
3. PFX: 2019 Wildfire Summary in the Western Pacific
4. PFX: Changing Climate and Wildfire: A Crisis Brewing in the Pacific
5. PFX: 2017 Wildfire in the Western Pacific
6. PFX: El Nino and Long-Lead Fire Weather Prediction for Hawaii and US-affiliated Pacific Islands
7. PFX: Fuel breaks for Pacific Island Grasslands and Savannas
8. PFX: Pre-fire planning at-a-glance

Links to Guam's Wildland Fire WebApps (mapping efforts from 2015-2025)

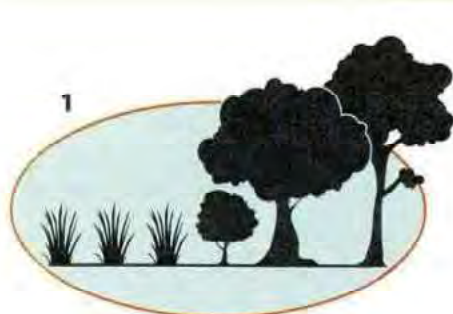
Guam (mapping from 2015-2022): <https://arcg.is/1murnu>

Guam and Micronesia Wildland Fire Mapping (2022 - Present) located via the PIA website linked here: <https://www.piawildfiretracking.org/>

- the PIA website has been down since February and is currently being worked on by our partners at Hawaii Wildfire Management Organization (HWMO) to resolve the issues.

DID YOU KNOW?

- Grasses fuel frequent wildfires across large areas in the Western Pacific islands and Hawaii¹. Most of these grasses are non-native invasive species. In the Western Pacific native grasses have also become nuisance species due, in part, to fire.
- The positive feedback between grasses and wildfire, known as the Grass-Fire Cycle, increases fire risk and can dramatically change native ecosystems².
- Understanding the Grass-Fire Cycle can help to better manage grasslands and savannas, reduce the risk of wildland fire, and limit the impacts of fire on our communities, watersheds, and native ecosystems.



Grasses can carry fire from grass-dominated areas into forested and woodland areas³, as well as to communities where people live.



Many native trees and shrubs of Pacific Island forests are killed by repeated fires⁴. The negative impacts of even one single high-intensity fire can last for decades⁵.

Recurrent fires reduce the size of remnant forests, further increasing the area of grasslands¹.

THE GRASS-FIRE CYCLE ON PACIFIC ISLANDS



The spread of grasses increases the likelihood and size of future fires.



Grasses are able to seed and re-sprout shortly after fire, taking up light, water, and space. This competition for resources limits the ability of native plants to establish and may cause areas to become "stuck" in a grassland state².



Why do grasses burn easily?

Grasses are "fine fuels" that retain a lot of dead plant material and dry out quickly after rainy weather.

Annual dry seasons and episodic drought, especially in the Western Pacific, create conditions where grasses easily catch fire and burn rapidly.

HUMANS PLAY A KEY ROLE | Ignition Sources & Plant Introductions

For centuries in Guam, Yap, and Palau people have set fires to clear land, resulting in a great expansion of native grasses like sword grass (*Miscanthus floridus*) as well as invasives like cogongrass (*Imperata cyndrilica*)⁶.



Fire was also used to manage native grasslands in Hawaii. However, the introduction of non-native grasses for ornamental plants and cattle forage¹ has transformed many of Hawaii's landscapes over the past century. Many of these grasses - like fountain grass (*Cenchrus setaceus*) and Guinea grass (*Megathyrsus maximus*) - are invasive and adapted to thrive with fire.

The grasses in both Hawaii and the Western Pacific have moved into woodland and forest areas dominated by native trees and shrubs, bringing the increased threat of fire with them. The extent and continuity of grasslands makes Pacific Islands susceptible to both intentional and unintentional human fire starts, whether from arson, cigarettes, vehicle and machinery sparks, unattended campfires, or fireworks.



El Niño and Long-Lead Fire Weather Prediction for Hawaii and US-affiliated Pacific Islands

PFX Fact Sheet 2015_1

Clay Trauernicht

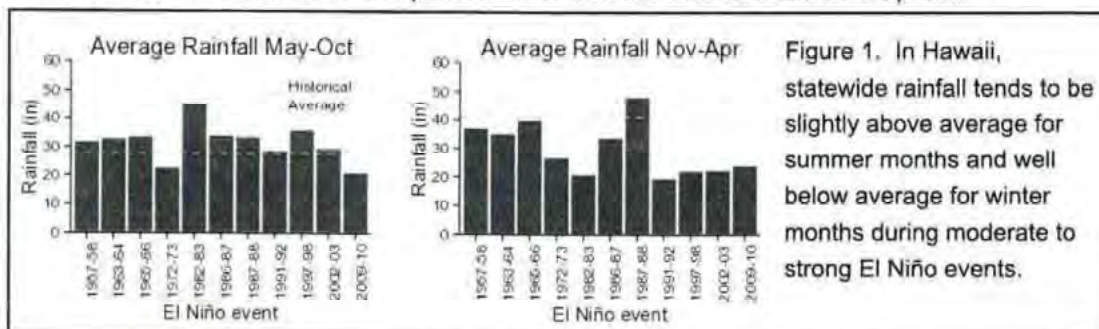
El Niño and Climate Variability

The current El Niño event (2015-2016) is projected to be one of the strongest in recorded history. Also known as the El Niño-Southern Oscillation, this climate pattern occurs every 2-7 years and results in unusually warm ocean temperatures in the equatorial Pacific Ocean that alters weather and climate patterns around the world. For the Pacific Island region, El Niño events are typically associated with an increase in tropical storm activity and a shift in convective patterns that changes rainfall delivery to the islands.

El Niño and Wildfire in the Pacific

The El Niño rainfall patterns have important consequences for wildfire on Pacific Islands:

- Wetter summer/fall increases fuel loads, particularly in dry areas
- Drier winters increase the potential for wildfire occurrence and spread



Wildfire records from Hawaii and Guam demonstrate an increase in annual area burned during El Niño events^{1,2}. These patterns suggest we can anticipate late onset drought during the winter months following El Niño development, and the subsequent need to ramp up preparedness for higher fire danger throughout the winter.



Figure 2. Savanna fires in Micronesia, like the one pictured here in Yap, often self-extinguish at the forest edge. However, reports indicate that severe drought during El Niño events increases fire intensity and the potential for forest loss.

Wildfire in the Western Pacific



PFX Fact Sheet | February 2017



The US-Affiliated Pacific Islands (US-API) encompass a wide swath of the southern and western Pacific Ocean. These tropical islands are biodiversity hotspots and home to 1.9 million people from diverse and vibrant cultures.

Many US-API, especially in the western region, are prone to wildfires which must be managed to protect the islands' communities and ecosystems.

DID YOU KNOW?

- Human activities cause almost all fires in the US-API
- Fire maintains complex forest-savanna mosaic landscapes
- Fire burns a larger proportion of Guam, Palau and Yap than the Western Continental US in some years



Figure 1. Map of the US-Affiliated Pacific Islands and detail of western Pacific. Courtesy of www.PacificRISA.org

IGNITION SOURCES

- **Volcanic Events** - No, volcanic activity on inhabited islands ended over 1 million years ago.^{1,2}
- **Lightning Strikes** - Rare on Pacific Islands
- **People** - Yes! Fire served as Pacific Islanders' primary agricultural tool and they likely started burning vegetation as soon as they colonized the region between 3,000 to 4,000 years ago.³ Intentional burning continues on many islands today. Ignitions are associated with, though not limited to, agricultural activities, hunting, and juvenile fire starts.

CLIMATE

Abundant rainfall (77-150 in/yr or 196-381 cm/yr) and warm temperatures across the western Pacific allow for ample vegetation growth and fuels accumulation. For this region,

the seasonal and year-to-year variability of rainfall has the largest influence on wildland fire.

Potential for wildland fire greatly increases under dry conditions, especially in savannas where fine fuels cure and ignite easily. Islands in the far west experience distinct dry seasons each year due to the Asia-Pacific Monsoon (Fig. 2).

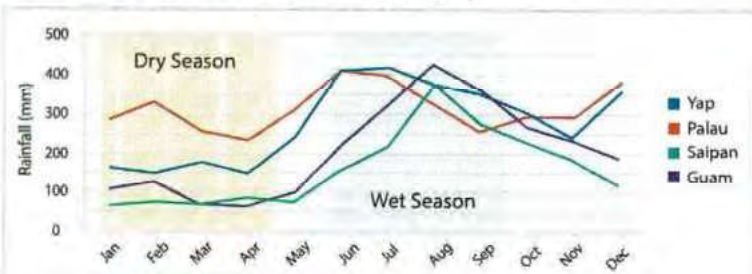


Figure 2. Rainfall on western Pacific islands shows distinct wet and dry seasons. Thirty-year average rainfall data from Western Regional Climate Center.

El Niño events typically result in severe drought across the entire Western Pacific. These drought events can significantly increase the area burned by wildland fires even on very wet islands like Pohnpei in the Federated States of Micronesia.

www.PacificFireExchange.org

DRIVERS OF WILDFIRE

FUELS & VEGETATION

Some of the most interesting vegetation features found on larger western Pacific islands are the dramatic landscape mosaics composed of open savanna and closed forest (Fig. 3).



Figure 3. A patchwork of savanna and forest stretches across Yap's landscape.

Most researchers agree that this patchwork vegetation pattern is the result of long-term, recurrent burning by people.^{4,5} The savannas occupy a significant percentage (e.g. 10-20%) of many islands' land area and are dominated by native grasses and ferns, with scattered shrubs and trees.

Native Savanna Plants

Sword Grass - *Miscanthus floridulus*

False Staghorn Fern - *Dicranopteris linearis*

Pandanus - *Pandanus tectorius*



The abundance and continuity of fine fuels in the savannas allows fires to ignite easily and carry across large distances. In addition, nonnative, fire-adapted grasses and shrubs, like mission, guinea and imperata grass, as well as Siam weed and false (haole) koa are established on many islands and may also influence fire occurrence.⁶

The US-Affiliated Pacific Islands (US-API) encompass a wide swath of the southern and western Pacific Ocean. These tropical islands are biodiversity hotspots and home to 419,000 people from diverse and vibrant cultures.

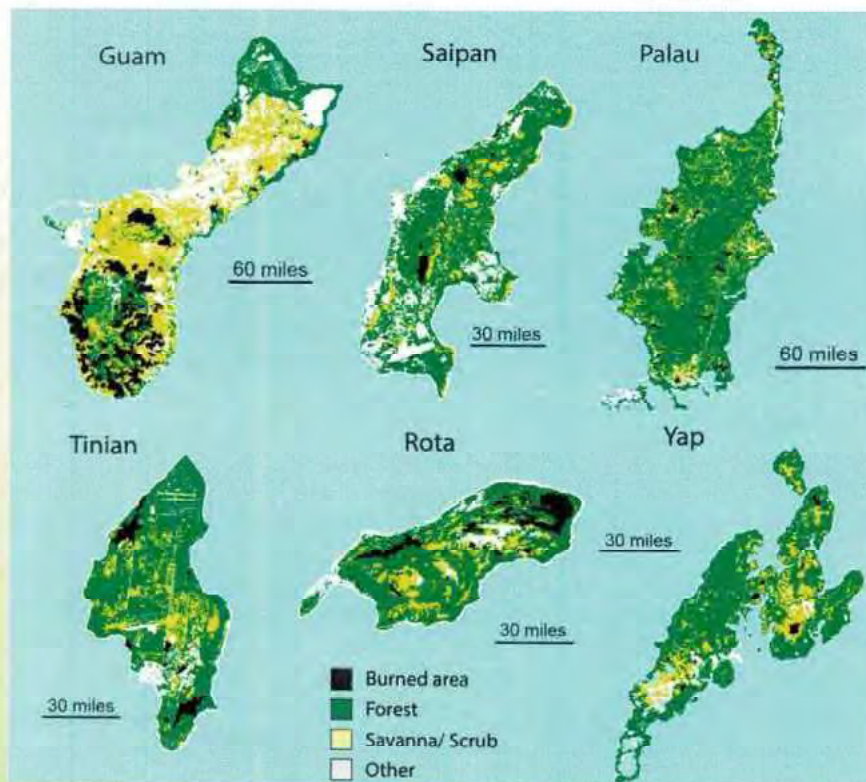


Figure 2. Island land cover, with areas burned by fires in 2019 indicated in black. Land cover data from LANDFIRE.¹

Table 1. 2019 Fires and Affected Areas, US-API

Island	Number of Fires ² (annual average)	Acres Burned (annual average)	Island Area Burned (annual average)	Acres Savanna Burned	Acres Forest/Shrub Burned ³ (Alien Forest)
Guam	396 (663)	9,323 (4,883)	7.1% (3.6%)	7970	873 (17)
Rota	60 (55)	1,717 (807)	8.2% (3.9%)	1163	246 (182)
Tinian	11 (27)	856 (560)	3.4% (2.2%)	4	2 (352)
Saipan	40 (19)	429 (450)	2.9% (1.9%)	3	— (82)
Palau	98 (164)	537 (701)	0.7% (0.8%)	426	77 (N/A)
Yap	13 (33)	171 (484)	0.7% (2.0%)	148	12 (N/A)

¹Burned area per land cover type, estimated from 2010 LANDFIRE products requires field validation to confirm impacts. ²Defining 'average' fire activity is based on limited USAPI data: Guam has 28 years of fire data; Yap & Palau both have 8 years; & Rota, Tinian & Saipan each have 4 years. ³Includes where applicable: upland, plantation, limestone, ravine, mangrove, palm, scrub & shrub. Thanks to Christine C. Fejeran, Raphael Magofna, Susan Cordell, Julian Dendy, JB Friday, Coral Reef Research Foundation, Guam Forestry & Soil Resources Division, Guam Fire Department, National Park Service, Hawai'i Wildfire Management Organization, US Forest Service.

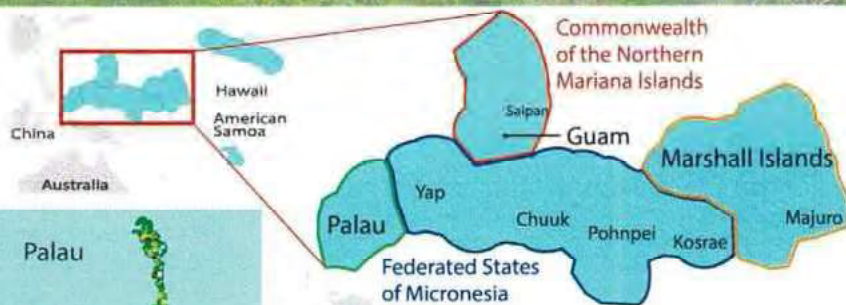


Figure 1. Map and detail of the US-API. Source: PacificRISA.org

WILDFIRE & IMPACTS

Human activities cause almost all fires, mostly in savannas with the abundance of fine fuels. These fires also affect forest edges where (depending on intensity) trees may die and nuisance grasses and ferns may spread, thereby increasing future fire risk. Fires are most frequent in annual dry seasons (Dec/Jan to May) and are further exacerbated by intense drought. Fire threatens communities, native ecosystems and nearshore coral reefs via increased sediment run-off.

2019 WEATHER & WILDFIRE INCIDENTS ACROSS THE REGION (TABLE 1)

- In the last quarter of 2018 (and into January 2019 on Yap), monthly rainfall was above average possibly contributing to fuel buildup. Drought conditions persisted through July 2019, increasing fire potential.

- Overall, while savannas comprised most of the burned area, fires also burned a significant portion of both native and nonnative forest.¹

- Guam had heavy rainfall in February (Typhoon Wutip)

short-term relief from fire but potentially increasing risk from downed trees during the dry season. Although Guam had fewer fires, the burned area was nearly double the annual average. Several fires such as one that burned 715 acres impacted reforestation areas.

- Rota's burned acreage more than doubled. Tinian and Rota's burned acreage was significantly above average, while Saipan was close to average.
- Only Yap & Palau saw lower than average fire activity possibly due to less intense drought than other islands over the dry season.

2019 MANAGEMENT

Guam successfully suppressed some fires in anticipation of an active wildfire season, while re-establishing a tree canopy (to shade-out fires) and engaging the community (right) through out-planting, social media and public outreach (like Munga Masongge Guåhan, Don't Burn Guam).



Rota continued a ten-year successful project planting *Acacia confusa* in eroded badlands while monitoring human access to discourage fires. Palau experimented with shaded fuel breaks, revegetation & wildland fire suppression (as necessary). Yap worked with local villages to plant greenbelts with various tree species and experimented with lime and traditional mulching to improve tree growth in acidic, low fertility soils.



Changing Climate and Wildfire: a Crisis Brewing in the Pacific

As the climate crisis rages on, wildfires will become ever more frequent, more intense, and more wide-spreading in Hawai'i and across the Pacific. The most affected areas will be grasslands and savannas which surround residential areas and the edges of watershed forests.

Did You Know?

Becoming wildfire-ready and wildfire-resilient are key climate adaptation strategies.

On our current trajectory, increasing temperatures and natural disasters will likely push us beyond society's current capacity to adapt.

Wildfire readiness and resilience can be achieved through a combination of actions, many of them readily achievable. See next page for specific details.



- Wildfire risk in Hawai'i and around the Pacific is due to vast areas of highly flammable grasslands and shrublands (10–25% of island land area) and human-caused ignitions (up to 99% of all fires).



- Warming air and changing rainfall patterns from climate change will increase our wildfire risk.



- Heavier rainfall increases grass growth and makes more fuels, which, followed by more intense droughts increases the likelihood and intensity of fires.



- Firefighters' reports of recent, large fires in Hawai'i indicate that drought and higher temperatures are already increasing our fire risk.



- More frequent and intense fires will harm resources and infrastructure on land and sea that Pacific island communities value for recreation, traditions, sustenance, and our multi-cultural identities and livelihoods.



- **Reducing Fire Risk Is One Piece of the Climate Crisis That We Know How to Address**

There are actions we can take to reduce our wildfire risk in a warming world:

- | | |
|---|--|
| ☒ Wildfire prevention education | ☒ Vegetation management |
| ☒ Community hazard reduction | ☒ Increased firefighting capacity |
| ☒ Community and landscape-level fire planning | ☒ Protection of sensitive areas and critical municipal resources |

Firefighting is the very last line of defense. We can ease the burden and increase our resilience when everyone takes action ahead of time to reduce fire risk factors.



Quick Reference Guide

Fuel Breaks for Pacific Island Grasslands & Savannas



*Fuels management in the Pacific includes any method of altering vegetation to reduce hazardous wildfire conditions within tropical grasslands and savannas, the most common vegetation type to burn on oceanic islands. **Fuels management should always be part of a broader fire preparedness plan. Be sure to consult with fire professionals (i.e., your fire department) to identify water and access issues, hazards and evacuation procedures.***

How do fuels influence fire?

Fuels management focuses on reducing:

- **ignition potential** - the probability that vegetation will combust and carry fire.
- **rate of spread** - the speed at which fire moves through fuels over the landscape.
- **fire intensity** - the energy released by the fire, commonly measured as fire temperature or flame length.

Fuel treatment & break design

KEY TERMS

Fuels reduction - reducing hazardous live and dead plants with prescribed burning, mowing, herbiciding, grazing, etc.

Fuel break - a strip with reduced vegetation thereby slowing (but not stopping) the spread of fire.

Fire break - a line (such as a road) where fuels are completely removed to mineral soil.

Vegetated fuel breaks - known as "green strips" containing low-statured, fire-resistant plants like succulents.

Shaded fuel breaks - dense canopy trees planted strategically to limit grassland fuels.



Fuel breaks serve as a line of defense between ignition sources and valued resources by reducing the chances of wildfire ignitions and creating safer, more defensible spaces.

When fuel breaks are implemented as networks over large areas, they can effectively fragment fuels into compartments that slow fire progression and provide multiple opportunities for firefighters to contain fires. However, intense drought and very high wind conditions may limit their effectiveness in extreme conditions.

TOPOGRAPHY

Fuel breaks are most effective at ridge tops or at the base of slopes, since fires tend to "jump" breaks mid-slope.

WOODY FUELS

Trees & shrubs within 65 feet of the fuel break significantly increase the odds of a breach (from ember or firebrands) and should be removed or compensated for by increasing the fuel break width.

IGNITION SOURCES

Most fires on oceanic islands are human-caused. Ignition risk is typically highest near roads.

FUEL BREAK WIDTH

A rule of thumb is 2-3 x wider than the maximum height of the vegetation, or in grassland and savannas, a minimum width of 40-60 feet (50-100 feet is ideal).

ANCHOR POINTS

Effective fuel & fire breaks tie into natural or built landscape features (roads, lava fields, or cliffs).

WIND DIRECTION

Placing fuel breaks perpendicular to the prevailing wind direction will slow the fire's leading edge.

VALUED RESOURCES

Small-scale fuel breaks protect valued resources like endangered plants & communication towers.



Pre-Fire Planning At-a-Glance



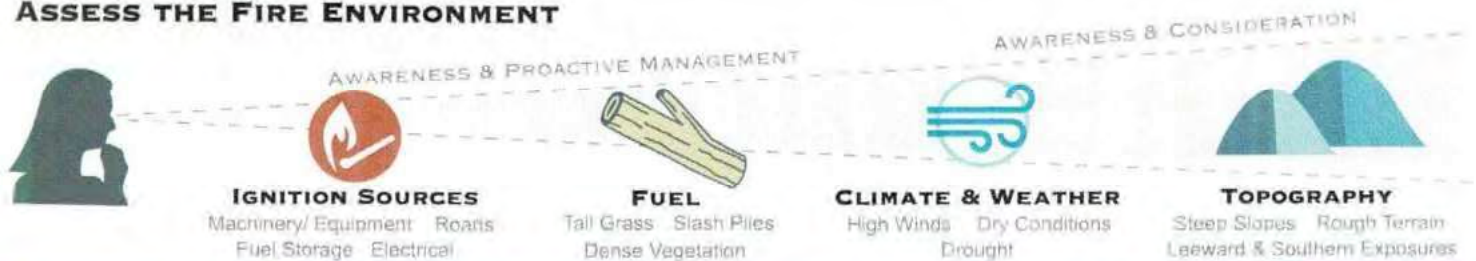
PFX Quick Reference | July 2016



DID YOU KNOW?

- **Preparedness** - especially increasing accessibility for firefighters - is as important as fuels reduction in minimizing wildfire impacts (1,2).
- **Pre-fire planning is the first step to taking other proactive actions** like fuels management, road improvement, and establishing water access.
- **Landowners' local knowledge is critical** for facilitating suppression actions and mitigating negative wildfire effects on valued resources.
- It's important to **communicate with firefighters long before a fire ever occurs** on your land.

ASSESS THE FIRE ENVIRONMENT



CREATE YOUR PLAN



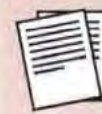
MAPS

Visually communicate detailed site information. Useful maps can be hand-drawn or created in Google Earth.



CHECKLISTS

Create easy references for locked gate combinations, important phone numbers, and evacuation procedures.



NARRATIVE

Provide fuller context for maps and checklists with a written description of the site and response procedures.

INCLUDE THE ESSENTIALS

- ☐ Site Location
- ☐ Access & Directions
- ☐ Site Description
- ☐ Fire-Sensitive Resources and Assets
- ☐ Notification Procedure
- ☐ Evacuation Plan
- ☐ Suppression Action

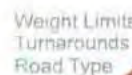
PRIORITIES



CONSIDER ALL ASSETS



CONTEXT



COMMUNICATION IS KEY

Share, review, and adjust your plan with local fire suppression agencies, lease-holders, on-site residents, and neighboring land managers

GO BEYOND THE BASICS

This Quick Reference is based on **Pre-Fire Planning Guide for Resource Managers and Landowners in Hawaii and Pacific Islands**

online at www.pacificfireexchange.org/research-publications

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1. Penman TD, Collins L, Syphard AD, Keeley JE, Bradstock RA (2014) Influence of Fuels, Weather and the Built Environment on the Exposure of Property to Wildfire. PLoS ONE 9(10): e111414. doi:10.1371/journal.pone.0111414
2. Syphard, A., Keely, J., Brennan, T. 2011. Comparing the role of fuel breaks across southern California national forests. Forest Ecology & Management 261:2038–2048

ACKNOWLEDGEMENTS

Clay Trauernicht, University of Hawaii Cooperative Extension Service; Elizabeth Pickett & Melissa Kunz, Hawaii Wildfire Management Organization

www.PacificFireExchange.org

April 14, 2025

MEMORANDUM

To: The Honorable Senator Eulogio S. Gumataotao
38th Guam Legislature
Chairperson of the Committee on Public Safety, Emergency
Management and Guam National Guard.
120 Father Duenas Avenue, Capital Plaza Bldg
Suite 103
Hagatna, Guam 96910

From: Fred E. Bordallo Jr.
P.O. Box 326445
Hagatna, Guam 96932

Subject: Testimony: BILL 20-38 (COR)

Buenas yan Hafa Adai Honorable Senator Gumataotao! I am providing this testimony in my capacity as a resident of Guam and in reference to BILL 20-38 (COR), that has been proposed by Senator Telo T. Taitague, indicated as "AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY"

I have shared in previous testimony concerns and recommendations that center on the impact of consumer fireworks for Guam. The following article below encapsulates many of the concerns I shared. I hope this is helpful as discussions continue within our community about consumer fireworks and legalization of it for consumers.


Fred E. Bordallo Jr.

Legalization of Consumer Grade Fireworks for Guam: The Importance of Safety, and Regulatory Controls for Homeland Security and Public Safety.

By Fred E. Bordallo Jr.

Chief of Police (RET)

The Importance of safety, and regulatory controls of consumer-grade fireworks is important shared by a majority of homeland security and public safety professionals who are aware of the risk. The recent passage of the 37th Guam Legislature's BILL 9-37 (COR) that provides for the legalization of consumer-grade fireworks brought forward discussions from testimony submitted that involved homeland security, public safety risk, and vulnerabilities which could lead to injuries or deaths of persons in our community from unsafe use of consumer-grade fireworks or intentional criminal and/or terrorist use of consumer-grade fireworks for violent crimes, or terrorism.

There have been homeland security and public safety incidents that communities have experienced with the importation, and legalization of consumer grade fireworks. The Federal Bureau of Investigation (FBI) investigation of the Boston Marathon bombing investigation 2013 disclosed that the terrorist purchased at a business importer and wholesaler of consumer fireworks, consumer grade fireworks as components of the explosives made in pressure cookers. The following link provides a DHS/FBI alert:
<https://info.publicintelligence.net/DHS-FBI-Fireworks.pdf>

The FBI also concluded with the investigation of the May 1st 2010 attempted terrorism car bomb parked in New York's Times Square, that consumer-grade fireworks were purchased and packaged in the bomb device placed within the vehicle. Law enforcement officials have discovered home-made explosives with the use of consumer-grade fireworks at illegal drug places. Law enforcement and fire safety officials have frequently responded to fires with extensive property damage attributed to consumer-grade fireworks, or complaints of illegal dumping of used consumer-grade fireworks that have adverse impact to the environment.

Some states like Michigan have resorted to establishing a fireworks complaint hotline, that have resulted in reports of illegal fireworks sales to minors, violations of unsafe storage of fireworks, loud noise abatement complaints from residential citizens, improper disposal of consumer-grade fireworks. Because the current passage by a majority members of the 37th Guam Legislature of BILL 9-37 (COR) that legalizes consumer-grade fireworks does not provide any

extensive public safety regulatory controls, or funding for resources that public safety and law enforcement need for threat response, not only could an increase in injuries or death or property damages occur from the use of consumer-grade fireworks, but only a limited emergency response can be made to mitigate these vulnerabilities.

It was shared with law makers by me with my testimony in March 14, 2023, that the CNMI had to modify and make changes with their laws and regulations on consumer-grade fireworks, because children in Saipan were injured from fireworks, residents complained of loud noises to include visiting tourist who reported that they were disturbed from the noise.

There were testimonies provided from various organizations in opposition to the passage of BILL 9-37 (COR) at the 37th Guam Legislature. Guam Fire Department officials testified about the risk of property fires and injuries or deaths from improper use. The Guam Department Acting Fire Chief indicated that the National Association of Fire Chiefs oppose the legalization of consumer-grade fireworks.

Department of Agriculture, Forestry Division submitted testimony in opposition and highlighted the potential threat of fires and environmental damage that is also an economic loss for Guam. Guam Environmental Protection Agency provide testimony of their concerns about pollution and the hazards from byproducts of consumer-grade fireworks.

The United States Consumer Product Safety Commission (CPSC) have expended funding to keep America's communities alerted to the dangers of consumer-grade fireworks, and these efforts have led to various communities either placing bans on the use of consumer-grade fireworks or placing restrictions and regulatory measures in place that limits when it can be used and where.

The Guam Office of the Attorney General's was expected to be an advocate of consumer protection in response to this emerging action of ensuring any consumer-grade fireworks imported into the island meet safety manufacturing standards and are accounted for. There have been instances in the past from media reports of illegal smuggling of consumer-grade fireworks into Guam, detected by the Guam Fire Department and Guam Customs & Quarantine Enforcement, with active cases investigated. Federal officials (ATF, FBI) have monitored these activities with open intelligence sources disclosing that the origin may be from the CNMI and China businesses involved in exports.

As the legislation of BILL 9-37 (COR) has been forwarded to the Governor and already passed into law, certain conditions were indicated by Governor Leon Guerrero before any sales of consumer fireworks or importation of consumer fireworks could be done, and that was for the appropriate safety regulations led by the Guam Fire Department to be completed. This work expected by the Guam Fire Department included fees and possibly for added protection measures, regulatory establishment of fines with appropriate punitive sanctions for civil and/or criminal violations. It has been noted that some community members support the introduction and sales of consumer fireworks into Guam for the purpose of celebrating the national holiday of July 4th, or for New Years Day! A common agreement among both sides of the discussions and debate during the legislation public hearings of the consumer fireworks legislation is the issue of safety, regulatory limitations, and clarity of the law with compliance measures.



DIPÅTTAMENTON GUÅFI GUÅHAN **GUAM FIRE DEPARTMENT**

*Professionalism * Respect * Integrity * Dedication * Empathy*



Lourdes A. Leon Guerrero
Maga'håga

Daren D. Burrier
Atkåden Guafi

Joshua F. Tenorio
Sigundo Maga'låhi

Joey C. San Nicolas
Sigundo Atkåden Guafi

April 15, 2025

GFD HQ No. 2025-009

MEMORANDUM

TO: Honorable Eulogio Shawn Gumataotao
Chairperson, Committee on Public Safety
38th Guam Legislature

FROM: Fire Chief
Guam Fire Department

SUBJECT: Testimony
Re: Bill No. 20-38 (COR)

Buenas and Hafa Adai Senator Gumataotao!

I hope this letter finds you well. I am writing to your recent inquiry regarding the Guam Fire Departments stance on Bill No. 20-38 (COR), which is AN ACT TO REPEAL, §§58109 AND 58100 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.

Thank you for the opportunity to clarify the Guam Fire Department's stance. As with GFD's previous testimony on Bill 9-37, which became Public Law 37-47, our testimony is neither in support of nor against Bill 20-38, which seeks to repeal Public Law 37-47. Although GFD is mainly known for its emergency response duties, GFD is also a regulatory department charged with overseeing fire inspections, reviewing and approving building plans, investigations, code enforcement, and public education. Our neutral stance is reflective of this reality.

GFD leadership is a member of the International Association of Fire Chiefs (IAFC). While the IAFC's revised position statement in 2022 states, "The importation, sale, and use of all consumer fireworks including sparklers at the local, state, and federal level should be banned except for professional public displays by licensed pyrotechnic operators," it also further states that it "supports and encourages collaborative efforts aimed at promoting public awareness education to eliminate the preventable social and economic impact of fireworks related trauma and fire."

Since Public Law 37-47 was enacted, the Guam Fire Department has worked to develop draft regulations to regulate the sale and use of consumer-grade fireworks and is determining fines and fees for effective enforcement. We will continue this process along with developing a public awareness education campaign to mitigate preventable social and economic impacts. As stated in our testimony on Public Law 37-47, formerly known as Bill No. 9-37, Massachusetts is the only state that bans the use of consumer-grade fireworks. Considering this, GFD had numerous regulatory frameworks to consider and review to guide the development of our rules and regulations.

With this in mind, we would like to emphasize our commitment to ensuring the safety and well-being of our community through proactive measures and collaboration with various stakeholders. Our team is dedicated to reducing risks and enhancing public safety through comprehensive education and awareness campaigns.

Respectfully,



Daren D. Burrier

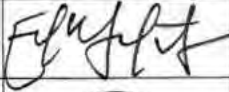


OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guahan*

COMMITTEE VOTE SHEET

BILL NO. 20-38 (COR), AS AMENDED BY THE COMMITTEE ON PUBLIC SAFETY, EMERGENCY MANAGEMENT, AND GUAM NATIONAL GUARD – AN ACT TO AMEND §§ 58109 AND 58110 OF CHAPTER 58, AND TO REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47.

Committee Members	Signature	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Eulogio Shawn Gumataotao <i>Chairperson</i>		X				
Vice-Speaker V. Anthony Ada <i>Vice-Chairperson</i>		X				
Speaker Frank F. Blas, Jr. <i>Committee Member</i>		X				
Senator Sabrina Salas Matanane <i>Committee Member</i>				X		
Senator Tina R. Muña Barnes <i>Committee Member</i>			X			



OFFICE OF SENATOR
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Public Safety, Emergency Management, and Guam National Guard, convened a public hearing on Bill No. 20-38 (COR) on Monday, April 14, 2025 at 2:00 p.m. in the Public Hearing Room of *I Liheslaturan Guahan*.

Bill No. 20-38 was introduced on January 13, 2025, by Senator Telo T. Taitague, Primary Sponsor and Sabina Flores Perez, Co-Sponsor and was subsequently referred to the Committee of Public Safety, Emergency Management, and Guam National Guard on January 23, 2025.

Public Notice Requirements

Public Hearing Notices for this oversight hearing were sent out via email to all Senators and all main media broadcasting outlets on Monday, April 7, 2025 (5 Day Notice) and again on Saturday, April 12, 2025 (48 Hour Notice). The notice was also published via radio advertisement and on the Guam Public Notice Website on the aforementioned dates.

Senators Present

Senator Eulogio Shawn Gumataotao, Chairperson
Vice-Speaker V. Anthony Ada, Vice-Chairperson
Senator Telo T. Taitague, Primary Sponsor
Senator Sabina Flores Perez, Co-Sponsor

Attendees

Ms. Christine C. Fejeran - DoAg Acting Director-FSRD
Ms. Ajalyn Omelau - DoAg -FSRD
Asst. Fire Chief Edward Artero – Guam Fire Department
Mr. Jeff Sanchez – ShowPro Pyrotechnics and JAMZ Media
Mr. Pascual Robles – Guam Fire Department
F/C Brad Dixon - GFD

Written Testimony Provided by

Ms. Christine C. Fejeran - DoAg Acting Director
Mr. Fred Bordallo, Jr. - Private Citizen
Mr. Daren D. Burrier - Fire Chief, GFD

II. SUMMARY OF TESTIMONY & DISCUSSION

Chairman Shawn Gumataotao: Buenas yan Hafa Adai, everyone. This public hearing by the Committee on Public Safety, Emergency Management, and your Guam National Guard is hereby called to order. Today is Monday, April 14, 2025, and the time is now 2:04 p.m. For the record, and in accordance with the open government law, notices for this hearing were sent on April 7, 2025, and again on April 12, 2025.

This hearing was also published on the Guam Legislature website and the Guam Public Notice website. Joining me this afternoon is my colleague, Telo Taitague, and I believe also Sabina Perez is also with us, si yu'os ma'ase, colleagues for joining me this afternoon. And before we proceed with the discussion today, I'd first like to provide some general rules of conduct for those in attendance today.

The conduct of this hearing shall be as follows. Written comments or presentations shall be submitted to the committee. Please provide my legislative staff with your written comments for photocopying.

Comments may be read, and lengthy presentations should be summarized to about five minutes. And yes, I will be kindly asking if you can wrap it up if we're at that five-minute mark, just for interest of time. Those offering comments will be allowed to present oral or written testimony.

And once you are done, please remain in the room for questions or additional comments as may be desired by members of the committee. Questions and comments shall be confined to the nature of the agenda. Today's public hearing agenda covers Bill No. 20-38 COR by Senators Telo Taitague and Sabina Perez, which is an act to repeal subsections 58-109 and 58-110 of Chapter 58 and repeal Chapter 58B of Division III, Title 10, Guam Code Annotated as enacted by Public Law 37-47 in their entirety.

For the record, the committee invited the following individuals and agencies to participate in today's public hearing. The Guam Fire Department, the Guam Police Department, the Department of Revenue and Taxation, DOC Director Fred Bordallo, Jr., as requested by the bill's primary sponsor, the Guam Chamber of Commerce, and Mr. Jeff Sanchez from ShowPro Pyrotech. Additionally, the Bureau of Budget Management Research requested for a fiscal note waiver on Bill 20-38 COR dated February 7, 2025.

BBMR stated that per the Guam Fire Department, it has not completed the review and establishment of fees and fines associated with the use of consumer-grade fireworks, which is a requirement prior to the full implementation of Chapter 58B. As such, GFD informed BBMR that there will not be a negative fiscal impact should Bill 20-38 COR be enacted. At this time, the Chair will invite individuals who wish to testify on Bill 20-38 COR to take a seat before the committee, and before speaking, individuals who wish to make a presentation shall first be recognized by the Chair and shall state their name for record purposes.

And the order of questioning will begin with a panel of Senators who shall each have five minutes to ask their questions. The time allotted to each Senator does not include responses that are provided by those testifying. Personal inferences about the character or motive of any Senator or any individual commenting is not permitted.

Any violations of this general rule of conduct will result in removal from the public hearing room for this particular proceeding. Individuals who fail to maintain proper form or decorum may be restricted from providing oral testimony and or may be asked to leave or be escorted and removed from the room. Proper form or decorum shall be practiced by all present in the public hearing room.

So, I would like to invite, first off, I'd like to invite Senator Taitague, the author of Bill 20-38 COR, to provide her opening remarks on this measure. Senator Taitague, you have the floor.

Senator Telo Taitague: Si yu'os ma'ase Mr. Chair, and also welcome, Senator Perez. Thank you for being here, and most especially the people of Guam. Thank you for the opportunity to address Bill 20-38, a measure that seeks to repeal the existing law allowing the sale and use of consumer-grade fireworks on our island. This bill repealed the existing law that was passed during the 37th Guam Legislature with no safety measures, enforcement laws, and represents an urgent step in safeguarding our community.

Let me be clear. Consumer-grade fireworks are dangerous, often fatal, and come with devastating consequences when mishandled. They threaten the safety of our children, families, first responders, and even our fragile environment. Consider this. In 2023, across the United States, fireworks caused eight tragic deaths and nearly 10,000 injuries, many of them involving children. Burns to hands, faces, eyes were the most common, accounting for nearly half of these injuries.

Here on Guam, the danger is even more pronounced because we lack critical health care facilities like a burn unit. Severe injuries require off-island medical evacuation, compounding the emotional and financial toll on families already struggling with the aftermath of such an incident. We only need to look at recent events from a stark reminder of what happened.

Just this New Year's Eve in Honolulu, Hawaii, a catastrophic fireworks explosion killed five people, injured 20, and destroyed homes, a horrific tragedy born out of unchecked access to dangerous explosives. Hawaii, grappling with illegal fireworks, inundating neighborhoods, has seized over 227,000 pounds of these professional-grade explosives since 2023. Guam is not immune to these threats.

On January 1st, 2025, the Guam Fire Department responded to an explosion in Yigo that left eight people injured and five hospitalized, four of whom were children. These incidents are just the tip of the iceberg. Many injuries likely go unreported.

But the reality remains. If these injuries were severe, our lack of a burn unit would force families to evacuate off-island for medical care, a heartbreaking and avoidable outcome. Our fire department is already overstretched, struggling to respond to illegal fireworks, brush fires, and related emergencies.

These activities pull critical resources away from genuine, life-threatening situations that demand immediate attention. We are overburdening our emergency services and risking lives, all for a fleeting moment of celebration that often ends in irreversible tragedy. We have heard the voices of Guam families, teachers, first responders, and health care professionals, all whom are pleading for action.

They're sharing the harrowing accounts of children suffering burns, elder bodily respiratory issues, and families traumatized by explosions mere feet away from their own homes. We cannot turn a blind eye to the data, nor can we dismiss the limitations of our health care and emergency services. At this time, I'd like to share with you a video that was taken on New Year's Eve in the village of Yigo. And at this time, I would like the AV department to put this up there. This is taken Santa Rosa Hill, and none of these fireworks were done by a professional. That was Yigo. There were other fireworks just like this. Can we repeat it one more time, please? It was similar in Dededo as well. As you can see, this is the same scenario that has been happening in Honolulu, Hawaii as well. They started off with just consumer fireworks, something small, and as years have gone by without any enforcement, it is now turned into, even two hours before New Year's Eve, we had a video of a news company that went on YouTube, which the chairman offered to put into the committee report, showing two hours before New Year's Eve, these graded fireworks. I mean, it was like four times as much as we saw in Yigo that was going off, and none of them were legal. So Bill 20, that was introduced by myself and Senator Perez, is more than legislation. It is a lifeline of our community. It represents our collective responsibility to protect the people of Guam, to preserve the safety of our homes, and to ensure our island remains a place of joy and not tragedy. Let us listen to those who are urging us to act, who are counting on us to make the tough but necessary decisions to prevent needless harm.

I urge my colleagues to join me in passing this measure, not for politics, but for the safety and well-being of our people. Let's act before the next celebration brings more heartache. Thank you, Mr. Chair.

Chairman Shawn Gumataotao: Thank you, Senator Taitague. And before we begin with testimonies, the committee requests those who have signed in to provide oral testimony on Bill 20-38 to please come on up and to please state your name for the record, the name of your organization or agency, if your testimony is being provided on behalf of that entity, and whether they support or oppose Bill 20-38 COR. And what we can do is we can go from left to right, if we can, and we'll go ahead and start on the left with Mr. Jeff Sanchez from JAMS Media, and then we'll go right on down the line. So thank you very much. Welcome to the Guam Legislature.

ShowPro Mr. Jeff Sanchez: Good afternoon, Senators. Thank you for having me here today and allowing me to voice my concerns. My name is Jeff Sanchez. I am the owner of ShowPro Pyrotechnics and JAMS Media Productions.

We have been in the professional pyrotechnics industry for over 12 years now, and with prior training in different countries by organizations that do worldwide shows. So we understand the complexities as well as the requirements and respect that this sort of business commands and provides. And so we have been doing this for many years, and I feel that we are in the right place to come and give you our opinion on, you know, this bill to repeal the one that was passed.

So our stance on it is we support the repeal. And the main reason, it all boils down to safety. It is about safety. And what I told the last legislature was to pass a bill without even rules or regulations was very reckless. And it's like putting the cart before the horse. You just don't do that.

And furthermore, as a teenager with experience in not only playing with fireworks, but even getting burned by them, these are safe and sane, consumer-grade, you know, things that are supposed to just spin on the ground less than 12 feet as, you know, the last law or the one that was passed was stating was to be safe. These fireworks that would spin on the ground, not knowing that they could spin into the air and into your shirt is what happened to me. And so I have firsthand experience about how dangerous this could really be.

And so I take a stance, you know, to remain on the safe side and in a perfect world with little pack packs and firecrackers and sparklers. As a businessman, I could make a whole lot more money selling fireworks that way, distributing them to outlets. So when people first say, oh, I just want to continue to monopolize the fireworks industry on Guam, it's not about that, because I could make a whole lot more money selling consumer fireworks if there were rules and regulations and enforcement is the biggest thing.

But those three don't even exist. I mean, even with the fireworks now, when this supposedly became legal in the past few months, we saw a great uptick in illegal fireworks, not only at New Year's, but in a weekly celebration. Now, a few years ago, I did talk to an ATF agent from Hawaii that was coming to do regular inspections with our business and said the situation in Hawaii is so out of hand that at New Year's and at Fourth of July, there are fireworks happening on his block that he just cannot do anything about. And this is a federal agent that is supposed to keep this. And it's not that they don't want to. It's just how do you do it and keep safe at the same time? So it can certainly get out of hand. That is not even a question. And it will, you know, Guam, we're just at the tip of the iceberg. But that continues to be a problem for me, just seeing that forthcoming.

And with this incident in Yigo that happened, I don't know if you heard the details of how that happened, but these individuals supposedly put the fireworks into a pot to try to launch them into the air, not knowing that not only will it not launch in the air, but then you have metal shrapnel that blasts everywhere. And so this sort of thing can happen regularly without, you know, the proper prevention. And we're going to continue to take a stance on safety because one life is one life too many. Now, the last legislature said whatever we can write into law, we can unwrite and undo. And it's time to undo that not very well thought out, you know, piece of law that was passed. So thank you for hearing me out.

Chairman Shawn Gumataotao: All right. Thank you, Mr. Sanchez. We'll go to the middle now. Go ahead and state your name again and the agency that you represent, and you can proceed.

DoAg Acting Director Camacho-Fejeran: Hafa Adai. My name is Christine Camacho-Fejeran. I am the Forestry and Soil Resources Division Chief for the Guam Department of Agriculture. But today I represent your Guam Department of Agriculture as acting director. Printer wasn't working, so it's on my phone.

So Hafa Adai, Senator Gumataotao, Senator Taitague, Senator Perez, thank you for the opportunity to provide written testimony on bill, which by the way, we support the repeal, to repeal. So written testimony on bill number 20-38COR, an act to repeal subsection 58109 and 58110 of Chapter 58 and repeal Chapter 58B of Division 3, Title 10, Guam Code Annotated, as enacted by public law 37-47 in their entirety, a bill to repeal the recently enacted legislation and regulation of the use of consumer-grade fireworks. The bill complements this current bill for the repeal, complements Guam's Forest Action Plan, which describes wildfires as a top threat to our forests and natural resources. Approximately 4% of total land area has burned annually on Guam from 2015 to 2024. The proposed bill will support reducing our wildfire risk and the potential for danger at a time when public safety lacks the necessary personnel and working assets to staff and operate at full capacity to meet our current wildfire response needs. Our fireworks law prior to the inclusion of Chapter 58B of Division 3, Title 10, GCA had been applauded by fire partners across national and international boundaries for its restraint and protection of the community of Guam.

I reiterate from my previous testimony when this was first, the very first change had occurred, that we do not have naturally occurring wildfires on Guam. All of Guam's wildfires are human caused. Our office works with partners to track and map Guam's wildfire occurrences and frequencies which we have used to develop place-based educational information and fact sheets to spread awareness locally.

The fire community across national and international networks have provided sound data, data the Guam Fire Department has done a great job sharing over the years that to disregard would be ill-advised and to continue to disregard, I should say, would be ill-advised and counterintuitive to our local efforts to keep our community safe. To ignore local and national data is to literally turn a blind eye to the facts, the science, and the best information made available. Currently, we have a team of 10 wildland firefighters for Guam. That's your Guam Department of Agriculture, Forestry, and Soil Resources Division. That means that at any given time, we would have four individuals per fire truck, and we currently only have two trucks running and they're running with every day is a challenge that we may not have two trucks running. So currently running but desperately requiring much-needed maintenance and new parts. The others must follow behind in an auxiliary vehicle with limited access and mobility. Wildfire isn't our only job. The same individuals are also tasked with Guam's reforestation projects, protecting forests, soil, and water from wildfire.

When the Guam Fire Department is focused on protecting life and property on Guam, your Forestry Division is the only other team protecting our natural resources for the people of Guam. The Department of Defense partners, they're terrific but their assets deploy when DOD property is at risk. We, your Guam Department of Agriculture, Forestry and Soil Resources Division, and your Guam Fire Department are tasked with responding and investigating fires and our teams are sorely in need of staffing.

Please consider when all of Guam's wildfires are human caused how much easier your decision to keep the law as is, how your decision, I'm sorry it's so tiny, I can't see. Please consider when all of Guam's, I lost my momentum, how much your decision will make placing an incendiary device, a safe and sane firework on our shelves. You're going to make it easier by keeping it as is.

With respect, we understand the draw, the emotion tied to memories of fireworks and celebration, but we have to consider and lead by the best examples that we have, that we as an island community prioritize. We prioritize the safety of our island home, her natural resources, our overall health and safety of our people. Be the voice that prioritizes people living in harmony with their environment and what it means to be the people of the land.

Should you have any questions regarding this testimony, please don't hesitate to reach out to me.

I apologize for the hiccups, it's hard to see. But there were a number of fact sheets that I've re-shared.

Your email will have all of them. The Guam Fire Department has a number of wonderful fact sheets and our fact sheets coming from your DOAG, these are all based on Guam's data. So none of this is a cookie cutter national number stamped onto Guam. Thank you.

Chairman Shawn Gumataotao: All right, thank you, Mrs. Fejeran. We will now move over to Mr. Artero from the Guam Fire Department.

And before we begin any further, I'd like to also acknowledge the presence of a committee member and the Vice Speaker of the Guam Legislature, Senator Tony Ada. Thank you. Go ahead, Mr. Artero.

Asst. Fire Chief Artero: Good afternoon, Mr. Chairman, fellow senators. My name is Edward Artero, Assistant Fire Chief with the Guam Fire Department. I'm also the appointed fire marshal.

I'm here before you today representing senior management within the Guam Fire Department. I'd like to begin by saying the Guam Fire Department operates on following industry standards, industry codes and standards. And one of the main ones that we follow, that we've adopted, you know, decades ago, was the NFPA, the National Fire Protection Association.

And within the NFPA, there is a standard covered for fireworks and explosives. And it's important to know that fireworks are illegal, consumer-grade fireworks are illegal in the fire code. However, what it does have in there is guidance. If a jurisdiction wanted to adopt consumer-grade fireworks, it does provide guidance on how to set up, you know, operations and how the fire department is to go about, you know, handling the permitting process and all that. So the reason I mention that is the law that was passed previously, basically what it did is it went into the fire code and extrapolated all those provisions and guidance on how to set up or give the fire department the authorization to promulgate and start the rules and regulations.

So we've been getting a lot of inquiries, and I know the question will be asked, where is the Guam Fire Department with the rules and regulations? And to answer that is the Guam Fire Department is currently undergoing a process to update all its fees and fines. And that includes everything from emergency response, rescue services, 911 fees, ambulance services, paramedic services, and our fire prevention fees and fines.

And the fireworks rules and regulations lies within the Fire Prevention Bureau, and that is a responsibility of my bureau and my staff to develop that. So to answer the question, where is the Guam Fire Department at with that? The answer is we are still in the process of trying to formulate and update all our fees and fines, and we're doing our best to try and find the right

jurisdiction that matches Guam in all of our services that we provide. And unfortunately, we haven't had the time to finalize all of that. So that is where we are today. Also point out that there is guidance.

We do have a lot of research and data, and as soon as I get back to my office, I will email all of that to the committee and to provide you with all the information that you can use to obtain on how you can help best be guided by, you know, your decision when it's time to vote. We have guidance from the International Association of Fire Chiefs, and the stance is that as industry leaders in the fire service, it really is our role to provide you guys, the body, with all the information that is required so you can have all the data that's out there happening all over the United States with regards to fireworks, consumer-grade fireworks, injuries, what you mentioned, hospitals, how they're handling all of this. And I will be able to provide that with you, for you. Thank you.

Chairman Shawn Gumataotao: All right. Thank you, Mr. Artero. Senator, we can actually, we'll start with the question and answers. Can I, can we begin with you this afternoon?

Senator Telo Taitague: Sure.

Chairman Shawn Gumataotao: Oh, yes, absolutely.

Senator Telo Taitague: Thank you, Mr. Chair. Thank you so much, everyone, for being here. I know that Fred Bordallo, who is also an advocate for, you know, repealing this bill, will send in testimony later on. I think he got caught up. You know, one of the things that I forgot to mention, too, it's not just the fire department that has to deal with some of these, the issues that come about with, especially fireworks, illegal fireworks. But it's also the Guam Police Department, and we're hoping to get testimony from them. I've known that there are several times there are phone calls that were made to GPD that they had heard gunshots, and this is throughout the year.

Because this bill that was passed in the 37th Guam Legislature, it doesn't say just on holidays. It's 24-7, seven days a week, you can shoot off fireworks. So this is an issue with the Guam Fire Department.

They're getting these calls. They're taking away their manpower, going up there, finding out that someone is playing with fireworks, and it's really not a gunshot. So there's a lot of strain, not just on fire department, but as well as GPD.

In the bill, the bill that was passed, it kind of puts the cart before the horse. You know, we passed the bill to legalize fireworks, but yet we didn't have any rules, guidelines in there at all. So it's taken a while for GFD to get these rules and regulations.

However, you mentioned earlier, too, that the National Fires Association, I think this was one that Joey San Nicolas had mentioned before, that this group of individuals were not in support of fireworks, especially, you know, even though it's when you have consumer-grade fireworks that is handled by professional versus these fireworks. And it says it can sell up to 2,000, I guess, let me go back to the bill, allows up to the sell of one individual, I'm not mistaken, it's 2,000 pound, not pounds, but firecrackers, about 2,000 firecrackers.

Asst. Fire Chief Artero: 2,000 individual pieces, yeah, in the law, yes.

Senator Telo Taitague: You stick all that together, what could happen if you blow 2,000 of those fireworks out and they're all put together and they're blown up, what could happen?

Asst. Fire Chief Artero: You can have a pretty significant soft tissue injury, burns and other stuff, flash burns and other stuff that could also potentially happen.

Senator Telo Taitague: If you put it in a pot, all those fireworks in a pot, can it actually act as like some kind of bomb?

Asst. Fire Chief Artero: Most likely, yes.

Senator Telo Taitague: Okay, so you can get severely, so the bill allows for up to 2,000 per person, so you can have someone come in there and purchase 2,000 of these firecrackers and then go to another store that's selling it and purchase another 2,000. There's really no way to tell if someone had just purchased this, right? Okay. What happens if individual homes carry this amount of firecrackers and they put it in the garage or they put it somewhere in their homes and they have like 2,000, let's say 2,000 and after some time, do these firecrackers actually can leak in any way or cause any issues to explode if just a mere heat or a simple spark can blow it up?

Asst. Fire Chief Artero: I think Mr. Sanchez can probably answer that best on stability and instability of the packaging.

ShowPro Mr. Jeff Sanchez: Thank you for asking that question. So the answer is it's simple. With that much explosives in one area, I'm going to take Hawaii as the example. I'm sure, you know, they didn't mean to launch all of those fireworks that they had in storage at the same time, but fireworks have an unpredictable, you know, result, meaning if they're not properly launched, they can not only go up, they can go sideways.

And in the case I gave you earlier of the firework jumping into my sweater, I can easily see that if you have an abundance of fireworks in storage somewhere and it's improperly lit by another firework that, you know, kind of went that way instead or just any simple household fire, that that can be catastrophic. So the storage of these fireworks are incredibly, you know, important as well.

All of the fireworks that we import are stored in proper magazines and these are inspected every few years by the federal agents. And I also wanted to just touch on the first question that you had about when they're put in a pot. All I have to do is have you reference the Boston Marathon bombings. Those were made with common fireworks put into a pressure cooker. And that is, you can YouTube how to make, you know, homemade bombs. And I don't want to say that too much because people start doing that and with just your common consumer-grade fireworks, these deadly bombs can be made. Doesn't even take 2,000 pieces.

Senator Telo Taitague: The current bill right now allows for fireworks to go off, right, at this time. If there was no, if there was a law that said that it's prohibited, fireworks are prohibited, you know, unless it's consumer, is it easier then to fine individuals or arrest people with illegal fireworks in their hands if it was just illegal, period, unless you're certified like Mr. Sanchez is?

Asst. Fire Chief Artero: Well, Senator, I can say Mr. Sanchez also mentioned earlier, the enforcement is the biggest piece, right? So how do goods and services, how do goods come into the island? It's through our ports of entry, right? So, when Customs has a shipment of something that they question or they're not too certain of, they'll call the fire department and see if it's within the applicable fire codes and standards. And that's the only way that we can catch it.

You know, that's not in our jurisdiction to regulate what comes in, but we do get alerted when times are needed for us to come out. And I think Mr. Sanchez, we had a case where we were able to catch something and we confiscated it and Mr. Sanchez was able to help us properly dispose of it. So that's the only route that we would have is we would have to be alerted by it when a Customs agent calls us.

Senator Telo Taitague: For the Department of Agriculture, there are guidelines with regards to burning. I think maybe fire department knows about certain times of the year where there's a no burning put in place. How does this work when people can blow off fireworks, you know, 24-7, seven days a week? How does that happen now? What happens then? They're not burning. They're just firing off fireworks. What happens then? Right.

DoAg Acting Director Camacho-Fejeran: For your Guam Department of Agriculture, like our response is that permits for burning that come from our office are actually agriculture permits. So it's use of fire for the sake of clearing, opening up the space, amending soils for agriculture, for farming. And even with that, we've drafted the permit so that, which is free, we've drafted the permit to go and coincide with the Guam Fire Department's burn permit. And that way it ensures that if we do an inspection on a property and we say you need to put all of these variables in place, a fire break, reduce your fuel load, do some bush cutting, get it into this condition, we will watch the weather.

Then our office, if approved, if we come back and we let you have done all the things we've required, we will come back and we will act as service support. We won't ignite the fire. We will just be there to help contain the fire on the property. And this is to support our farmers. But everything ties back to what the weather conditions are telling us. There is a fire danger rating for Guam.

The weather office works very closely with our office at agriculture. And we are the on the ground confirmation of when that red flag is announced. That information then gets disseminated to all of our fire partners and law enforcement.

There is very much a close tie and network when we talk about wildland fire and fire on Guam. Our fire partners are made aware. So AG permit, it doesn't fly unless they also agree with it.

Senator Telo Taitague: So fire, Chief Artero, can you tell me when is the fire, no burning times of the year that happens? And if somebody is not burning, blows up a firework, which can cause an easy grass fire. I mean, can you instigate your law there or tell an individual?

Asst. Fire Chief Artero: Yes, we are currently entering our hottest time of the year, our dry season. And as Christine mentioned, everything is based off the fire danger rating.

So you can come and apply for a burning permit. And we set the conditions for that operation to happen. And the final piece is us, our engine company, going out to location and doing an inspection.

However, even though you are allowed to burn with a permit, once one of your neighbors complains that the smoke is offensive to them, then we have to advise them to put the fire out. But there are conditions of the year when the grass is very dry, vegetation is at high risk for, you know, an unintended fire that has sparks and embers that travel, can set a wildland fire off very easily.

Senator Telo Taitague: So how does this work with fireworks? I mean, you know, if someone wants to blow up a firecracker.

Asst. Fire Chief Artero: If the conditions are right, it can start a fire, definitely.

Senator Telo Taitague: And there's no law that governs it?

Asst. Fire Chief Artero: Not currently, yeah.

DoAg Acting Director Camacho-Fejeran: I wanted to, I missed clarifying that in the nine years I've worked for the Guam Department of Agriculture, we haven't issued a single agriculture burn permit. I'm going to say that again. We have not issued a single agriculture burn permit. And it wasn't for lack of, it wasn't because our office said no. It was the six or seven families that came forward to request a permit after speaking with us, having our consultation on the ground. They all opted to choose alternative methods. So it's something, it's very humbling when you think about that. Many of our fires do occur across all types of private property.

Senator Telo Taitague: Thank you. And thank you, Mr. Chair. I just wanted to make that clear that this, the current law, anyone 24-7, seven days a week, even during a dry season, that can start a fire. Thank you. All right.

Chairman Shawn Gumataotao: Thank you, Senator Taitague. Senator Sabina Perez, you can ask your questions.

Senator Sabina Perez: Yes. Thank you, Mr. Chair. Is it possible to show that video one more time?

Chairman Shawn Gumataotao: AV, can we show the video one more time, please? We'll stand by. We wanted to take you out to a live shot. The local one. Thank you.

Video Program: Oh, holy s***!

Senator Sabina Perez: Thank you for indulging me. So the question is for Mr. Artero. What has the fire department done to investigate this?

Asst. Fire Chief Artero: We worked with our partners with the Guam Police Department, and we also reached out to Mr. Jeff on if there's any ways they can help us identify, you know, what's

being seen in the air with the video, and try to formulate a team or provide them with the best information for law enforcement to take the lead on this.

Senator Sabina Perez: Because this is illegal activity, according to the current statute. Are you aware of that?

Asst. Fire Chief Artero: Yes, we are aware.

Senator Sabina Perez: Okay. The other thing that, in the testimony provided for this bill that became law, there was a position statement by the International Association of Fire Chiefs that was released in 2022. Are you aware of that position statement?

Asst. Fire Chief Artero: Yes, they are adamantly against consumer-grade fireworks.

Senator Sabina Perez: Have they changed their position?

Asst. Fire Chief Artero: Not that I know of, yes.

Senator Sabina Perez: Okay, so if I could just read, the International Association of Fire Chiefs adopts the position that the importation, sale, and use of all consumer fireworks, including sparklers, the local, state, and federal level should be banned, with the exception of professional public displays by licensed pyrotechnic operators. And so, I guess this is what's brought up during the public hearing for Bill 9 at the time. Why didn't the Fire Department adopt this position in line with the National Fire Chiefs?

Asst. Fire Chief Artero: I was in a different position during that time, so I can't answer to that question, sorry.

Senator Sabina Perez: Okay, you're the current Assistant Chief, is that correct?

Asst. Fire Chief Artero: Yes.

Senator Sabina Perez: What is your position?

Asst. Fire Chief Artero: Our position is to provide this body with all the information, all the data, all the statistics that you can use to help you make your decision when it's time for you to vote. What about adopting the position of the International Fire Chiefs?

Asst. Fire Chief Artero: I would have to consult with our senior team and ask them for that advice moving forward.

Senator Sabina Perez: Okay, because it's clearly, we don't have the capacity to address illegal fireworks, as you saw. I mean, you just testified just now that you haven't fully come to a conclusion for the investigation of that. And so, that's a clear indication that we don't have the capacity to deal with illegal explosion of fireworks. The other thing that I, you know, Mr. Chair, if you can reach out to Guam EPA as well, and they provided testimony on the Bill 9 at the time.

And there is a concern about explosive waste stream. That is a hazardous waste stream that which our landfill cannot accept. And so, right now, remember in one of the testimonies, an individual who's selling fireworks at Saipan stated that they dumped things down the drain.

And so, because Saipan, "doesn't have disposal regulations". And I think that is a serious issue when we're talking about our infrastructure that costs millions upon millions of dollars, as well as the impact to the safety of individuals in the proximity of these businesses that are dumping things down the drain. And with this misconception that there is no disposal requirements for explosive waste.

The bill that was passed, unfortunately was passed, it was, there was a call of the question and the sponsor and myself were unable to make changes to the bill to make it safer. But at this time, it's very clear that, you know, we don't have the capacity to protect the environment, protect the people, since the investigation, you know, has not been concluded. Do you share these concerns as the fire, acting fire chief? I mean, if we cannot control or regulate illegal fireworks, what does that mean about the safety of our community?

Asst. Fire Chief Artero: Well, again, Senator, it's all about the enforcement of how these things come into the island.

I mean, we don't know, the fire department doesn't know who's in possession of any substance, whether it's legal or illegal. The only time you'll know is when it's being set off. And all we can do is gather evidence and most, the most prominent form is a WhatsApp viral video that goes around.

And, you know, based on our knowledge of where the village is, we try to do our best to pinpoint as a case in that example of the video and try to find a position of where it's coming from. And, you know, law enforcement, the lead law enforcement investigation with that would be GPD. Of course, we provide technical assistance for the fireworks component.

And we just have to do our best with trying to find where that location was shot off from. But yes, it is a cause of concern. Definitely is, you know, fireworks that can cause a fire is just gonna task our resources even further.

And, you know, Senator mentioned also, you know, every year during Liberation, 4th of July and New Year's Eve, we respond, we respond to injuries associated with fireworks, whether legal or illegal.

Senator Sabina Perez: Okay, so one of the things the bill does, it doesn't, it repeals the public law. But before this public law was passed, the initial language was, no fireworks shall be permitted in Guam unless consigned to the territorial federal government, in which case they shall not be discharged except under the direct supervision of authorities of one of said governments. And so this particular language allowed for commercial fireworks. Is that correct?

Asst. Fire Chief Artero: Yeah, I believe the fire code is a pyrotechnic operator only is authorized.

Senator Sabina Perez: Right, and so that's what this Public Law 37-47, it removed it. And so perhaps because of this law, this bill, it totally just repeals it. But I just wanted to make that clear that if we're repealing this law, that maybe this language, you know, should we wanna continue with commercial fireworks that that language be reinstated basically by experts and people that know how to handle and can do it properly under direct supervision. The other thing was safe and sane fireworks. And so I know the fire chiefs had a position on that. And they basically stated that there is no such thing. I mean, that's one of the things that, you know, when you label something as safe and sane, it gives the perception that it is safe and sane.

But the international chief, fire chief, stated that there is no such a thing as that. And so that's something I also, I wanted to point out. A question for, I'm sorry, you were raising your hand, acting director.

DoAg Acting Director Camacho-Fejerman: The chief sort of covered it when he addressed the increase in wildland fires. This weekend alone, there were at least five fires. The weather office called me several times advising that they can see what looks like smoke, smoke plumes on their radar. And we already had our crew out fighting fire, coming in over time to address, to respond. And the fire department stretched to respond as well. These were wildfires that are most likely intentional set.

Most likely one or two may be an escaped backyard fire. An investigation would have to be conducted to determine that. But the majority of these fires have been intentionally set fires to include the reforestation project sites. It just needs to be re-emphasized that right now you see fireworks going up in the air. Then we hear injury. But how soon before we see more burned land, more compromised landscape, and loss of agriculture lands? It's, we're just making it so much easier. By keeping this law as is. And we should go back to when everyone across the nation and international waters, Australia wildland fire investigators who trained your Guam teams here, applauded us and have been tracking the status of this since. Sending articles, oh my gosh, I can't believe it. So I just had to share that again that it's not just the Guam boys, it's these other partners that have been watching and just with heartbreak. Because you did, Guam, what the rest of us have been trying to do. And in one swift move, it was obliterated.

Chairman Shawn Gumataotao: Okay, Senator Perez, do you have any more questions?

Senator Sabina Perez: I do have two more, if you can indulge me. I know the time was running.

Chairman Shawn Gumataotao: Oh, that's fine. You can ask your questions, please, go ahead.

Senator Sabina Perez: Thank you. So the other things are safer alternatives. So we know about drone technology, which doesn't require combustion. And that's widely, being widely used, I think, throughout the world. I mean, to what extent can we go towards safer alternatives? Because from what I understand, some of the byproducts of combustion of fireworks leaves a lot of residue in our environment, such as potassium. There's an increase of contaminants in our oceans, as well as the particulate matter. So there's, it affects asthmatics, those that are susceptible to particulate matter in the air. So we're talking about air pollution and noise pollution. That was another concern, was the effects to animals, right? And so in addition to humans, as we are part of the animal kingdom as well. But yeah, I guess your thoughts, I mean,

maybe perhaps Guam could pivot towards alternative, safer displays. Maybe I can ask the panel to comment on this.

ShowPro Mr. Jeff Sanchez: I can make a comment. In the manufacturing world, the pyrotechnics, there's an effort being put out to manufacture more and more, they call them debris-less pyrotechnics that leave no debris, where everything is burned and just disappears into the air. And so these are a little bit more costly, as you can imagine, especially since they're just new.

But that effort is being made, as well as cold spark technology. You might've seen this where on stages and even indoors, you can use these spark machines that the current GFD permits and allows us to use. I was the first to bring that to the attention of one of our chiefs who came and visited to test the unit at my own residence.

And I showed him that not only was the powder non-combustible, but you could literally touch the sparks and not get burned. So there is technology that's being implemented that we can use as alternatives. And you mentioned drones, drone shows are great.

But again, with professional fireworks displays, it's really hard to, to duplicate or replace the effect of an explosive device that is meant to launch six, 700, eight feet in the air. And the only thing I can say to be able to do that, in a, not only in a safe, but as part of our training, we also take into consideration, like you said, the noise pollution, the pets, the distance requirements, we follow all of that. And one of the permitting requirements by the fire department is even in the transport process.

So when we're bringing these from our storage to the actual site, there's a whole process you know, that takes into consideration the people, even in the highways. And we have to kind of carefully plan out our route where we're not going through neighborhoods and schools. So all of that is part of the professional training that with just consumer, let's just open it up and make it free for everybody.

All of that gets thrown out the window. And then we have an incredibly volatile situation when it comes to moving these things, shooting them off. And as a result, you'll get footage like that video that wasn't meant to be played of Hawaii, where it's just chaotic, you know, it's just everywhere. And we will get there if we don't repeal this current law. So that's where we're headed. Thank you.

Senator Sabina Perez: One more question. That's okay. So acting chief, so I remember in one of the testimonies for the increasing enforcement of wildland fires, there is a huge loss, economic loss to reforestation. So I believe what was the statistic where for every acre that's reforested, the amount of work that you put into and the money that goes into that and the efforts. So just to give you an idea, the impact of wildland fires in general, but with this particular, you know, the hazard of fireworks also adds to that, could add to that, pose that problem to, you know, causing wildland fires. Do you recall that statistic?

DoAg Acting Director Camacho-Fejerman: Did I share this statistic?

Senator Sabina Perez: It actually was BSP who provided that statistic, but I do recall that there is a huge economic impact.

DoAg Acting Director Camacho-Fejeran: No, there is. There is. I mean, the reforestation grants alone, we have, you know, over the years, several million dollars' worth of like reforestation projects. And every year, for example, Asgado in the village of Malesso' is our plantation from 2018. And every year that plantation has been hit with wildfire, about 75%, 50% of the plantation burns. So we're constantly redoing and returning.

And that's what forestry does. Our job, we don't quit. We keep coming back and keep reclaiming and replanting and cutting fire breaks and putting more time onto sites, which pulls us from other projects.

So there's most definitely an economic impact with regard to wildfire on reforestation projects. I don't have that number, but what I can say is island-wide, I said it in the testimony, island-wide, the annual average of total percent area burned across the island is 4%. It's like four and a half percent, really. And that comes out to about 8,000 acres. Stretched out across the island. And that's Department of Defense, public and private lands. It's significant. And when we talk about the national numbers, California, Alaska, states that have high fire frequency to include naturally occurring fires, they burn an annual average of like 0.0 something. We're at four and a half percent to their 0.0 something.

Senator Sabina Perez: Yes, thank you. Thank you for that response. And also the houses that live nearby these wildland fires are basically at risk too of damage as well. But also the cascading effects of the coral reefs. So whenever these fires burn, there's high likelihood of soil erosion, which can impact our very precious coral reef, which is, I think, very unique to Guam. So thank you.

Chairman Shawn Gumataotao: Thank you, Senator. Vice Speaker, you have any questions for the panel?

Vice Speaker Anthony Ada: Thank you, Mr. Chair. Perhaps, you know, the video that was played, was that, anyone in the panel can answer that. Was that consumer grade fireworks or was that commercial grade fireworks that was?

ShowPro Mr. Jeff Sanchez: So those are, believe it or not, those are called consumer grade fireworks. And these are similar to the ones that, like in some of the states in the U.S. you can buy on occasion and they sell them for a limited time. They're usually shot in boxes that are average about 12 inches by 12 inches, but go way higher than the 12 feet that was kind of put into the law. But those are consumer grade. Those aren't even professional grade. Professional grade is a lot more combustible.

And yeah, it really, it's defined by the number of grams that are in one set of explosives, which is limited to 500 grams. The minute you go over 500 grams, it becomes professional grade or a different classification. 1.4 G is what those consumer grade fireworks are rated at. And those are still incredibly dangerous.

Vice Speaker Anthony Ada: I see. So prior to the passage of this law, how was the consumer grade fireworks coming onto the island, do you know?

ShowPro Mr. Jeff Sanchez: My guess is two things. By ship, either, and actually it's not even a guess. I've had people literally tell me that they're getting stuff that was imported on the ship and then through Saipan. Because in Saipan, consumer grade fireworks you can buy at most stores. So their laws are, they're basically legal there. 1.3, which is above that 500 gram limit, is illegal. And so anytime you get into that, that's when the feds and ATF gets involved.

Vice Speaker Anthony Ada: I see. Okay. Yeah, you know, I was looking at the testimony and you were mentioning about 4% of the total land area has burned annually. Was any of that caused by fireworks?

DoAg Acting Director Camacho-Fejerman: That's an excellent question. If any of the wildland fires have been caused by fireworks. Our investigations to date have not indicated fireworks. It doesn't take it out of the realm. But many of our fires, because I must clarify this. Many of the intentionally set fires are started pretty far out there on the ridge and they burn out towards the community.

Or they're on a shrimp trail or a hiking trail and comes out to community. You don't really need a firework to set something off in there. It's nobody's out there with you and chances are it's a lighter in the grass, something's set and you have plenty of time to make your way out before someone comes around.

So having law enforcement in patrol. Our conservation officers are getting a wonderful boost right now. We have increase in support and all we can do is keep praying that we have more support for policing, active policing and eyes on the ground to continue to find these individuals.

But I'm not ruling it out that fireworks are caused or have caused wildland fire. It just means we haven't investigated one yet that we found. And the only thing that triggers investigations to date, because we haven't investigated every fire.

That takes time and it takes people. I was your lead investigator for the first few years and now I'm the, well I'm acting director today, but I'm now the division chief. So my ability to break away and go and investigate a fire has become much more challenging for time.

So we need individuals to retrain and to get certified back into investigations and then we can talk about having more investigations, more frequency of investigations on the ground. What has triggered investigations to date have been firefighter injury, damage to property where a landowner has contacted us and said, can someone come and check this out? Or the radio station in Malesso'.

Vice Speaker Anthony Ada: So it's just, I just wanted to make that clear because I just wanted, I wanted to be fair to where that 4%, we cannot assume that that was caused by consumer grade fireworks, right?

DoAg Acting Director Camacho-Fejerman: What we can say for sure is that all of these fires have been human caused ignitions.

Vice Speaker Anthony Ada: Whether it's intentionally set by a lighter or something else, but we cannot say for sure that it was started by a consumer grade fireworks, right?

DoAg Acting Director Camacho-Fejeran: Correct. But investigations have, you know, the training includes being able to identify fireworks.

Vice Speaker Anthony Ada: Okay. And sir would you think that more, I guess, laws need to be in place for this, for the commercial grade fireworks or the professional type fireworks you were mentioning about they're making now with technology now making fireworks more friendly to the environment. Should we, is there something that we need to start looking at and placing into law now?

ShowPro Mr. Jeff Sanchez: Well, there is technology that is trying to provide alternatives. I also mentioned that, you know, it's very hard to replicate the actual firework, the bigger pro-grade stuff, but also Senator before, I think it was before you came in, I was basically saying that, oh man, I lost my train of thought, but that as far as the laws are concerned, because the, the first bill that was passed is very vague and it didn't have any rules, that was our first problem.

Secondly, even with the old law that said, you know, only permitted pyrotechnics displays that will be permitted by the government shall be allowed, even with that law, there was still fireworks being launched, still fireworks being imported. So we can certainly write as many of the laws as possible, but enforcement is gonna be the key. It's hard enough to enforce you know, the laws as we have it, as we stand, but unfortunately, people don't really follow the laws or even when they're written properly, they don't read into it. And when the first word of this fireworks are legal now, I had maybe 100 calls a month, people asking me to buy my fireworks. I was like, no, you just can't. That's not the law.

And then secondly, with the video, the way that shows is, you know, part of the design of the original bill was to have safe and sane, you know, low level kind of stuff that you see on the ground. But obviously people, the minute they hear fireworks are legal, it's like anything goes. And so it's really difficult, you know, and my bottom line is just safety, you know, and I'm not trying to take away fun and all of that stuff.

But when one person gets hurt, especially if it's a little kid that's a bystander, which happened, you know, this New Year's here on Guam, um, that is when I could say, you know, enough is enough. We really got to do better to protect our people. And as mentioned, you know, we were applauded for having such a very stringent law prohibiting the use of that.

And we didn't take away fireworks. We still had companies, not just mine that were able to do it. Anybody can do it. You just got to be able to have the proper training. I think the bottom line is having the proper respect for the product. You're talking about an explosive, you know, that can kill people.

And my family and I risk, you know, our lives every time we do this for the, for the community to be able to enjoy this safely, you know, and it's really not about the money. Because if it was about the money, as I stated earlier, I'd be selling it to every store to sell it to everybody else. You can make more money doing that. It's easier, but it's not about easy. It's about safety.

Vice Speaker Anthony Ada: So since you're a professional in this field, right?

ShowPro Mr. Jeff Sanchez: Yes, sir.

Vice Speaker Anthony Ada: The commercial grade fireworks, do you think a total repeal of the law is necessary? Or do you think maybe looking at how we can strengthen the law that's currently in place would be more advantageous versus repealing the law completely?

ShowPro Mr. Jeff Sanchez: So, you know, as history shows, even in Hawaii, for example, they tried to adopt a consumer grade, you know, legal, but it just got so out of hand with the requirements and the enforcement that, you know, too many people got injured or still getting injured. And when you talk about writing laws on how many you can buy, what kind you can buy, how high they can go, we can write all the laws we need to. And I applaud you guys for what you do.

But really on the enforcement side, you know, the task on the fire department as well as the police department. I mean, Senator, as an example, before this law was even passed, I was contracted to do a show in one of the villages by one of our mayors. And at the same time down the block, just two blocks down, the same level of fireworks were being shot.

And I don't need to tell you what village this was in, you know, it's one of those known for having their fireworks every week, for that matter. But yeah, there was stuff going on as we were contracted. And we had a standby, an engine there that's required, you know, that's safe. And we were meeting the distance requirements. You had another group that was blowing it right out of their front garage, you know, as high as we were shooting, almost competing with us, if you would. And I was just like, this is so dangerous. You know, these people don't realize. So that's why I've taken that position of, it's better to just, you know, keep it off the board and, you know, let us or let whoever else that gets into the business properly do it.

Vice Speaker Anthony Ada: Yeah, definitely, you know, because I was looking when the, during the public hearings and the public hearing and the passage of this bill into law, you know, it was said that, you know, they would rather have fireworks than bullets flying right on New Year's Eve and things like that.

But I guess there's always the other side to the coin, right? And there's always safety factors as well. And I think that looking at, looking at the current law that's in place and how we're going to, either we strengthen it or we totally repeal it. Does that make, does that make now Guam any safer? Or does it make it any better? Because you just said it, that you were, you know, contracted by a mayor to do a fireworks show, but yet just down the street, you had the same type of fireworks that was going off.

So one or two things, how does that type of fireworks again, right, get into the island without being confiscated prior to its, prior to, you know, making.

ShowPro Mr. Jeff Sanchez: Right. And so with the example of our drug epidemic, you know, it's already bad enough that we can't catch, you know, these illegal drugs that will probably never be made legal with any kind of law. But it's, it's, you know, fireworks are looked at as more of a less, you know, dangerous situation. But it can still, it takes a life, a firework can take a life faster

than a drug does. You know, drugs over time and widespread in the community. I understand all of that. But in one instant, like in Hawaii, lives can be lost, you know, all because of carelessness. I'm sure those people meant well. I'm sure they meant that they were going to do this for the community and show their block, you know, a good time. But I'm also sure that they didn't plan on not seeing their, you know, families again ever because of just one, you know, stupid decision. So, yeah.

Vice Speaker Anthony Ada: Thank you for that. I appreciate that.

ShowPro Mr. Jeff Sanchez: Thank you.

Vice Speaker Anthony Ada: Thank you for all your testimonies today. Mr. Chair, that's the only questions I had. Thank you, sir.

Chairman Shawn Gumataotao: All right. Thank you, Vice Speaker. At this time, I'd like to ask the, the bill's sponsor if she'd like to close. No, I'm okay. I'll save mine to the very end, but it's not a question. Thank you so much.

Senator Telo Taitague: You know, this is very emotional for us. I know that Senator Perez and I worked very hard to try, knowing that we were up against eight people who didn't care. They just wanted the bill passed, whether it was a favor, what my good colleague has mentioned, horse trading when it comes to bills. And this is the reality. That's what happens sometimes on the floor. Instead of what's doing what's right.

We tried to make amendments to the bill and they wouldn't let us. Putting the cart before the horse. I'm, I want to apologize to the fire department, putting you in this predicament.

So what I want to do is correct the wrong and make it right by, let's start from the beginning. Repeal the bill, leaving the ability still for consumer, those who that are business that do the fireworks to actually go through the training and have all the safety mechanisms in place. Keep that, but repeal the whole thing. And if anybody, any of my colleagues want to continue to have fireworks, then let's do it correctly. Let's look at the laws. Incorporate none of this 24 seven, seven days a week. Fireworks going off. What happens during dry season? No burning. You guys can't do anything about it. Somebody blows up a firework, you know, sets off a firecracker and it causes a fire. If they're getting in trouble, they're not burning.

Five people killed, 20 injured in Hawaii. Guam got lucky this time. We didn't have any deaths, but we had eight people injured and five hospitalized.

Hospitalized where we don't even have a burn unit to take care of those people who do get injured on this island. The already stretched of our police officers, our firemen, the lack of enforcement on their end and adding fuel to fire. No pun intended on that one.

This is not the type of legislation that we should be putting out for our people. It's about protecting them and our children. So this bill, Mr. Chair, I hope gets through as soon as possible to correct a wrong that was passed by a body of last year who didn't even want to hear about putting amendments to make it safer for our people. Just put it through. Our people deserve

better. So I kindly ask that if this bill can get through, our committee reports go through committee and any markups needed that get it passed.

And I ask the public, the people of Guam, please write to your senators and ask their support to repeal this law that's hurting our children, our family, our environment. And make Guam safe again. Thank you, Mr. Chair.

Chairman Shawn Gumataotao: Thank you, Senator Taitague. And a couple of notes for the community. We will be adding onto the committee report [a link to a video](#) that was referred to the committee by Senator Taitague from the state of Hawaii.

Again, we have issues locally to have it up on our YouTube channel, but it will be entered into the record as part of the committee report. Also to GFD, if we can, Chief, based on the testimony today and the question from Senator Sabina Perez, can you ensure that at some point in the committee we'll be asking for GFD's response to the position that was taken by the International Association of Fire Chiefs and the kind of the issues there. We'll send the question to you and we'll also make sure that that is also entered into the record for this particular measure.

So again, thank you for your testimony. Well, the Committee on Public Safety, Emergency Management, and Guam National Guard appreciates the attendance and the participation of all senators and community stakeholders in this public hearing on Bill 20-38 COR. The committee will review the information received during this hearing today and communicate further with relevant government and non-government entities if necessary.

The committee has tentatively scheduled a markup on Bill 20-38 COR for Wednesday, April 23rd, 2025 at 10 a.m. at my office, located at 120 Father Duenas Avenue, Capital Plaza, Suite 103, here in Hagåtña 96910. The committee members and the primary author of Bill 20-38 aren't invited to participate in that markup. The committee will also continue to accept written testimony on Bill 20-38 COR for the next five business days or until Monday, April 21st, 2025.

Testimony may be submitted via email to my office at office.senatorshawn@guamlegislature.gov through the legislature mailroom here at the Guam Congress Building here in Hagåtña, or they may be delivered directly to my senatorial office, also here in Hagåtña. With that, this public hearing by the Committee on Public Safety, Emergency Management, and the Guam National Guard on Bill 20-38 COR is hereby adjourned. The time now is 3:18 p.m. Have a great day, everyone.

III. FINDINGS & RECOMMENDATIONS

The Committee finds that Bill No. 20-37 (COR) reflects, generally, the intent of Bill 202-37 (COR) introduced on October 13, 2023. Bill 202-37 (COR) received a public hearing on March 14, 2024 and no further action was taken by the 37th Guam Legislature.

The Committee finds that BBMR requested for a Fiscal Note Waiver stating that per information received from the Guam Fire Department (GFD), the fire department has not completed the review and establishment of fees and fines associated with the use of consumer-grade fireworks which is a requirement prior to implementing the provisions of Public Law 37-47. GFD is of the opinion that Bill No. 20-38 (COR) will not have a negative fiscal impact upon the Government of Guam if enacted.

In her message to the Guam Legislature approving Bill No. 9-37 (COR) enacted as Public Law 37-47, the Governor noted that the new law would likely require additional funding and dedicated and coordinated resources across government agencies including our public hospital and emergency response agencies.

The Governor further noted that to close any gaps in the enforcement language contained in Public Law 37-47, GFD is required by law to promulgate regulations for the licensing of consumer-grade fireworks. At the time, the new law was placed in a holding pattern until additional laws and/or regulations were acted upon - permitting the importation and distribution of consumer-grade fireworks.

Subsequent to the April 14, 2025 public hearing on Bill No. 20-38 (COR), the Committee on Public Safety, Emergency Management, and Guam National Guard held a markup on the Bill on Wednesday April 23, 2025, 11:07 a.m. at Chairman Shawn Gumataotao's office in *Hagatna*.

In attendance were Chairman Gumataotao, Vice-Speaker and Committee Vice-Chairman V. Anthony Ada, Legislative Secretary and Committee Member Sabrina Salas Matanane, and Senator Telo Taitague, primary author of Bill No. 20-38 (COR). Staff representatives from Senator Taitague's office were also present.

The Committee Markup agenda included a summary and status of bills referred to the Committee on Public Safety, Emergency Management, and Guam National Guard as of April 23, 2025, a summary of the public hearing testimonies for Bill No. 20-38 (COR), and a discussion on the Committee's draft amendments to the Bill, which correspond to the changes recommended by the bill's primary author via email on April 16, 2025.

The Committee discussed and adopted recommended changes to the bill. The first amendment restores 10 GCA §58109 to the policy established prior to the enactment of Public Law 37-47.

“§ 58109. Fireworks. ~~The use of consumer-grade or “safe and sane”~~ No fireworks shall be permitted in Guam unless consigned to the Territorial or Federal government, in which case they shall not be discharged except under the direct supervision of the authorities of one of said Governments.”

The second amendment restores 10 GCA § 58110 to the policy established prior to the enactment of Public Law 37-47.

“§ 58110. Same: Exclusion. The term ~~consumer-grade or “safe and sane”~~ fireworks in § 58109 of this Chapter shall not be construed to include ~~commercial-grade and display fireworks~~ as used in toy pistols and party favors containing comparable small amounts of explosives. The Fire Chief shall determine what items come within this Section.”

Senator Taitague agreed with the proposed amendments and reiterated some of the concerns she's publicly raised on the topic, including the absence of regulations as required by Public Law 37-47, and the lack of investigations by authorities relative to the illegal display of fireworks during the most recent New Year's celebrations.

Senator Taitague requested Chairman Gumataotao to seek information from the Guam Police Department (GPD) concerning the status of any ongoing investigations involving illegal fireworks in Guam.

In addition to inviting GPD to participate in the bill's public hearing on April 14, 2025, and based on a request made during the mark-up meeting, the Committee requested for comments from GPD regarding Bill 20-38 (COR), including information that is publicly available on the agency's response to complaints within the last year involving consumer-grade and other fireworks that have been displayed in violation of Guam law. GPD has yet to respond to the Committee's request for information.

The Committee also reached out to the Guam Environmental Protection Agency for a response on the legislation per a request by the co-sponsor of Bill No. 20-38 (COR). GEPA has yet to respond to the Committee's request for information.

Based on the Guam Fire Department taking a neutral stance on Bill No. 20-38 (COR) and on related measures during the 37th Guam Legislature which led to the legalization of consumer-grade fireworks - and the proposal to rollback that same law, the Committee requested for GFD's feedback on the reason(s) for what appeared to be a disagreement between GFD and the official position taken by the International Association of Fire Chiefs on this matter.

According to comments offered by GFD during the April 14, 2025 public hearing on Bill No. 20-38 (COR), the International Association of Fire Chiefs remains adamantly against the importation, sale, and use of consumer-grade fireworks.

In a response letter to the Committee dated April 15, 2025, GFD wrote that as with the agency's previous testimony on Bill No. 9-37, which became Public Law 37-47, their testimony is neither in support of nor against Bill No. 20-38, which seeks to repeal Public Law 37-47.

GFD further wrote that since Public Law 37-47 was enacted, the agency has worked to develop draft regulations to regulate the sale and use of consumer-grade fireworks and is determining fines and fees for effective enforcement. GFD continues this process along with developing a public awareness education campaign to mitigate preventable social and economic impacts.

Accordingly, the Committee hereby reports out Bill No. 20-38 (COR), as amended by the Committee on Public Safety, Emergency Management, and Guam National Guard with the recommendation **TO DO PASS**.

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 20-38 (COR)

Introduced by:

Telo T. Taitague 
Sabina Flores Perez / 

**AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER
58, AND REPEAL CHAPTER 58B OF DIVISION 3,
TITLE 10, GUAM CODE ANNOTATED AS ENACTED
BY PUBLIC LAW 37-47 IN THEIR ENTIRETY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 58109 of Chapter 58, Division 3, Title 10, Guam Code
Annotated is hereby *repealed* to read:

~~“§ 58109. Fireworks.~~

~~The use of consumer-grade or “safe and sane” fireworks shall
be permitted in Guam.”~~

Section 2. § 58110 of Chapter 58, Division 3, Title 10, Guam Code
Annotated is hereby *repealed* to read:

~~“§ 58110. Same: Exclusion.~~

~~The term consumer-grade or “safe and sane” fireworks in §
58109 of this Chapter shall not be construed to include commercial-
grade and display fireworks. The Fire Chief shall determine what
items fall within this Section.”~~

1 enhance these bonding experiences. Many families also wish to share
2 these experiences starting with today's generation.

3 (c) In addition to enhancing familial experiences during
4 holidays, consumer-grade fireworks will also create avenues for the
5 residents of the island to open businesses that will sell these
6 fireworks, aiding and promoting economic development in Guam.
7 Legalizing consumer-grade fireworks will create business
8 opportunities for entrepreneurs to capitalize on the need to import
9 and sell these fireworks, contributing to the island's economy.

10 (d) *I Liheslaturan Guåhan* also finds that the prohibition of
11 consumer-grade fireworks is grounded in the concern for public
12 safety and security, but unfortunately, it has led to the illegal and
13 dangerous practice of using actual firearms as a substitute for
14 fireworks. There have been cases where teenagers would steal their
15 parents' firearms and shoot them in the air as a substitute for
16 fireworks. The act of shooting a firearm into the air is not only
17 illegal, but incredibly dangerous due to the fact that bullets shot into
18 the air will come back down with considerably more force and could
19 potentially hit innocent bystanders. If teenagers and the people of
20 Guam had access to consumer-grade fireworks, they would not have
21 to resort to the illegal and dangerous practice of shooting firearms
22 into the air.

23 (e) A collaboration between several different authorities and
24 proper enforcement of the rules and regulations of the industry's
25 supply chain at every level with severe yet reasonable penalties is
26 vital to achieve the successful regulation of the industry. With proper
27 enforcement mechanisms in place, the effective regulations of the

1 ~~“safe and sane” fireworks industry through precautionary advice,~~
2 ~~measures, and awareness of the general public is critical for the~~
3 ~~importation, sell, purchase and use of “safe and sane” fireworks. The~~
4 ~~common ground for many jurisdictions is the concern for public~~
5 ~~safety which has imposed stringent measures deriving from prior~~
6 ~~events or particular circumstances within the territory, state or~~
7 ~~country; e.g., fireworks use has been abused or misused.~~

8 ~~(f) *I Liheslaturan Guåhan* intends to legalize consumer grade~~
9 ~~or “safe and sane” fireworks while enacting stringent regulations and~~
10 ~~penalties to prevent misuse and abuse of these fireworks.~~

11 **~~§ 58B102. Definitions.~~**

12 ~~(a) *Aerial devices* means any fireworks containing one hundred~~
13 ~~thirty (130) milligrams or less of explosive materials that produces~~
14 ~~an audible or visible effect and is designed to rise then detonate and~~
15 ~~explode in the air. Its use is prohibited by any person who does not~~
16 ~~have a permit for display fireworks issued by the Guam Fire~~
17 ~~Department. Aerial devices classified as fireworks under UN0336~~
18 ~~and UN0337 by the United States Department of Transportation as~~
19 ~~set forth in Title 49 Code of Federal Regulation includes fireworks~~
20 ~~items commonly known as skyrockets, missile type rockets, bottle~~
21 ~~rockets, helicopters, roman candles, dago bombs, torpedoes, flying~~
22 ~~pigs, and jumping jacks. These fireworks move about the ground~~
23 ~~further than a radius of a twelve (12) feet circle as measured from the~~
24 ~~point where the item was placed and ignited.~~

25 ~~(b) *Consumer grade fireworks* means fireworks which are~~
26 ~~intended for retail sale and use by the general public and are~~
27 ~~considered as Division 1.4G explosives by the U.S Department of~~

1 ~~Transportation. Ignition of these fireworks produce visible and~~
2 ~~audible effects for entertainment. It is designed to spin rapidly or to~~
3 ~~be stationary on or near the ground and can include one (1) or more~~
4 ~~effects such as emitting smoke, shower of colored sparks, whistling,~~
5 ~~crackling, and fizzing effects, and flutter and balls of single or~~
6 ~~multicolored sparks. Consumer fireworks are manufactured in single~~
7 ~~paper cylinders not exceeding one and one-half (1 1/2) inches in~~
8 ~~length, excluding the fuse, are one quarter (1/4) of an inch in~~
9 ~~diameter, and contain a charge of not more than fifty (50) milligrams~~
10 ~~of pyrotechnic composition. Consumer grade fireworks consist of~~
11 ~~snakes, sparklers, fountains, and cylindrical or cone fountains that~~
12 ~~emit effects up to a height not greater than twelve (12) feet above the~~
13 ~~ground, illuminating torches, whistles, toy smoke devices, wheels,~~
14 ~~and ground spinners that, when ignited, remain in a circle with a~~
15 ~~radius of not more than twelve (12) feet as measured from the point~~
16 ~~where the item was placed, ignited or set off, and novelty and~~
17 ~~combination fireworks that are designed to produce the same or~~
18 ~~similar effects detailed in this Subsection. Consumer grade fireworks~~
19 ~~do not include firework devices and kits or components that are~~
20 ~~banned by the U.S. Consumer Product Safety Commission in 16~~
21 ~~CFR § 1500.17.~~

22 ~~(c) *Articles pyrotechnic* means pyrotechnic devices designed~~
23 ~~with similar chemical composition and construction as fireworks for~~
24 ~~professional use and are not intended for consumer use. Articles~~
25 ~~pyrotechnics meet the weight limits for consumer fireworks;~~
26 ~~however, they are not labeled as such and are classified as UN0431~~

1 ~~or UN0432 under 49 CFR § 172.101 by the United States~~
2 ~~Department of Transportation.~~

3 ~~(d) *Class 1.3G explosives* means large fireworks designed~~
4 ~~primarily to produce audible or visible effects by combustion,~~
5 ~~deflagration, or detonation, and are formerly known as Class B,~~
6 ~~Special Fireworks, or Display Fireworks according to the U.S.~~
7 ~~Consumer Product Safety Commission.~~

8 ~~(e) *Display* means the use of aerial devices, display fireworks,~~
9 ~~or article pyrotechnic for any activities.~~

10 ~~(f) *Display fireworks* means any fireworks designed primarily~~
11 ~~for exhibition display by producing visible or audible effects and are~~
12 ~~classified as display fireworks in the regulations of the United States~~
13 ~~Department of Transportation, designated as UN0333 or UN0335.~~
14 ~~Display fireworks include salutes containing more than forty (40)~~
15 ~~grams of pyrotechnic compositions and other display pieces which~~
16 ~~exceed the limits of explosive materials classified as consumer~~
17 ~~fireworks. This term also includes fused set pieces containing~~
18 ~~components which exceed fifty (50) milligrams of salute powder~~
19 ~~together. The use of display fireworks shall be prohibited for use by~~
20 ~~any person who does not have a display permit issued by the Guam~~
21 ~~Fire Department.~~

22 ~~(g) *Class 1.4G explosives* means consumer fireworks intended~~
23 ~~for use by the general public and are formerly known as Class C~~
24 ~~Common Fireworks according to the U.S. Consumer Product Safety~~
25 ~~Commission.~~

26 ~~(h) *Fireworks* means any composition or device that produces~~
27 ~~a visible or an audible effect by combustion, deflagration, or~~

1 ~~detonation that meets the definition of consumer fireworks or display~~
2 ~~fireworks as defined in this Section and in the regulations of the~~
3 ~~United States Department of Transportation set forth in Title 49~~
4 ~~Code of Federal Regulation (CFR).~~

5 ~~(i) *Pyrotechnics* means devices intended for professional use~~
6 ~~with similarities to consumer fireworks in construction and chemical~~
7 ~~composition. Pyrotechnics meet the weight limits of consumer~~
8 ~~fireworks but are not labeled as such. Articles pyrotechnic fall under~~
9 ~~this category.~~

10 ~~(j) *Safe and sane fireworks* means fireworks that are designed~~
11 ~~to remain on or near the ground, spin rapidly, emit smoke, release a~~
12 ~~shower, flitter, or balls of colored sparks, or produce whistling,~~
13 ~~crackling, and fizzing effects. Safe and sane fireworks can include~~
14 ~~such combination of items that contain one (1) or more of these~~
15 ~~effects that are intended for use by the public.~~

16 **~~§ 58B103. Permissible Uses of Consumer Fireworks.~~**

17 ~~(a) It is unlawful for any person, firm, corporation, association, or~~
18 ~~organization to sell or offer for sale any fireworks, except as expressly~~
19 ~~permitted under the terms of this Section.~~

20 ~~(b) No fireworks shall be ignited or set off within fifty (50) feet of any~~
21 ~~building, structure, or wildland areas.~~

22 ~~(c) The Guam Fire Department shall conduct a study on the effects of~~
23 ~~fireworks on public safety after three (3) years of enactment of this Chapter.~~
24 ~~This study may be used to determine if amendments to this Chapter are~~
25 ~~warranted.~~

26 **~~§ 58B104. Issuance of Licenses, Permits, Termination, Revocation,~~**
27 **~~Seizure.~~**

1 ~~(a) No person, firm, corporation, association, or organization shall sell~~
2 ~~fireworks without first having obtained a license thereof (“Consumer~~
3 ~~Fireworks License”). Prior to issuance of the CFL, the requesting party shall~~
4 ~~fulfill all licensing and fire safety requirements outlined by the Guam Fire~~
5 ~~Department.~~

6 ~~(b) Upon expiration of a Consumer Fireworks License, a qualified~~
7 ~~person, firm, corporation, association, or organization shall be required to~~
8 ~~obtain a new license, unless terminated due to the following:~~

9 ~~(1) failure to comply with any provision or applicable~~
10 ~~regulatory statutes, rules, and regulations in the business of retailing~~
11 ~~safe and sane fireworks;~~

12 ~~(2) a safety violation that, in the determination of the Guam~~
13 ~~Fire Department, created a potential to endanger the public; or~~

14 ~~(3) failure to maintain the requirements of the Consumer~~
15 ~~Fireworks License.~~

16 ~~(c) Failure or refusal to comply with any of the provisions or~~
17 ~~applicable regulatory statutes, rules, or regulations detailed in this Chapter~~
18 ~~shall result in the termination or revocation of the Consumer Fireworks~~
19 ~~License. Termination or revocation of the Consumer Fireworks License shall~~
20 ~~be immediate if deemed in violation of this Section. The Fire Chief or his or~~
21 ~~her authorized representatives shall have the authority to revoke or terminate~~
22 ~~the license for a period of time not less than twelve (12) months and not over~~
23 ~~eighteen (18) months. The license will also be revoked or terminated if the~~
24 ~~conduct of the operation is deemed inimical to public safety.~~

25 ~~(d) Any person engaged in the selling of consumer fireworks shall be~~
26 ~~eighteen (18) years of age or older.~~

1 ~~(e) At least one (1) person twenty one (21) years of age or older shall~~
2 ~~be in attendance and in charge of the permitted sales of consumer fireworks.~~

3 ~~(f) All permits shall be non-transferrable~~

4 ~~(g) No person, firm, corporation, association or organization holding a~~
5 ~~Consumer Fireworks License shall be allowed to sell firecrackers in a packet~~
6 ~~size larger than two thousand (2,000) individual units.~~

7 ~~(h) The Fire Chief, his or her authorized representatives, or any other~~
8 ~~public entity authorized by statute to enforce government regulations may~~
9 ~~seize any fireworks described in this Chapter.~~

10 **~~§ 58B105. Permits Requirements.~~**

11 ~~(a) Any person in the business of importing, dealing, distributing,~~
12 ~~storing, or otherwise receiving consumer fireworks shall obtain a license~~
13 ~~from the Guam Fire Department by no later than ten (10) business days. The~~
14 ~~Guam Fire Department shall create distinct licenses for fireworks~~
15 ~~distributors or wholesalers and fireworks retailers.~~

16 ~~(b) No person, firm, corporation, association, or organization shall sell~~
17 ~~any consumer fireworks to any persons under the age of eighteen (18).~~

18 ~~(c) A permit shall be required to sell any consumer fireworks with a~~
19 ~~fee payment of Four Hundred Sixty-five Dollars (\$465.00) for a permit.~~

20 ~~(d) All permits and licenses shall be posted in the establishment and~~
21 ~~shall be visible to the public.~~

22 ~~(e) Any person who sells, imports, and delivers consumer fireworks~~
23 ~~shall keep a record book in which the time of each sale, delivery, and~~
24 ~~importation of consumer fireworks were conducted.~~

25 ~~(f) The record book shall be kept on file for not less than a period of~~
26 ~~four (4) years and shall be subject to examination at all times upon proper~~
27 ~~demand by any duly authorized law enforcement officer or duly authorized~~

1 ~~personnel of the Guam Fire Department or his or her authorized~~
2 ~~representatives.~~

3 ~~(g) No person, firm, corporation, association, or organization shall sell~~
4 ~~any consumer fireworks unless:~~

5 ~~(1) Every fireworks device or the packaging in which they are~~
6 ~~sold has the word “CAUTION” or “WARNING”.~~

7 ~~(2) Every fireworks device or the packaging in which they are~~
8 ~~sold displays a statement of hazard designed to warn the user of the~~
9 ~~specific aspect of the item’s operation that may result in the potential~~
10 ~~for injury. A statement of hazard includes statements such as:~~
11 ~~“FLAMMABLE, SHOOTS FLAMING BALLS WITH REPORTS,~~
12 ~~SPINS ON GROUND, EMITS SHOWERS OF SPARKS, etc.”~~

13 ~~(3) Every fireworks device or the packaging in which they are~~
14 ~~sold are conspicuously labeled with country of origin, the name and~~
15 ~~place of business of the manufacturer, packer, distributor, or seller.~~

16 **~~§ 58B106. Storage of Consumer Fireworks.~~**

17 ~~(a) Any person, firm, corporation, association, or organization which~~
18 ~~stores consumer fireworks shall notify the Guam Fire Department of the~~
19 ~~consumer fireworks that are being stored, the type, and the location of each~~
20 ~~site where they are stored. Such notifications shall be made orally at the end~~
21 ~~of the day in which storage of the consumer fireworks commenced and in~~
22 ~~writing within forty-eight (48) hours from the time such storage commenced.~~

23 ~~(b) The facility in which consumer fireworks are stored shall be in~~
24 ~~accordance to guidelines set by the Guam Fire Department.~~

25 ~~(c) Shipments of consumer fireworks must receive approval from the~~
26 ~~Guam Fire Department fifteen (15) calendar days prior to the shipment’s~~
27 ~~arrival; and~~

1 ~~(d) shall meet all fire and safety codes.~~

2 ~~**§ 58B107. Prohibiting Minors From Obtaining Consumer Fireworks.**~~

3 ~~(a) Any person, firm, corporation, association, or organization which~~
4 ~~sells, gives, or purchases consumer fireworks for a minor or allows a minor~~
5 ~~to set off or ignite any consumer fireworks shall be deemed in violation of~~
6 ~~this Chapter and are subject to penalties thereunder:~~

7 ~~(1) First Offense: Penalty of up to One Hundred Dollars (\$100);~~

8 ~~(2) Second Offense: Offense of the same fire code provision~~
9 ~~within a twelve (12) month period shall be subject to a penalty of up~~
10 ~~to Four Hundred Dollars (\$400), but not less than One Hundred~~
11 ~~Dollars (\$100).~~

12 ~~(3) Third Offense: Offense of the same fire code provision~~
13 ~~within a twelve (12) month period shall be punishable as a~~
14 ~~misdemeanor and the business license and permit shall be suspended~~
15 ~~for up to one (1) year.~~

16 ~~(b) Minors shall only be allowed to ignite or set off consumer~~
17 ~~fireworks under the expressed permission and immediate supervision and~~
18 ~~control of the parent(s), guardian(s), or a supervising adult.~~

19 ~~**§ 58B108. Penalty.**~~

20 ~~(a) Any person, firm, corporation, association or organization in the~~
21 ~~business of importing, dealing, distributing, selling, storing, or otherwise~~
22 ~~receiving consumer fireworks deemed in violation of this Chapter are~~
23 ~~subject to penalties and fines. Each violation shall be subject to the~~
24 ~~following penalties:~~

25 ~~(1) First Offense shall be subject to a penalty of up to One~~
26 ~~Hundred Dollars (\$100);~~

1 ~~(2) Second Offense of the same fire code provision within a~~
2 ~~twelve (12) month period shall be subject to a penalty of up to Four~~
3 ~~Hundred Dollars (\$400), but not less than One Hundred Dollars~~
4 ~~(\$100);~~

5 ~~(3) Third Offense of the same fire code provision within a~~
6 ~~twelve (12) month period shall be subject to a penalty of Five~~
7 ~~Thousand Dollars (\$5,000).~~

8 ~~(b) All fines shall be deposited into a Fund which shall be used for~~
9 ~~enforcement and programs to educate consumers in the proper and legal use~~
10 ~~of fireworks.”~~

11 **Section 4. Severability.** If any provision of this Act or its application to any
12 person or circumstance is found to be invalid or inorganic, such invalidity shall not
13 affect other provisions or applications of this Act that can be given effect without
14 the invalid provision or application, and to this end the provisions of this Act are
15 severable.

16 **Section 5. Effective Date.** This Act shall be effective upon enactment.
17

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 20-38 (COR)

As Amended by the Committee on Public Safety,
Emergency Management, and Guam National Guard

Introduced by:

Telo T. Taitague
Sabina Flores Perez

**AN ACT TO AMEND §§ 58109 AND 58110 OF CHAPTER
58, AND TO REPEAL CHAPTER 58B OF DIVISION 3,
TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY
PUBLIC LAW 37-47.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 58109 of Chapter 58, Division 3, Title 10, Guam Code Annotated
is hereby *amended* to read:

“§ 58109. Fireworks. ~~The use of consumer grade or “safe and sane”~~
No fireworks shall be permitted in Guam unless consigned to the Territorial
or Federal government, in which case they shall not be discharged except
under the direct supervision of the authorities of one of said Governments.”

Section 2. § 58110 of Chapter 58, Division 3, Title 10, Guam Code Annotated
is hereby *amended* to read:

“§ 58110. Same: Exclusion. The term ~~consumer grade or “safe and~~
~~sane”~~ fireworks in § 58109 of this Chapter shall not be construed to include
~~commercial-grade and display fireworks~~ caps as used in toy pistols and party
favors containing comparable small amounts of explosives. The Fire Chief
shall determine what items come within this Section.”

1 enhance these bonding experiences. Many families also wish to share
2 these experiences starting with today's generation.

3 (c) In addition to enhancing familial experiences during
4 holidays, consumer-grade fireworks will also create avenues for the
5 residents of the island to open businesses that will sell these
6 fireworks, aiding and promoting economic development in Guam.
7 Legalizing consumer-grade fireworks will create business
8 opportunities for entrepreneurs to capitalize on the need to import
9 and sell these fireworks, contributing to the island's economy.

10 (d) *I Liheslaturan Guåhan* also finds that the prohibition of
11 consumer-grade fireworks is grounded in the concern for public
12 safety and security, but unfortunately, it has led to the illegal and
13 dangerous practice of using actual firearms as a substitute for
14 fireworks. There have been cases where teenagers would steal their
15 parents' firearms and shoot them in the air as a substitute for
16 fireworks. The act of shooting a firearm into the air is not only
17 illegal, but incredibly dangerous due to the fact that bullets shot into
18 the air will come back down with considerably more force and could
19 potentially hit innocent bystanders. If teenagers and the people of
20 Guam had access to consumer-grade fireworks, they would not have
21 to resort to the illegal and dangerous practice of shooting firearms
22 into the air.

23 (e) A collaboration between several different authorities and
24 proper enforcement of the rules and regulations of the industry's
25 supply chain at every level with severe yet reasonable penalties is
26 vital to achieve the successful regulation of the industry. With proper
27 enforcement mechanisms in place, the effective regulations of the

1 “safe and sane” fireworks industry through precautionary advice,
2 measures, and awareness of the general public is critical for the
3 importation, sell, purchase and use of “safe and sane” fireworks. The
4 common ground for many jurisdictions is the concern for public
5 safety which has imposed stringent measures deriving from prior
6 events or particular circumstances within the territory, state or
7 country; e.g., fireworks use has been abused or misused.

8 (f) ~~I Liheslaturan Guåhan~~ intends to legalize consumer-grade
9 or “safe and sane” fireworks while enacting stringent regulations and
10 penalties to prevent misuse and abuse of these fireworks.

11 **~~§ 58B102. Definitions.~~**

12 (a) ~~Aerial devices~~ means any fireworks containing one hundred
13 thirty (130) milligrams or less of explosive materials that produces
14 an audible or visible effect and is designed to rise then detonate and
15 explode in the air. Its use is prohibited by any person who does not
16 have a permit for display fireworks issued by the Guam Fire
17 Department. Aerial devices classified as fireworks under UN0336
18 and UN0337 by the United States Department of Transportation as
19 set forth in Title 49 Code of Federal Regulation includes fireworks
20 items commonly known as skyrockets, missile-type rockets, bottle
21 rockets, helicopters, roman candles, dago bombs, torpedoes, flying
22 pigs, and jumping jacks. These fireworks move about the ground
23 further than a radius of a twelve (12) feet circle as measured from the
24 point where the item was placed and ignited.

25 (b) ~~Consumer grade fireworks~~ means fireworks which are
26 intended for retail sale and use by the general public and are
27 considered as Division 1.4G explosives by the U.S Department of

1 ~~Transportation. Ignition of these fireworks produce visible and~~
2 ~~audible effects for entertainment. It is designed to spin rapidly or to~~
3 ~~be stationary on or near the ground and can include one (1) or more~~
4 ~~effects such as emitting smoke, shower of colored sparks, whistling,~~
5 ~~crackling, and fizzing effects, and flutter and balls of single or~~
6 ~~multicolored sparks. Consumer fireworks are manufactured in single~~
7 ~~paper cylinders not exceeding one and one half (1 1/2) inches in~~
8 ~~length, excluding the fuse, are one quarter (1/4) of an inch in~~
9 ~~diameter, and contain a charge of not more than fifty (50) milligrams~~
10 ~~of pyrotechnic composition. Consumer grade fireworks consist of~~
11 ~~snakes, sparklers, fountains, and cylindrical or cone fountains that~~
12 ~~emit effects up to a height not greater than twelve (12) feet above the~~
13 ~~ground, illuminating torches, whistles, toy smoke devices, wheels,~~
14 ~~and ground spinners that, when ignited, remain in a circle with a~~
15 ~~radius of not more than twelve (12) feet as measured from the point~~
16 ~~where the item was placed, ignited or set off, and novelty and~~
17 ~~combination fireworks that are designed to produce the same or~~
18 ~~similar effects detailed in this Subsection. Consumer grade fireworks~~
19 ~~do not include firework devices and kits or components that are~~
20 ~~banned by the U.S. Consumer Product Safety Commission in 16~~
21 ~~CFR § 1500.17.~~

22 ~~(c) *Articles pyrotechnic* means pyrotechnic devices designed~~
23 ~~with similar chemical composition and construction as fireworks for~~
24 ~~professional use and are not intended for consumer use. Articles~~
25 ~~pyrotechnics meet the weight limits for consumer fireworks;~~
26 ~~however, they are not labeled as such and are classified as UN0431~~

1 ~~or UN0432 under 49 CFR § 172.101 by the United States~~
2 ~~Department of Transportation.~~

3 ~~(d) *Class 1.3G explosives* means large fireworks designed~~
4 ~~primarily to produce audible or visible effects by combustion,~~
5 ~~deflagration, or detonation, and are formerly known as Class B,~~
6 ~~Special Fireworks, or Display Fireworks according to the U.S.~~
7 ~~Consumer Product Safety Commission.~~

8 ~~(e) *Display* means the use of aerial devices, display fireworks,~~
9 ~~or article pyrotechnic for any activities.~~

10 ~~(f) *Display fireworks* means any fireworks designed primarily~~
11 ~~for exhibition display by producing visible or audible effects and are~~
12 ~~classified as display fireworks in the regulations of the United States~~
13 ~~Department of Transportation, designated as UN0333 or UN0335.~~
14 ~~Display fireworks include salutes containing more than forty (40)~~
15 ~~grams of pyrotechnic compositions and other display pieces which~~
16 ~~exceed the limits of explosive materials classified as consumer~~
17 ~~fireworks. This term also includes fused set pieces containing~~
18 ~~components which exceed fifty (50) milligrams of salute powder~~
19 ~~together. The use of display fireworks shall be prohibited for use by~~
20 ~~any person who does not have a display permit issued by the Guam~~
21 ~~Fire Department.~~

22 ~~(g) *Class 1.4G explosives* means consumer fireworks intended~~
23 ~~for use by the general public and are formerly known as Class C~~
24 ~~Common Fireworks according to the U.S. Consumer Product Safety~~
25 ~~Commission.~~

26 ~~(h) *Fireworks* means any composition or device that produces~~
27 ~~a visible or an audible effect by combustion, deflagration, or~~

1 ~~detonation that meets the definition of consumer fireworks or display~~
2 ~~fireworks as defined in this Section and in the regulations of the~~
3 ~~United States Department of Transportation set forth in Title 49~~
4 ~~Code of Federal Regulation (CFR).~~

5 ~~(i) *Pyrotechnics* means devices intended for professional use~~
6 ~~with similarities to consumer fireworks in construction and chemical~~
7 ~~composition. Pyrotechnics meet the weight limits of consumer~~
8 ~~fireworks but are not labeled as such. Articles pyrotechnic fall under~~
9 ~~this category.~~

10 ~~(j) *Safe and sane fireworks* means fireworks that are designed~~
11 ~~to remain on or near the ground, spin rapidly, emit smoke, release a~~
12 ~~shower, flitter, or balls of colored sparks, or produce whistling,~~
13 ~~crackling, and fizzing effects. Safe and sane fireworks can include~~
14 ~~such combination of items that contain one (1) or more of these~~
15 ~~effects that are intended for use by the public.~~

16 **~~§ 58B103. Permissible Uses of Consumer Fireworks.~~**

17 ~~(a) It is unlawful for any person, firm, corporation, association, or~~
18 ~~organization to sell or offer for sale any fireworks, except as expressly~~
19 ~~permitted under the terms of this Section.~~

20 ~~(b) No fireworks shall be ignited or set off within fifty (50) feet of any~~
21 ~~building, structure, or wildland areas.~~

22 ~~(c) The Guam Fire Department shall conduct a study on the effects of~~
23 ~~fireworks on public safety after three (3) years of enactment of this Chapter.~~
24 ~~This study may be used to determine if amendments to this Chapter are~~
25 ~~warranted.~~

26 **~~§ 58B104. Issuance of Licenses, Permits, Termination, Revocation,~~**
27 **~~Seizure.~~**

1 ~~(a) No person, firm, corporation, association, or organization shall sell~~
2 ~~fireworks without first having obtained a license thereof (“Consumer~~
3 ~~Fireworks License”). Prior to issuance of the CFL, the requesting party shall~~
4 ~~fulfill all licensing and fire safety requirements outlined by the Guam Fire~~
5 ~~Department.~~

6 ~~(b) Upon expiration of a Consumer Fireworks License, a qualified~~
7 ~~person, firm, corporation, association, or organization shall be required to~~
8 ~~obtain a new license, unless terminated due to the following:~~

9 ~~(1) failure to comply with any provision or applicable regulatory~~
10 ~~statutes, rules, and regulations in the business of retailing safe and sane~~
11 ~~fireworks;~~

12 ~~(2) a safety violation that, in the determination of the Guam Fire~~
13 ~~Department, created a potential to endanger the public; or~~

14 ~~(3) failure to maintain the requirements of the Consumer~~
15 ~~Fireworks License.~~

16 ~~(c) Failure or refusal to comply with any of the provisions or applicable~~
17 ~~regulatory statutes, rules, or regulations detailed in this Chapter shall result in~~
18 ~~the termination or revocation of the Consumer Fireworks License.~~
19 ~~Termination or revocation of the Consumer Fireworks License shall be~~
20 ~~immediate if deemed in violation of this Section. The Fire Chief or his or her~~
21 ~~authorized representatives shall have the authority to revoke or terminate the~~
22 ~~license for a period of time not less than twelve (12) months and not over~~
23 ~~eighteen (18) months. The license will also be revoked or terminated if the~~
24 ~~conduct of the operation is deemed inimical to public safety.~~

25 ~~(d) Any person engaged in the selling of consumer fireworks shall be~~
26 ~~eighteen (18) years of age or older.~~

1 ~~(c) At least one (1) person twenty-one (21) years of age or older shall~~
2 ~~be in attendance and in charge of the permitted sales of consumer fireworks.~~

3 ~~(f) All permits shall be non-transferrable~~

4 ~~(g) No person, firm, corporation, association or organization holding a~~
5 ~~Consumer Fireworks License shall be allowed to sell firecrackers in a packet~~
6 ~~size larger than two thousand (2,000) individual units.~~

7 ~~(h) The Fire Chief, his or her authorized representatives, or any other~~
8 ~~public entity authorized by statute to enforce government regulations may~~
9 ~~seize any fireworks described in this Chapter.~~

10 **~~§ 58B105. Permits Requirements.~~**

11 ~~(a) Any person in the business of importing, dealing, distributing,~~
12 ~~storing, or otherwise receiving consumer fireworks shall obtain a license from~~
13 ~~the Guam Fire Department by no later than ten (10) business days. The Guam~~
14 ~~Fire Department shall create distinct licenses for fireworks distributors or~~
15 ~~wholesalers and fireworks retailers.~~

16 ~~(b) No person, firm, corporation, association, or organization shall sell~~
17 ~~any consumer fireworks to any persons under the age of eighteen (18).~~

18 ~~(c) A permit shall be required to sell any consumer fireworks with a fee~~
19 ~~payment of Four Hundred Sixty-five Dollars (\$465.00) for a permit.~~

20 ~~(d) All permits and licenses shall be posted in the establishment and~~
21 ~~shall be visible to the public.~~

22 ~~(e) Any person who sells, imports, and delivers consumer fireworks~~
23 ~~shall keep a record book in which the time of each sale, delivery, and~~
24 ~~importation of consumer fireworks were conducted.~~

25 ~~(f) The record book shall be kept on file for not less than a period of~~
26 ~~four (4) years and shall be subject to examination at all times upon proper~~
27 ~~demand by any duly authorized law enforcement officer or duly authorized~~

1 personnel of the Guam Fire Department or his or her authorized
2 representatives.

3 (g) ~~No person, firm, corporation, association, or organization shall sell~~
4 ~~any consumer fireworks unless:~~

5 (1) ~~Every fireworks device or the packaging in which they are~~
6 ~~sold has the word “CAUTION” or “WARNING”.~~

7 (2) ~~Every fireworks device or the packaging in which they are~~
8 ~~sold displays a statement of hazard designed to warn the user of the~~
9 ~~specific aspect of the item’s operation that may result in the potential~~
10 ~~for injury. A statement of hazard includes statements such as:~~
11 ~~“FLAMMABLE, SHOOTS FLAMING BALLS WITH REPORTS,~~
12 ~~SPINS ON GROUND, EMITS SHOWERS OF SPARKS, etc.”~~

13 (3) ~~Every fireworks device or the packaging in which they are~~
14 ~~sold are conspicuously labeled with country of origin, the name and~~
15 ~~place of business of the manufacturer, packer, distributor, or seller.~~

16 **~~§ 58B106. Storage of Consumer Fireworks.~~**

17 (a) ~~Any person, firm, corporation, association, or organization which~~
18 ~~stores consumer fireworks shall notify the Guam Fire Department of the~~
19 ~~consumer fireworks that are being stored, the type, and the location of each~~
20 ~~site where they are stored. Such notifications shall be made orally at the end~~
21 ~~of the day in which storage of the consumer fireworks commenced and in~~
22 ~~writing within forty-eight (48) hours from the time such storage commenced.~~

23 (b) ~~The facility in which consumer fireworks are stored shall be in~~
24 ~~accordance to guidelines set by the Guam Fire Department.~~

25 (c) ~~Shipments of consumer fireworks must receive approval from the~~
26 ~~Guam Fire Department fifteen (15) calendar days prior to the shipment’s~~
27 ~~arrival; and~~

(d) shall meet all fire and safety codes.

~~§ 58B107. Prohibiting Minors From Obtaining Consumer Fireworks.~~

~~(a) Any person, firm, corporation, association, or organization which sells, gives, or purchases consumer fireworks for a minor or allows a minor to set off or ignite any consumer fireworks shall be deemed in violation of this Chapter and are subject to penalties thereunder:~~

~~(1) First Offense: Penalty of up to One Hundred Dollars (\$100);~~

~~(2) Second Offense: Offense of the same fire code provision within a twelve (12) month period shall be subject to a penalty of up to Four Hundred Dollars (\$400), but not less than One Hundred Dollars (\$100).~~

~~(3) Third Offense: Offense of the same fire code provision within a twelve (12) month period shall be punishable as a misdemeanor and the business license and permit shall be suspended for up to one (1) year.~~

~~(b) Minors shall only be allowed to ignite or set off consumer fireworks under the expressed permission and immediate supervision and control of the parent(s), guardian(s), or a supervising adult.~~

~~§ 58B108. Penalty.~~

~~(a) Any person, firm, corporation, association or organization in the business of importing, dealing, distributing, selling, storing, or otherwise receiving consumer fireworks deemed in violation of this Chapter are subject to penalties and fines. Each violation shall be subject to the following penalties:~~

~~(1) First Offense shall be subject to a penalty of up to One Hundred Dollars (\$100);~~

1 ~~(2) Second Offense of the same fire code provision within a~~
2 ~~twelve (12) month period shall be subject to a penalty of up to Four~~
3 ~~Hundred Dollars (\$400), but not less than One Hundred Dollars (\$100);~~

4 ~~(3) Third Offense of the same fire code provision within a twelve~~
5 ~~(12) month period shall be subject to a penalty of Five Thousand~~
6 ~~Dollars (\$5,000).~~

7 ~~(b) All fines shall be deposited into a Fund which shall be used for~~
8 ~~enforcement and programs to educate consumers in the proper and legal use~~
9 ~~of fireworks.”~~

10 **Section 4. Severability.** If any provision of this Act or its application to any
11 person or circumstance is found to be invalid or inorganic, such invalidity shall not
12 affect other provisions or applications of this Act that can be given effect without
13 the invalid provision or application, and to this end the provisions of this Act are
14 severable.

15 **Section 5. Effective Date.** This Act shall be effective upon enactment.
16

COMMITTEE MARK UP

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN 2025 (FIRST) Regular Session

Bill No. 20-38 (COR)

As Amended by the Committee on Public Safety,
Emergency Management, and Guam National Guard

Introduced by:

Telo T. Taitague
Sabina Flores Perez

**AN ACT TO ~~REPEAL~~ AMEND §§ 58109 AND 58110 OF
CHAPTER 58, AND TO REPEAL CHAPTER 58B OF
DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS
ENACTED BY PUBLIC LAW 37-47—~~IN THEIR~~
~~ENTIRETY~~.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 58109 of Chapter 58, Division 3, Title 10, Guam Code Annotated
is hereby ~~repealed~~ amended to read:

“§ 58109. Fireworks. ~~The use of consumer-grade or “safe and sane”~~ No
fireworks shall be permitted in Guam unless consigned to the Territorial or
Federal government, in which case they shall not be discharged except under
the direct supervision of the authorities of one of said Governments.”

Section 2. § 58110 of Chapter 58, Division 3, Title 10, Guam Code Annotated
is hereby ~~repealed~~ amended to read:

“§ 58110. Same: Exclusion.

The term consumer-grade or “safe and sane” fireworks in §
58109 of this Chapter shall not be construed to include caps as used in
toy pistols and party favors containing comparable small amounts of

1 ~~explosives, commercial-grade and display fireworks. The Fire Chief~~
2 ~~shall determine what items fall within this Section.”~~

3 **Section 3.** Chapter 58B of Division 3, Title 10, Guam Code Annotated is
4 hereby ~~repealed to read:~~

5 **~~“CHAPTER 58B~~**

6 **~~USE OF CONSUMER-GRADE FIREWORKS~~**

7 ~~§ 58B101. Legislative Findings and Intent.~~

8 ~~§ 58B102. Definitions.~~

9 ~~§ 58B103. Permissible Uses of Consumer Fireworks.~~

10 ~~§ 58B104. Issuance of Licenses, Permits, Termination, Revocation, Seizure.~~

11 ~~§ 58B105. Permits Requirements.~~

12 ~~§ 58B106. Storage of Consumer Fireworks.~~

13 ~~§ 58B107. Prohibiting Minors From Obtaining Consumer Fireworks.~~

14 ~~§ 58B108. Penalty.~~

15 **~~§ 58B101. Legislative Findings and Intent.~~**

16 ~~(a) *I Liheslaturan Guåhan* finds that numerous statutes have~~
17 ~~been enacted to stringently regulate the importation, sale, purchase,~~
18 ~~and use of consumer fireworks. These statutes include §§ 58109 and~~
19 ~~58110 of Chapter 58, Division 3, Title 10, Guam Code Annotated,~~
20 ~~which bans the importation, storage, sale, purchase, and use of all~~
21 ~~consumer fireworks, also known as “safe and sane” fireworks, with~~
22 ~~the exception of caps as used in toy pistols and party favors~~
23 ~~containing comparable small amounts of explosives.~~

24 ~~(b) *I Liheslaturan Guåhan* finds that the use of consumer-~~
25 ~~Grade or “safe and sane” fireworks were legal and allowed in Guam~~
26 ~~prior to the enactment of §§ 58109 and 58110 of Chapter 58,~~
27 ~~Division 3, Title 10, Guam Code Annotated. Those who were able to~~

1 enjoy consumer-grade fireworks prior to their prohibition recall fond
2 memories of familial bonding during holidays and believe them to
3 enhance these bonding experiences. Many families also wish to share
4 these experiences starting with today's generation.

5 (c) In addition to enhancing familial experiences during
6 holidays, consumer-grade fireworks will also create avenues for the
7 residents of the island to open businesses that will sell these
8 fireworks, aiding and promoting economic development in Guam.
9 Legalizing consumer-grade fireworks will create business
10 opportunities for entrepreneurs to capitalize on the need to import
11 and sell these fireworks, contributing to the island's economy.

12 (d) *I Liheslaturan Guåhan* also finds that the prohibition of
13 consumer-grade fireworks is grounded in the concern for public
14 safety and security, but unfortunately, it has led to the illegal and
15 dangerous practice of using actual firearms as a substitute for
16 fireworks. There have been cases where teenagers would steal their
17 parents' firearms and shoot them in the air as a substitute for
18 fireworks. The act of shooting a firearm into the air is not only
19 illegal, but incredibly dangerous due to the fact that bullets shot into
20 the air will come back down with considerably more force and could
21 potentially hit innocent bystanders. If teenagers and the people of
22 Guam had access to consumer-grade fireworks, they would not have
23 to resort to the illegal and dangerous practice of shooting firearms
24 into the air.

25 (e) A collaboration between several different authorities and
26 proper enforcement of the rules and regulations of the industry's
27 supply chain at every level with severe yet reasonable penalties is

1 vital to achieve the successful regulation of the industry. With proper
2 enforcement mechanisms in place, the effective regulations of the
3 “safe and sane” fireworks industry through precautionary advice,
4 measures, and awareness of the general public is critical for the
5 importation, sell, purchase and use of “safe and sane” fireworks. The
6 common ground for many jurisdictions is the concern for public
7 safety which has imposed stringent measures deriving from prior
8 events or particular circumstances within the territory, state or
9 country; e.g., fireworks use has been abused or misused.

10 (f) ~~*I Liheslaturan Guåhan*~~ intends to legalize consumer grade
11 or “safe and sane” fireworks while enacting stringent regulations and
12 penalties to prevent misuse and abuse of these fireworks.

13 **~~§ 58B102. Definitions.~~**

14 (a) ~~*Aerial devices*~~ means any fireworks containing one hundred
15 thirty (130) milligrams or less of explosive materials that produces
16 an audible or visible effect and is designed to rise then detonate and
17 explode in the air. Its use is prohibited by any person who does not
18 have a permit for display fireworks issued by the Guam Fire
19 Department. Aerial devices classified as fireworks under UN0336
20 and UN0337 by the United States Department of Transportation as
21 set forth in Title 49 Code of Federal Regulation includes fireworks
22 items commonly known as skyrockets, missile type rockets, bottle
23 rockets, helicopters, roman candles, dago bombs, torpedoes, flying
24 pigs, and jumping jacks. These fireworks move about the ground
25 further than a radius of a twelve (12) feet circle as measured from the
26 point where the item was placed and ignited.

27 (b) ~~*Consumer grade fireworks*~~ means fireworks which are

1 intended for retail sale and use by the general public and are
2 considered as Division 1.4G explosives by the U.S. Department of
3 Transportation. Ignition of these fireworks produce visible and
4 audible effects for entertainment. It is designed to spin rapidly or to
5 be stationary on or near the ground and can include one (1) or more
6 effects such as emitting smoke, shower of colored sparks, whistling,
7 crackling, and fizzing effects, and flutter and balls of single or
8 multicolored sparks. Consumer fireworks are manufactured in single
9 paper cylinders not exceeding one and one-half (1 1/2) inches in
10 length, excluding the fuse, are one quarter (1/4) of an inch in
11 diameter, and contain a charge of not more than fifty (50) milligrams
12 of pyrotechnic composition. Consumer grade fireworks consist of
13 snakes, sparklers, fountains, and cylindrical or cone fountains that
14 emit effects up to a height not greater than twelve (12) feet above the
15 ground, illuminating torches, whistles, toy smoke devices, wheels,
16 and ground spinners that, when ignited, remain in a circle with a
17 radius of not more than twelve (12) feet as measured from the point
18 where the item was placed, ignited or set off, and novelty and
19 combination fireworks that are designed to produce the same or
20 similar effects detailed in this Subsection. Consumer grade fireworks
21 do not include firework devices and kits or components that are
22 banned by the U.S. Consumer Product Safety Commission in 16
23 CFR § 1500.17.

24 (c) ~~Articles pyrotechnic~~ means pyrotechnic devices designed
25 with similar chemical composition and construction as fireworks for
26 professional use and are not intended for consumer use. Articles
27 pyrotechnics meet the weight limits for consumer fireworks;

1 however, they are not labeled as such and are classified as UN0431
2 or UN0432 under 49 CFR § 172.101 by the United States
3 Department of Transportation.

4 ~~(d) Class 1.3G explosives means large fireworks designed~~
5 ~~primarily to produce audible or visible effects by combustion,~~
6 ~~deflagration, or detonation, and are formerly known as Class B,~~
7 ~~Special Fireworks, or Display Fireworks according to the U.S.~~
8 ~~Consumer Product Safety Commission.~~

9 ~~(e) Display means the use of aerial devices, display fireworks,~~
10 ~~or article pyrotechnic for any activities.~~

11 ~~(f) Display fireworks means any fireworks designed primarily~~
12 ~~for exhibition display by producing visible or audible effects and are~~
13 ~~classified as display fireworks in the regulations of the United States~~
14 ~~Department of Transportation, designated as UN0333 or UN0335.~~
15 ~~Display fireworks include salutes containing more than forty (40)~~
16 ~~grams of pyrotechnic compositions and other display pieces which~~
17 ~~exceed the limits of explosive materials classified as consumer~~
18 ~~fireworks. This term also includes fused set pieces containing~~
19 ~~components which exceed fifty (50) milligrams of salute powder~~
20 ~~together. The use of display fireworks shall be prohibited for use by~~
21 ~~any person who does not have a display permit issued by the Guam~~
22 ~~Fire Department.~~

23 ~~(g) Class 1.4G explosives means consumer fireworks intended~~
24 ~~for use by the general public and are formerly known as Class C~~
25 ~~Common Fireworks according to the U.S. Consumer Product Safety~~
26 ~~Commission.~~

1 ~~(h) *Fireworks* means any composition or device that produces~~
2 ~~a visible or an audible effect by combustion, deflagration, or~~
3 ~~detonation that meets the definition of consumer fireworks or display~~
4 ~~fireworks as defined in this Section and in the regulations of the~~
5 ~~United States Department of Transportation set forth in Title 49~~
6 ~~Code of Federal Regulation (CFR).~~

7 ~~(i) *Pyrotechnics* means devices intended for professional use~~
8 ~~with similarities to consumer fireworks in construction and chemical~~
9 ~~composition. Pyrotechnics meet the weight limits of consumer~~
10 ~~fireworks but are not labeled as such. Articles pyrotechnic fall under~~
11 ~~this category.~~

12 ~~(j) *Safe and sane fireworks* means fireworks that are designed~~
13 ~~to remain on or near the ground, spin rapidly, emit smoke, release a~~
14 ~~shower, flitter, or balls of colored sparks, or produce whistling,~~
15 ~~crackling, and fizzing effects. Safe and sane fireworks can include~~
16 ~~such combination of items that contain one (1) or more of these~~
17 ~~effects that are intended for use by the public.~~

18 ~~**§ 58B103. Permissible Uses of Consumer Fireworks.**~~

19 ~~(a) It is unlawful for any person, firm, corporation, association, or~~
20 ~~organization to sell or offer for sale any fireworks, except as expressly~~
21 ~~permitted under the terms of this Section.~~

22 ~~(b) No fireworks shall be ignited or set off within fifty (50) feet of any~~
23 ~~building, structure, or wildland areas.~~

24 ~~(c) The Guam Fire Department shall conduct a study on the effects of~~
25 ~~fireworks on public safety after three (3) years of enactment of this Chapter.~~
26 ~~This study may be used to determine if amendments to this Chapter are~~
27 ~~warranted.~~

1 **~~§ 58B104. Issuance of Licenses, Permits, Termination, Revocation,~~**
2 **~~Seizure.~~**

3 ~~(a) No person, firm, corporation, association, or organization shall sell~~
4 ~~fireworks without first having obtained a license thereof (“Consumer~~
5 ~~Fireworks License”). Prior to issuance of the CFL, the requesting party shall~~
6 ~~fulfill all licensing and fire safety requirements outlined by the Guam Fire~~
7 ~~Department.~~

8 ~~(b) Upon expiration of a Consumer Fireworks License, a qualified~~
9 ~~person, firm, corporation, association, or organization shall be required to~~
10 ~~obtain a new license, unless terminated due to the following:~~

11 ~~(1) failure to comply with any provision or applicable regulatory~~
12 ~~statutes, rules, and regulations in the business of retailing safe and sane~~
13 ~~fireworks;~~

14 ~~(2) a safety violation that, in the determination of the Guam Fire~~
15 ~~Department, created a potential to endanger the public; or~~

16 ~~(3) failure to maintain the requirements of the Consumer~~
17 ~~Fireworks License.~~

18 ~~(c) Failure or refusal to comply with any of the provisions or applicable~~
19 ~~regulatory statutes, rules, or regulations detailed in this Chapter shall result in~~
20 ~~the termination or revocation of the Consumer Fireworks License.~~
21 ~~Termination or revocation of the Consumer Fireworks License shall be~~
22 ~~immediate if deemed in violation of this Section. The Fire Chief or his or her~~
23 ~~authorized representatives shall have the authority to revoke or terminate the~~
24 ~~license for a period of time not less than twelve (12) months and not over~~
25 ~~eighteen (18) months. The license will also be revoked or terminated if the~~
26 ~~conduct of the operation is deemed inimical to public safety.~~

1 ~~(d) Any person engaged in the selling of consumer fireworks shall be~~
2 ~~eighteen (18) years of age or older.~~

3 ~~(e) At least one (1) person twenty one (21) years of age or older shall~~
4 ~~be in attendance and in charge of the permitted sales of consumer fireworks.~~

5 ~~(f) All permits shall be non-transferrable~~

6 ~~(g) No person, firm, corporation, association or organization holding a~~
7 ~~Consumer Fireworks License shall be allowed to sell firecrackers in a packet~~
8 ~~size larger than two thousand (2,000) individual units.~~

9 ~~(h) The Fire Chief, his or her authorized representatives, or any other~~
10 ~~public entity authorized by statute to enforce government regulations may~~
11 ~~seize any fireworks described in this Chapter.~~

12 **~~§ 58B105. Permits Requirements.~~**

13 ~~(a) Any person in the business of importing, dealing, distributing,~~
14 ~~storing, or otherwise receiving consumer fireworks shall obtain a license from~~
15 ~~the Guam Fire Department by no later than ten (10) business days. The Guam~~
16 ~~Fire Department shall create distinct licenses for fireworks distributors or~~
17 ~~wholesalers and fireworks retailers.~~

18 ~~(b) No person, firm, corporation, association, or organization shall sell~~
19 ~~any consumer fireworks to any persons under the age of eighteen (18).~~

20 ~~(c) A permit shall be required to sell any consumer fireworks with a fee~~
21 ~~payment of Four Hundred Sixty five Dollars (\$465.00) for a permit.~~

22 ~~(d) All permits and licenses shall be posted in the establishment and~~
23 ~~shall be visible to the public.~~

24 ~~(e) Any person who sells, imports, and delivers consumer fireworks~~
25 ~~shall keep a record book in which the time of each sale, delivery, and~~
26 ~~importation of consumer fireworks were conducted.~~

1 ~~(f) The record book shall be kept on file for not less than a period of~~
2 ~~four (4) years and shall be subject to examination at all times upon proper~~
3 ~~demand by any duly authorized law enforcement officer or duly authorized~~
4 ~~personnel of the Guam Fire Department or his or her authorized~~
5 ~~representatives.~~

6 ~~(g) No person, firm, corporation, association, or organization shall sell~~
7 ~~any consumer fireworks unless:~~

8 ~~(1) Every fireworks device or the packaging in which they are~~
9 ~~sold has the word “CAUTION” or “WARNING”.~~

10 ~~(2) Every fireworks device or the packaging in which they are~~
11 ~~sold displays a statement of hazard designed to warn the user of the~~
12 ~~specific aspect of the item’s operation that may result in the potential~~
13 ~~for injury. A statement of hazard includes statements such as:~~
14 ~~“FLAMMABLE, SHOOTS FLAMING BALLS WITH REPORTS,~~
15 ~~SPINS ON GROUND, EMITS SHOWERS OF SPARKS, etc.”~~

16 ~~(3) Every fireworks device or the packaging in which they are~~
17 ~~sold are conspicuously labeled with country of origin, the name and~~
18 ~~place of business of the manufacturer, packer, distributor, or seller.~~

19 **~~§ 58B106. Storage of Consumer Fireworks.~~**

20 ~~(a) Any person, firm, corporation, association, or organization which~~
21 ~~stores consumer fireworks shall notify the Guam Fire Department of the~~
22 ~~consumer fireworks that are being stored, the type, and the location of each~~
23 ~~site where they are stored. Such notifications shall be made orally at the end~~
24 ~~of the day in which storage of the consumer fireworks commenced and in~~
25 ~~writing within forty eight (48) hours from the time such storage commenced.~~

26 ~~(b) The facility in which consumer fireworks are stored shall be in~~
27 ~~accordance to guidelines set by the Guam Fire Department.~~

1 ~~(c) Shipments of consumer fireworks must receive approval from the~~
2 ~~Guam Fire Department fifteen (15) calendar days prior to the shipment's~~
3 ~~arrival; and~~

4 ~~(d) shall meet all fire and safety codes.~~

5 ~~**§ 58B107. Prohibiting Minors From Obtaining Consumer Fireworks.**~~

6 ~~(a) Any person, firm, corporation, association, or organization which~~
7 ~~sells, gives, or purchases consumer fireworks for a minor or allows a minor to~~
8 ~~set off or ignite any consumer fireworks shall be deemed in violation of this~~
9 ~~Chapter and are subject to penalties thereunder:~~

10 ~~(1) First Offense: Penalty of up to One Hundred Dollars (\$100);~~

11 ~~(2) Second Offense: Offense of the same fire code provision~~
12 ~~within a twelve (12) month period shall be subject to a penalty of up to~~
13 ~~Four Hundred Dollars (\$400), but not less than One Hundred Dollars~~
14 ~~(\$100).~~

15 ~~(3) Third Offense: Offense of the same fire code provision within~~
16 ~~a twelve (12) month period shall be punishable as a misdemeanor and~~
17 ~~the business license and permit shall be suspended for up to one (1)~~
18 ~~year.~~

19 ~~(b) Minors shall only be allowed to ignite or set off consumer fireworks~~
20 ~~under the expressed permission and immediate supervision and control of the~~
21 ~~parent(s), guardian(s), or a supervising adult.~~

22 ~~**§ 58B108. Penalty.**~~

23 ~~(a) Any person, firm, corporation, association or organization in the~~
24 ~~business of importing, dealing, distributing, selling, storing, or otherwise~~
25 ~~receiving consumer fireworks deemed in violation of this Chapter are subject~~
26 ~~to penalties and fines. Each violation shall be subject to the following~~
27 ~~penalties:~~

1 ~~(1) First Offense shall be subject to a penalty of up to One~~
2 ~~Hundred Dollars (\$100);~~

3 ~~(2) Second Offense of the same fire code provision within a~~
4 ~~twelve (12) month period shall be subject to a penalty of up to Four~~
5 ~~Hundred Dollars (\$400), but not less than One Hundred Dollars (\$100);~~

6 ~~(3) Third Offense of the same fire code provision within a twelve~~
7 ~~(12) month period shall be subject to a penalty of Five Thousand~~
8 ~~Dollars (\$5,000).~~

9 ~~(b) All fines shall be deposited into a Fund which shall be used for~~
10 ~~enforcement and programs to educate consumers in the proper and legal use~~
11 ~~of fireworks.”~~

12 **Section 4. Severability.** If any provision of this Act or its application to any
13 person or circumstance is found to be invalid or inorganic, such invalidity shall not
14 affect other provisions or applications of this Act that can be given effect without
15 the invalid provision or application, and to this end the provisions of this Act are
16 severable.

17 **Section 5. Effective Date.** This Act shall be effective upon enactment.
18



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932



LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

FEB 07 2025

Vice Speaker V. Anthony Ada
Chairperson, Committee on Rules
I Mina'trentai Ocho Na Liheslaturan Guåhan
Thirty-Eight Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai, Vice Speaker Ada:

The Bureau requests that Bill No. 20-38 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 20-38 (COR) is an act to repeal §§58109 and 58110 of Chapter 58 and repeal Chapter 58B of Division 3 of Title 10, Guam Code Annotated as enacted by Public Law 37-47. The proposed legislation will essentially cancel all the amendments to the Guam Code Annotated passed via P.L. No. 37-47 relative to the legalization and regulation of the use of consumer-grade fireworks.

Per the Guam Fire Department (GFD), it has not completed the review and establishment of fees and fines associated with the use of consumer-grade fireworks, which is a requirement prior to the full implementation of Chapter 58B. As such, the GFD stated that there will not be a negative fiscal impact should this proposed legislation be enacted.

As such, the bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

Senseramente,

LESTER L. CARLSON, JR.



OFFICE OF SENATOR

Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

April 14, 2025

Mr. Daren D. Burrier
Fire Chief
Guam Fire Department
Sent via: daren.burrier@gfd.guam.gov

Håfa adai Chief Burrier:

The Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) appreciates the attendance and participation of Guam Fire Department (GFD) personnel during today's public hearing on Bill No. 20-38 (COR), which is *AN ACT TO REPEAL §§58109 AND 58110 OF CHAPTER 58, AND REPEAL CHAPTER 58B OF DIVISION 3, TITLE 10, GUAM CODE ANNOTATED AS ENACTED BY PUBLIC LAW 37-47 IN THEIR ENTIRETY*.

Based on GFD taking a neutral stance on Bill No. 20-38 (COR) and on related measures during the 37th Guam Legislature which led to the legalization of consumer-grade fireworks - and the proposal to rollback that same law, the Committee requests your feedback on the reason(s) for what appears to be a disagreement between your agency and the official position taken by the International Association of Fire Chiefs on this matter. According to comments offered by GFD during today's public hearing on Bill No. 20-38 (COR), the International Association of Fire Chiefs remains adamantly against the importation, sale, and use of consumer-grade fireworks.

The Committee looks forward to receiving your response in time for the markup meeting on Bill No. 20-38 (COR) which is scheduled for April 23, 2025.

Respectfully,

SHAWN GUMATAOTAO

Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

cc: Committee Members



Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Request for Testimony - Bill 20-38 (COR)

2 messages

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Mon, Apr 14, 2025 at 4:36 PM

To: "michelle.lastimoza@epa.guam.gov" <michelle.lastimoza@epa.guam.gov>
Cc: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.com>

Håfa Adai Administrator Lastimoza,

Please confirm receipt of the attached letter from Senator Gumataotao on the subject referenced above.

Si Yu'os ma'ase'!

--

Office of Senator Eulogio Shawn Gumataotao
Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard
38th Guam Legislature
120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910
(671) 647-1409/1411

 **4.14.25 ESG to GEPA.pdf**
179K

Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>

Mon, Apr 14, 2025 at 4:41 PM

To: Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>
Cc: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.com>, Glenn San Nicolas <glenn.sannicolas@epa.guam.gov>, "arlene.acfalle@epa.guam.gov" <arlene.acfalle@epa.guam.gov>

Good afternoon, Senator Gumataotao.

Acknowledging receipt of your email. We will provide comments before the deadline. Thank you.

Very respectfully,
Michelle

[Quoted text hidden]

--

Very respectfully,
MICHELLE C. R. LASTIMOZA

Administrator
Guam Environmental Protection Agency
Building 17-3304 Mariner Avenue, Tiyán
Barrigada, Guam 96913
Work phone: (671) 588-4751
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Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Bill 20-38 Supplemental Documents

2 messages

Office Senator Perez <office.senatorperez@guamlegislature.gov>

Mon, Apr 14, 2025 at 4:10 PM

To: Office of Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Hafa adai Senator Gumataotao,

I kindly request that the supplemental documents be included in the Committee Report for Bill 20-38.

Feel free to contact me if you have any questions.

Si Yu'os ma'ase,

Senator Pere

2 attachments



lafcposition-consumerfireworks_revised2022.pdf
480K



USEPA Memorandum Safe Handling, Storage, and Treatment of Waste Fireworks.pdf
3629K

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Mon, Apr 14, 2025 at 4:27 PM

To: Office Senator Perez <office.senatorperez@guamlegislature.gov>

Hafa Adai Senator Perez,

Our office is in receipt of your email.

Si Yu'os Ma'ase

[Quoted text hidden]

--

Office of Senator Eulogio Shawn Gumataotao
Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard
38th Guam Legislature
120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910
(671) 647-1409/1411

Revised Position Statement - 2022

Consumer Fireworks

Submitted by the Fire & Life Safety Section Board of Directors

The International Association of Fire Chiefs (IAFC) adopts the position that the importation, sale, and use of all consumer fireworks including sparklers at the local, state, and federal level should be banned with the exception of professional public displays by licensed pyrotechnic operators. The IAFC supports and encourages collaborative efforts aimed at promoting public awareness education to eliminate the preventable social and economic impact of fireworks-related trauma and fire.

The devastating impact of consumer fireworks in our community: burn/trauma injuries are a frequent repercussion, with children and teens being injured at the highest rate.

A 2020 report¹ revealed an estimated 19,500 reported fires were started by the use of fireworks. Over the last decade, the injury and death rates from fireworks have continued to significantly increase. In 2020, there were at least 18 deaths from fireworks and 15,600 people treated for fireworks-related injuries in U.S. emergency rooms. Burns accounted for 44% of these injuries. The 2020 Consumer Product Safety Commission report states that consistently over the past 15 years that 66 – 75% of fireworks injuries occur from June 21 – to July 21: “Each year approximately 70% of the fireworks injuries in the U.S. occur during the month around July 4th.”

According to data in the June 2020 National Fire Protection Association Fireworks and Injuries report², fireworks-related fires resulted in \$105 million in direct property damage with brush, grass, and forest fires accounting for three of every five (59%) of all reported fires started by fireworks during the reported period.

Most of these injuries involved fireworks that federal regulations permit consumers to use.

Despite public perception, data proves there are no “safe and sane” fireworks. Sparklers, firecrackers, roman candles, and novelties accounted for nearly 40% of the fireworks injuries treated in emergency room hospitals in 2020.

Based on the above evidence, the IAFC supports:

- Changes to the Federal Hazardous Substance Act (FHSA) (Codified at 15 U.S.C. §§1261) prohibit the importation, distribution, and sale of all fireworks to consumers.
- Changes to the U.S. Consumer Product Safety Commission rules would restrict the importation, distribution, and sale of all fireworks to consumers.
- Local, State, and Federal legislators are encouraged to adopt and preserve laws that restrict the availability of and sale of fireworks to consumers.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 06 2017

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

MEMORANDUM

SUBJECT: Safe Handling, Storage, and Treatment of Waste Fireworks

FROM: Barnes Johnson, Director
Office of Resource Conservation and Recovery

Kathleen Salas for

TO: RCRA Division Directors

Introduction and Purpose

This memorandum provides information regarding the safe and legal handling, storage, and treatment of waste fireworks. This includes illustrating the importance of developing specific protective permit conditions under the Resource Conservation and Recovery Act (RCRA) to ensure companies handling, storing, and/or treating waste fireworks adhere to safe and environmentally protective waste management practices.

This memorandum also responds to U.S. Chemical Safety and Hazard Investigation Board (CSB) recommendations sent to the U.S. Environmental Protection Agency (EPA) on February 19, 2013 (see Attachment I). CSB sent these recommendations to EPA after conducting an investigation of an explosion involving waste fireworks in Waipahu, Hawaii, on April 8, 2011, which killed five employees. EPA responded to the CSB recommendations by letter on September 3, 2013 (see Attachment II). This memorandum fulfills EPA's commitment in its 2013 letter to develop and disseminate information on safety concerns, best management practices, and standard operating procedures for waste fireworks in order to improve compliance with federal waste management requirements and promote safer management of explosive wastes.

Although this memorandum is directed to EPA Regions, we encourage you to share it with states and tribes, as well as firework manufacturers, law enforcement, fire marshals, and others who may become involved with handling, storing, and/or treating waste fireworks. EPA encourages EPA Regions and states to, as appropriate, provide oversight, including inspections and potential enforcement of regulations and permits applicable to waste fireworks.

- Disassembly work being conducted too close to the storage magazine door entry, and work-in-progress items moved just inside the doorway due to inclement weather, at least partially blocking the entrance and ready egress.
- Only one entry/exit, which was blocked by the fire, thus preventing all but one of the workers from exiting the magazine. The one worker who managed to exit died later that day.

ATF and CSB concluded that the explosion was likely triggered when loose explosive powder on the floor was ignited by friction or a metal-to-metal spark. CSB noted, for example, sparks could have been generated by moving the metal hand truck (either by knocking it over or dragging the metal lip on the floor), dropping or knocking over the removable steel drum lid onto the floor, or friction from an office chair rolling over the powder.³

Application of RCRA to Waste Fireworks

The point at which fireworks become subject to RCRA regulation depends on the site-specific circumstances. Materials are subject to RCRA when they become waste by being discarded, including when they become unfit for their intended purpose. For example, fireworks can become RCRA hazardous wastes when they fail to function, are damaged and cannot be used or reclaimed, or are otherwise discarded, for example, by having an oversupply. Additionally, fireworks that are seized by law enforcement generally become hazardous waste when a determination is made that the fireworks are no longer needed as evidence and that they will not be reused or repurposed.⁴ This includes fireworks that have deteriorated or are damaged such that they cannot be repaired, recycled, or used for their intended purpose.⁵ Discarded fireworks may be hazardous waste due to their reactivity, but may also be hazardous for their ignitability (because many contain oxidizer chemicals) and/or toxicity characteristic due to their metal content. Wastes may be classified as hazardous for more than one reason, and all applicable waste codes should be identified in any required reporting, such as a hazardous waste manifest, to ensure appropriate and compliant treatment.

Any person or entity that first causes fireworks to become hazardous waste is considered a hazardous waste generator for purposes of RCRA regulation.⁶ Generators of hazardous waste are regulated based on the amount of hazardous waste they generate in a calendar month. Hazardous waste generators are responsible for all applicable requirements in 40 Code of Federal Regulation (CFR) part 262 for large quantity generators (LQGs), small quantity generators (SQGs), or very small quantity generators

³ The waste management activities identified by the CSB as contributing to the explosion and resulting casualties at DEI include: violation of existing RCRA regulations, failure to follow DEI's standard operating procedures, and failure to obtain and operate in accordance with a RCRA permit. As a result of an EPA Criminal Investigation Division investigation, DEI and two senior employees were indicted for, among other counts, treatment and storage of hazardous waste without a RCRA permit.

⁴ All over the country, especially around holidays such as the Fourth of July, local and state law enforcement officials seize tons of fireworks each year in jurisdictions where sale or consumption of fireworks is illegal. Fireworks may also be seized if they fail to meet the U.S. Consumer Product Safety Commission (CPSC) regulations for consumer fireworks or are non-compliant imports.

⁵ Seized fireworks may be repurposed under specific circumstances. For example, fireworks seized because they were commercial grade fireworks labeled as or being illegally sold as consumer grade may, in some jurisdictions, if in useable condition, be repurposed to a licensed commercial vendor for use in a commercial display.

⁶ As noted previously, waste fireworks generated on the premises of a household are excluded from RCRA hazardous waste requirements under 40 CFR 261.4(b)(1). However, EPA encourages use of community household hazardous waste collection programs that are capable of handling household hazardous waste fireworks.

- Waste fireworks must be compatible with the container and the container must be in good condition [40 CFR 262.16(b)(2) and 262.17(a)(1)(ii)-(iii)].
- Accumulation areas must be inspected weekly [40 CFR 262.16(b)(2)(iv) and 262.17(a)(1)(v)].
- Facility must be maintained and operated to minimize possibility of a fire, explosion, or release. [40 CFR 262.16(b)(8) and 262.251].
- Communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment must be tested and maintained [40 CFR 262.16(b)(8)(iii) and 262.253].
- Immediate access to an internal alarm or emergency communication device must be provided to personnel handling waste fireworks [40 CFR 262.16(b)(8)(iv) and 262.254].
- Aisle space must be maintained to allow unobstructed movement in an emergency [40 CFR 262.16(b)(8)(v) and 262.255].
- Generators must attempt to make arrangements with the local authorities, taking into account the types and quantities of hazardous wastes handled at the facility [40 CFR 262.16(b)(8)(vi) and 262.256].
- Small quantity generators must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures [40 CFR 262.16(b)(9)(iii)].
- Large quantity generators must provide training to facility personnel and maintain associated documents and records at the facility [40 CFR 262.17(a)(7)].
- Large quantity generators must have a contingency plan which must be designed to minimize hazards to human health or the environment [40 CFR 262.260].

Example RCRA Regulations for Treatment, Storage, or Disposal Facilities

- Annual safety training, including training specific to explosives, must be required for all employees [40 CFR 264.16].
- Access to waste fireworks storage areas must be controlled (for security as well as safety reasons) [40 CFR 264.14].
- Waste fireworks must be separated and protected from sources of ignition and reaction, including but not limited to: open flames, smoking, cutting and welding, hot surfaces, and frictional heat [40 CFR 261.17(a)].
- Waste fireworks must be protected from sparks (static, electrical, or mechanical) that may originate from, for example:
 - Wrenches, hammers, knives, dollies or carts, drums or other containers, or chairs;
 - Clothing, plastic bags, and other materials that are not static-proof; and
 - Cell phones or other potential spark-producing electronic devices [40 CFR 264.17(a)].
- Precautions must be taken to segregate or prohibit incompatible materials in order to prevent reactions which generate extreme heat or pressure, fire or explosions, or violent reactions [40 CFR 264.17(b)].
- Explosive dust on the floor must be kept swept up and reactive/ignitable waste must be protected from frictional heat [40 CFR 264.17(a)].
- All units must have an inspection plan and be inspected and remedied to assure compliance with the above [40 CFR 264.15 and 264.1201(f)].
- The facility must be designed and operated to minimize the possibility of a fire or explosion, and to minimize hazards should a fire or explosion occur (e.g., fire suppression system) [40 CFR 264.31 and 264.51].

Emergency Responses and RCRA Permitting

The emergency response permit provisions in RCRA were developed to ensure emergency situations are addressed in a timely manner, which is of particular concern when dealing with explosives. The RCRA regulations contain two key permit provisions for emergencies:

- 1) Exemption from the requirements to obtain a RCRA permit for: (a) an immediate response to a discharge of hazardous waste; (b) an immediate response to an imminent and substantial threat of a discharge of hazardous waste; or (c) an immediate response to an immediate threat to human health, public safety, property, or the environment, from military munitions or other explosive devices or material, as determined by an "explosives or munitions emergency response specialist" (as defined in 40 CFR 260.10) [emergency exemption provision].¹¹
- 2) A separate provision allows EPA to issue a temporary emergency permit covering the emergency response, not to exceed 90 days, in response to an "imminent and substantial endangerment to human health or the environment" [emergency permit provision].¹²

Emergency determinations regarding explosives and pyrotechnics are site-specific (case-by-case). Emergency exemption decisions are generally made by explosives experts/responders while emergency permit decisions are made by regulators. Emergency exemptions may be critical in responding to situations that require immediate responses to protect human health, property, and the environment. Delays to an immediate response may be called for by such practical considerations as nightfall, inclement weather, or travel time for emergency crews and experts to arrive and set up. These examples imply delays of hours, or perhaps days, not weeks or months. If an immediate response is not needed, i.e., there is time to discuss whether a RCRA emergency permit is needed, then responders should consult with the permitting authority as to how to proceed. If it is determined that an immediate response is not needed (i.e., a response can be delayed) and it is not a potential imminent and substantial endangerment situation, then a full RCRA permit, a RCRA compliance order, or a CERCLA action may be appropriate.¹³

Emergency permits may be oral (followed by a written permit within five days) or written, may not exceed 90 days, and must be accompanied by a public notice [40 CFR 270.61]. These permits "shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of parts 264, 265, and 270." Because these permits need to be developed in a short time-frame, the permit writer should consider incorporating the requirements and best management practices listed above, as appropriate, in emergency permits that involve explosive waste, to prevent accidental ignition.

State Regulations

Please note that the preceding is an explanation of federal regulations. EPA authorizes states to implement the hazardous waste management program. In authorized states, the states' regulations operate in lieu of the federal regulations. States may also adopt regulations that are more stringent than the federal regulations. Thus, anyone involved in the management of waste fireworks should contact

¹¹ 40 CFR 264.1(g)(8)(i)(A), (B), and (D), and (g)(8)(iv); §§ 265.1(c)(11)(i)(A), (B), and (D), and (c)(11)(iv); and 270.1(c)(3)(i)(A), (B), and (D), and (c)(3)(iii). Note: a number of states have more stringent requirements in which responders must report to the state and, in some cases, get permission before proceeding.

¹² 40 CFR 270.61 *Emergency permits*.

¹³ The preambles to the proposed and final military munitions rule discuss these situations in more detail [60 FR 56468-56493, Nov. 8, 1995 (proposal); 62 FR 6622-6657, Feb. 12, 1997 (final rule)].

Attachment I: CSB Letter Recommendations to EPA, Feb 19, 2013

U.S. Chemical Safety and Hazard Investigation Board

Rafael Moure-Eraso, Ph.D.
Chairperson

Mark Griffon
Board Member

Beth J. Rosenberg, ScD, MPH
Board Member

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In reply, please refer to:
2011-06-I-HI-R9 through R11

The Honorable Bob Perciasepe
Acting Administrator & Deputy Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave
Mail Code 1101A
Washington DC 20460

FEB 19 2013

Dear Mr. Perciasepe:

On January 17, 2013, the United States Chemical Safety and Hazard Investigation Board (CSB) released its final report on the April 8, 2011 explosion and fire inside a storage magazine leased by Donaldson Enterprises, Inc. (DEI) at Waikale Self Storage in Waipahu, Hawaii. DEI used the magazine for seized fireworks storage and disposal-related activities. As a result of the explosion and fire, five DEI personnel inside the magazine were fatally injured and a sixth sustained minor injuries.

As part of its investigation, the CSB reviewed the hazardous solid waste disposal regulations promulgated under the Resource Conservation and Recovery Act (RCRA) pertaining to the disposal of fireworks and the issuance of emergency permits for these disposal activities. Based on the findings of the investigation, the Board voted on January 17, 2013 to recommend the following three recommendations to the Environmental Protection Agency (EPA):

CSB Recommendation No. 2011-06-I-HI-R9:

Revise the Resource Conservation and Recovery Act (RCRA) Subtitle C regulations to require a permitting process with rigorous safety reviews to replace the use of emergency permits under 40 CFR §270.61 for the disposal of explosive hazardous materials, including fireworks. At a minimum, the new process should require the use of best available technology, safe disposal methodologies, as well as safety management practices, such as those required by OSHA's Process Safety Management Standard (PSM), 29 CFR §1910.119 (e.g., hazard analysis and control, management of change).

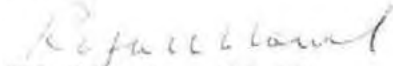
CSB Recommendation No. 2011-06-I-HI-R10:

Until recommendation 2011-06-I-HI-R9 can be implemented, develop and issue a policy guidance document to provide a regulatory process with rigorous safety reviews to replace the use of emergency permits under 40 CFR §270.61 for the disposal of

**U.S. Chemical Safety and
Hazard Investigation Board**

If you have any questions or need further information, please have your staff contact Mr. Kaszniak at (202) 261-7654 or his e-mail: mark.kaszniak@csb.gov. In all future correspondence pertaining to these recommendations, please refer to recommendation numbers 2011-06-I-HI-R9 through R11, and copy Mr. Kaszniak.

Sincerely,



Rafael Moure-Eraso, PhD, CIH
Chairperson

Enclosures (2).

cc: The Honorable Mathy Stanislaus, Assistant Administrator, Office of Solid Waste and
Emergency Response, EPA, Mail Code 5101T
Sonya Sasseville, Associate Director, Program Implementation and Information Division,
Office of Resource Conservation and Recovery, EPA, Mail Code 5303P
Ken Shuster, Office of Resource Conservation and Recovery, EPA, Mail Code 5303P
Manuel Gomez, Director, Office of Recommendations, CSB
Daniel Tillem, Team Lead, Western Regional Office of Investigations, CSB
Mark Kaszniak, Senior Chemical Safety Recommendations Specialist, CSB

The EPA looks forward to collaborating with the CSB and other federal departments and agencies to continue to improve safeguards to avoid improper management of waste fireworks and other explosive waste.

If you have any questions or need further information, please feel free to contact me or have your staff contact Ken Shuster at (703) 308-8759.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mathy Stanislaus", with a stylized flourish extending from the end.

Mathy Stanislaus
Assistant Administrator

Enclosure

safety management practices, would help ensure the use of more rigorous safety procedures in fireworks disposal. To that end, EPA plans to develop a memorandum that addresses the safety concerns during storage, handling, transportation, and treatment of explosive waste under RCRA. This memorandum will cite existing regulations, guidance, and manuals from EPA, ATF, OSHA, IME, the American Pyrotechnics Association (APA), the Department of Transportation (DOT), and DOD, including the DOD Explosives Safety Board (DDESB).

EPA notes that the PSM requirements are similar to those of the EPA Risk Management Program (RMP), developed under Clean Air Act (CAA) authority. EPA has reviewed the RMP and PSM requirements and will likely incorporate aspects of these processes into its memorandum.

Regarding the recommendation to replace the use of emergency permits for these materials, the emergency permit provision was developed using the Administrative Procedure Act rulemaking process, carefully considering public comments, to address emergency situations in a timely manner. EPA believes that replacing emergency permits would put the public at greater risk by delaying responses to “imminent and substantial endangerment to human health or the environment.” To address CSB’s concerns, EPA plans (in either the memorandum or a separate document) to: 1) clarify the purpose, intent, and limitations on the use of emergency permits, and 2) develop standardized explosive waste safety language for use in emergency permits.

As CSB recommends, EPA will continue to communicate effective safety, security, environmentally protective, regulatory compliant and other management practices regarding waste fireworks and explosive waste, including the memoranda outlined above. This will be accomplished through outreach to EPA regional offices, state environmental agencies, tribes, and organizations in the fireworks and explosives industries.

CSB Recommendation No. 2011-06-I-HI-R11:

Effectively participate in the National Fire Protection Association’s (NFPA) standard development process to develop guidance on the safe and environmentally sound disposal of fireworks, as recommended under recommendation 2011-06-I-HI-R7.

EPA Response:

EPA has contacted the NFPA, as well as the APA, and is prepared to participate in any NFPA standard development process to develop guidance on the safe and environmentally sound disposal of fireworks.

EPA Activities Update

CSB Request:

We are aware of the initiatives that EPA has ongoing regarding the safe disposal of fireworks; please include a discussion of your most recent activities in your response.

EPA Response:

Attachment III - Relevant RCRA Regulations

The relevant RCRA hazardous waste regulations are in 40 CFR parts 260-270. The below regulations should be specifically considered for Generators of waste fireworks, as well as for RCRA permits, including emergency permits, pertaining to waste fireworks and other explosives:

Part 262 – Standards Applicable to Generators of Hazardous Waste

Subpart A – General

§ 262.10 Purpose, scope, and applicability.

- (a)(1) A person who generates a hazardous waste as defined by 40 CFR part 261 is subject to all the applicable independent requirements in the subparts and sections listed below...
- (2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; such generator is subject to the applicable requirements... unless it is one of the following:
 - (i) A very small quantity generator that meets the conditions for exemption in §262.14;
 - (ii) A small quantity generator that meets the conditions for exemption in §§262.15 and 262.16; or
 - (iii) A large quantity generator that meets the conditions for exemption in §§262.15 and 262.17.

§262.16 Conditions for exemption for a small quantity generator that accumulates hazardous waste.

- (b)(2) *Accumulation of hazardous waste in containers—*
 - (i) *Condition of containers.* If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator must immediately transfer...to a container...in good condition, or immediately manage the waste in some other way...
 - (iv) *Inspections.* At least weekly, the small quantity generator must inspect central accumulation areas...
- (8) *Preparedness and prevention—*
 - (i) *Maintenance and operation of facility.* A small quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden...release of hazardous waste or hazardous waste constituents to air...which could threaten human health or the environment.
 - (ii) *Required equipment.* All areas where hazardous waste is either generated or accumulated must be equipped...*unless* none of the hazards posed by waste handled at the facility could require a particular kind of equipment...or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below.
 - (C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(6) *Emergency procedures.* The large quantity generator complies with the standards in subpart M of this part, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators.

(7) *Personnel training.*

- (i)(A) Facility personnel must successfully complete a program of classroom instruction, online training (*e.g.*, computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.
- (B) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
- (iv) The large quantity generator must maintain the following documents and records at the facility...
 - (B) A written job description for each position... This description may be consistent in its degree of specificity...for other similar positions in the same company...but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;
 - (C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position...

Subpart M – Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators

§ 262.251 Maintenance and operation of facility.

A large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

§ 262.252 Required equipment

All areas deemed applicable...must be equipped...(unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment...or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below).

(c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

§ 264.15 General inspection requirements.

(a) The owner or operator must conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(b) The owner or operator must:

- (1) develop and follow a written schedule...
- (2) ... keep this schedule at the facility.
- (3) the schedule must identify the types of problems which are to be looked for during the inspection...
- (4) ... the frequency of inspections should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use...

(c) The owner or operator must remedy any [problem]...which the inspection reveals...

§ 264.16 Personnel training.

(a)(1) Facility personnel must successfully complete...training...to perform in a way that ensures the facility's compliance with the requirements of this part.

(2) This [training] program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

(d) The owner or operator must maintain...

- (2) a written job description for each position... [which] must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
- (3) a written description of the type and amount of both introductory and continuing training that will be given to each person filling [each] position...

§ 264.17 General requirements for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specifically designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) ...the owner or operator of a facility that treats, stores or disposes ignitable or reactive waste...must take precautions to prevent reactions which:

- (1) Generate...fire or explosions, or violent reactions;

Subpart I - Use and Management of Containers

§ 264.174 Inspections.

At least weekly, the owner or operator must inspect areas where containers are stored...

§ 264.176 Special requirements for ignitable or reactive waste.

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

Subpart X – Miscellaneous Units

§ 264.601 Environmental performance standards.

A miscellaneous [treatment] unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. ... Protection of human health and the environment includes, but is not limited to:

(c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air ...

§ 264.602 Monitoring, analysis, inspection, response, reporting, and corrective action.

Monitoring, testing, analytical data, inspections, response, and reporting procedures and frequencies must ensure compliance with ... as well as meet any additional requirements needed to protect human health and the environment as specified in the permit.

Subpart EE – Hazardous Waste Munitions and Explosives Storage

§ 264.1200 Applicability.

The requirements of this subpart apply to owners or operators who store munitions and explosive hazardous wastes...

§ 264.1201 Design and operating standards.

(a) Hazardous waste munitions and explosives storage units must be designed and operated with containment systems, controls, and monitoring, that:

- (1) Minimize the potential for detonation...
- (2) Provide a primary barrier, which may be a container (including a shell) or tank, designed to contain the hazardous waste;

§ 270.42 Permit modification at the request of the permittee.

[Note – treatment process changes, as discussed in the *Example RCRA Regulations* section of the memo, are not explicitly identified in the codified list of permit modification categories. These types of permit modifications can therefore be processed as described in paragraph d below. Note that class 2 and 3 (as well as some class 1) permit modifications generally cannot be made without prior Agency approval.]

(d) *Other modifications.*

- (1) In the case of modifications not explicitly listed in appendix I of this section, the permittee may submit a Class 3 modification request to the Agency, or he or she may request a determination by the Director that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, he or she must provide the Agency with the necessary information to support the requested classification.

§ 270.61 Emergency permits.

(a) ... in the event the Director finds an imminent and substantial endangerment to human health or the environment the Director may issue a temporary emergency permit: (1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste or (2) to a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

(b) This emergency permit:

- (2) Shall not exceed 90 days in duration;
- (3) Shall clearly specify the hazardous wastes to be received, and the manner and location of their treatment, storage, or disposal;
- (4) May be terminated by the Director at any time without process if he or she determines that termination is appropriate to protect human health and the environment;
- (6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this part and 40 CFR parts 264 and 266.

Department of Transportation

49 CFR 172.101

49 CFR 173.50 – 173.56

U.S. Consumer Product Safety Commission

These are safety standards for consumer fireworks, that specify, for example, required warning or caution labels for the listed fireworks; maximum pyrotechnic weight or grain limits; prohibited chemical ingredients (e.g., arsenic sulfide, arsenates, arsenites, boron, mercury salts, picric acid, or thiocyanates); a requirement that the fuse must burn at least 3 seconds and no more than 9 seconds; and the minimum size of the base of the firework.

- 16 CFR 1500.14 Products requiring special labeling under section 3(b) of the act.
- 16 CFR 1500.17 Banned hazardous substances.
- 16 CFR 1500.83 Exemptions for small packages, minor hazards, and special circumstances.
- 16 CFR 1500.85 Exemptions from classification as banned hazardous substances.
- 16 CFR 1507 – FIREWORKS DEVICES
 - § 1507.2 Prohibited chemicals.
 - § 1507.3 Fuses.
 - § 1507.3 Bases.
 - § 1507.5 Pyrotechnic leakage.

U.S. Department of Defense

- “DOD Ammunition and Explosives Safety Standards,” DOD 6055.9-STD, DDESB, 5 Oct 2004.
- “Technical Manual: Explosive Ordnance Disposal Procedures—General EOD Safety Precautions,” 60A-1-1-22, Revision 5, 06 May 1998.
- “Ammunition and Explosives Safety Standards,” Dept of the Army Pamphlet 385-64, 10 Oct 2013, 331 pgs.
- “Contractors Safety Manual,” DOD 4145.26, March 13, 2008.
- ACOE red book “Explosives Safety and Health Requirements Manual,” U.S. Army Corps of Engineers, EM 385-1-97, 15 Sept 2008.
 - All workers are required to complete a daily safety briefing before beginning work.
 - Workers are to be trained to competently execute the tasks required. The training must address safety and health hazards present at the project and the related procedures and controls necessary for worker protection. [See 29 CFR 1910.120, 1910.134, and 1926.65: required 40-hour HAZWOPER and 8-hour annual refresher courses.]
 - DOD and Army policy to limit exposure to a minimum number of persons, for a minimum time, to the minimum amount of ammunition and explosives consistent with safe and efficient operations [DOD 6055.09-STD (DDESB) and Army DA Pamphlet 385-64].
 - MEC (Munitions and Explosives of Concern) site operations require an Accident Prevention Plan and a Site Safety and Health Plan, including Emergency Response and Contingency Procedures, descriptions of work zones and exclusion zones and access points, on/off site communication system, site access controls and security procedures (physical and procedural).

**Illegally and improperly
disposed fireworks can cause
serious injury or death.**



**Protect public health
and the environment
by managing waste
fireworks according
to RCRA regulations.**

Safe Handling and Treatment of Waste Fireworks



Safe management saves lives.



Make safety a priority.

For Further Information:

See EPA's Memorandum "Safe
Handling, Storage, and Treatment
of Waste Fireworks."

Contact your state and/or local
environmental agency.

EPA Regional office contacts can
be found at:

www.epa.gov/aboutepa

**Waste fireworks can pollute
the environment with
hazardous chemicals.**

**EPA Resource Conservation and
Recovery Act (RCRA) guidance on
the safe and legal handling, storage
and treatment of waste fireworks.**



**June
2017**



Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Bill No.20-38 Committee Report Additional Document

2 messages

Senator Telo Taitague <senatortelot@gmail.com>

Thu, Apr 17, 2025 at 9:42 AM

To: Office of Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Hafa Adai Senator Gumataotao,

Please see the attached PDN article supporting Bill No.20-38. I would like to include this article as an additional document in the Committee Report. Thank you.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com



PDN Our View Article - Bill 20 Fireworks.pdf

304K

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Thu, Apr 17, 2025 at 9:54 AM

To: Senator Telo Taitague <senatortelot@gmail.com>

Hafa Adai,

Acknowledged

[Quoted text hidden]

--

Office of Senator Eulogio Shawn Gumataotao

Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

38th Guam Legislature

120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910

(671) 647-1409/1411

OPINION

OUR VIEW: Support bill repealing consumer-grade fireworks

Pacific Daily News

When the 37th Guam Legislature debated legalizing consumer-grade fireworks in 2023, proponents argued in favor of family fun and personal freedom.

Then Sen. Dwayne San Nicolas, who authored the legislation, said he'd long wanted to make fireworks legal, and that he was "chasing a childhood dream as if it was the last bus of the night."

Safety concerns were raised by the Guam Fire Department – the entity that would ultimately be responsible for drafting rules and regulations for consumer fireworks – as well as Guam Environmental Protection Agency, the Guam Department of Agriculture and the Mayors' Council of Guam.

After the measure was passed, Sen. Telo Taitague described the fireworks bill as the "most senseless, unsafe piece of legislation" the 37th Guam Legislature had entertained.

Fortunately for Guam, consumer-grade fireworks have remained illegal because the rules and reg-



JOE TAITANO / PACIFIC DAILY NEWS
Aerial fireworks that appear to be originating from three separate locations in Yigo at midnight, Jan. 1, 2025, are shown in this photo.

ulations being drafted by the fire department are still pending. The slow pace of bureaucracy has helped keep the island somewhat safer until the 2023 legislation can be repealed.

This week, senators heard testimony on a bill authored by Taitague that would undo the fireworks legislation in its entirety.

It is a sensible move.

While fireworks certainly can be used safely and responsibly, they often are not. Law enforcement of-

ficers can't control the illegal fireworks we see during major holidays and minor celebrations, and the importation of more fireworks won't make us safer.

Firefighting agencies have noted that readily available and legal fireworks would lead to more wildfires, which threaten property, health and the environment.

Fireworks have to be stored and handled properly, or accidents can result. On New Year's Eve in Honolulu, crates of illegal fireworks

ignited, killing six people. Some of the injured had to be sent to a burn center in the mainland U.S. because the Honolulu unit had reached capacity, according to the Associated Press.

In the wake of the tragedy, the Hawaii Department of Law Enforcement was seeking \$5.2 million to hire people and purchase forensic equipment to combat fireworks smuggling, AP reported.

On Guam, we have our hands full trying to combat methamphetamine smuggling. We can't control stray dogs, feral pigs or illegal dumping. Our hospital facilities are not comparable to Honolulu's, which were overwhelmed by the fireworks explosion. More than a year after legalizing consumer fireworks, we haven't been able to draft rules governing how the fireworks should be bought, sold or stored.

It is doubtful we would be able to enforce those rules once they are written and approved.

Guam doesn't need consumer-grade fireworks.

We urge senators to support Bill 20-38.

ISLAND OF THE ENDLESS SUMMER

OPINION: McNinch: Walk the Ko'ko' Race

By Ron McNinch

Last Friday, I presented at the 2025 University of Guam Conference on Island Sustainability.

I was on a panel discussion on Guam 2075 and emerging trends that we can expect.

We presented at 3 p.m., so I drove to the Infusion Coffee Shop across from Nissan. Usually, I go to the Infusion Coffee Shop next to Docomo or the Landmark Infusion near GPO.

My daughter worked at all three while she was in college and it is nostalgic to eat there. I really like the everything Spam sandwich. As I approached the Nissan Infusion, I noticed it was closed because there was roadwork going on. I then went down to the Hyatt and stopped at a cluster of food shops across the street.

I ended up at Savage Sandwiches and ordered the Spam Sangwich.

It was incredibly good, and I also got a side of sesame slaw. I went back the next day and got the same sandwich again. It was nice to find good food by chance.

Last week, I talked about the Guam Ko'ko' Races sponsored by the Guam Visitors Bureau.

Both the Saturday races for kids and the Sunday Half Marathon and 10K events were great successes. As I said last week, with just some minor adjustments, this race weekend could be supercharged into a major tourism event for our most lucrative markets.

According to the Koko Half Marathon website, the 13.1-mile event had 143 women and 287 men participate. Over the years, I have participated in the half marathon event many times, and I was going to participate this year. I called

GVB three times for information and left messages for the organizers to call me back. I was told on the phone that the event had a three-hour time limit and wanted to double-check with the organizers. I usually finish these events in about three hours and 20 minutes. The organizers never called back, but I was also stood up at my high school prom, so I got over it.

Over the years, I have participated in many Guam marathons and half marathons. By the way, the toughest event on Guam is the annual 21-Mile Guam Runners Club Gate to Gate event from the Navy gate to the Andersen Air Force Base gate. They alternate routes every year, and the downhill from Andersen to Big Navy is far easier. This is fitting since serving in the



McNinch

Air Force is easier than serving in the Navy.

If we look at the 430 finishers in the 2025 Ko'ko' Half Marathon, 24 (17%) of the women and 32 (11%) of the men finished after the three-hour point. Ten of the 24 women were tourists, and the average adjusted mode age for this group was about 35. Sixteen of the 32 men who finished were tourists, and the average adjusted mode age for this group was about 44. Notably, one male finisher was over 70 and one was over 80.

If the Ko'ko' Race were adjusted slightly for both start times and number of hours allowed to finish, we could end up with far more tourists over 30 and 40 years old in this event. These are prime tourists in terms of outcome.

Ron McNinch is a longstanding member of the Guam community and frequently gives his opinion on a wide range of topics.



Request for Testimony on Bill 20-38 (COR)

1 message

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Thu, Apr 24, 2025 at 10:29
AM

To: GPD Chief <chief@gpd.guam.gov>

Hafa adai Chief Ignacio,

The Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) held a mark-up meeting yesterday on Bill 20-38 (COR), relative to repealing the consumer-grade fireworks law enacted during the previous legislature.

Based on a request made during the mark-up meeting, the Committee requests for comments from GPD regarding Bill 20-38 (COR), including information that is publicly available on your agency's response to complaints within the last year involving consumer-grade and other fireworks that have been displayed in violation of Guam law.

The Committee is working to complete the required Committee Report possibly in time for next month's session. We look forward to receiving GPD's feedback at your earliest convenience or by Wednesday, April 30, 2025, if possible.

Please contact my office should you have any questions or wish to discuss this matter further.

Si Yu'os ma'åse!

Senator Shawn Gumataotao

Office of Senator Eulogio Shawn Gumataotao
Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard
38th Guam Legislature
120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910
(671) 647-1409/1411

Fireworks Data

2 messages

Edward Artero <edward.artero@gfd.guam.gov>

Tue, Apr 15, 2025 at 9:03 AM

To: office.senatorshawn@guamlegislature.gov

Cc: senatortelot@gmail.com, office.senatorperez@guamlegislature.gov, vicespeakertonyada@guamlegislature.gov

Hafa Adai Senators,

Attached are the documents that may have been previously shared by Deputy Fire Chief Joey San Nicolas on the fireworks law.

Sharing again for your reference and follow up from my comments on providing you data at the hearing yesterday.

v/r

//eca//

Edward C. Artero
Assistant Fire Chief / Fire Marshal
Fire Prevention Bureau
Guam Fire Department
edward.artero@gfd.guam.gov

6 attachments



PHOTO-2023-10-24-07-42-20.jpg

65K



iafcposition-consumerfireworks_revised2022.pdf

480K



2020-Fireworks-Annual-Report.pdf

606K



osfireworks.pdf

2040K



osfireworkstables.pdf

117K



Fireworks Business Guidance CPSC.gov.pdf

809K

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Tue, Apr 15, 2025 at 12:58 PM

To: Edward Artero <edward.artero@gfd.guam.gov>

Hafa Adai,

Our office is receipt of your email

Si Yu'os Ma'ase

[Quoted text hidden]

--

Office of Senator Eulogio Shawn Gumataotao

Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

38th Guam Legislature

120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910

(671) 647-1409/1411

U.S. hospital emergency rooms saw an estimated 9,100 people for fireworks-related injuries in 2018.



Fireworks Injuries by Body Part



Eye
19%

Arm
4%

Hand or Finger
28%

Head, Face or Ear
15%

Trunk or Other
10%

Leg
24%



Burns accounted for 44% of the fireworks injuries seen in the month around July 4th.

Fireworks Injuries: Demographics



Injuries by Age of Victim



MALES ACCOUNT FOR **64%** OF FIREWORKS-RELATED INJURIES

More than **one-third** (36%) of the victims of fireworks injuries were under age 15.



About 28% of fires started by fireworks each year, are reported on Independence Day.





2020 Fireworks Annual Report

Fireworks-Related Deaths, Emergency Department-Treated Injuries, and Enforcement Activities During 2020

June 2021

Allison Marier
Division of Hazard Analysis
Directorate for Epidemiology
U.S. Consumer Product Safety Commission

Blake Smith
Division of Hazard Analysis
Directorate for Epidemiology
U.S. Consumer Product Safety Commission

Stephen Lee
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission

This analysis was prepared by CPSC staff. It has not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

Executive Summary

This report provides the results of the U.S. Consumer Product Safety Commission (CPSC) staff's analysis of data on non-occupational, fireworks-related deaths and injuries during calendar year 2020. The report also summarizes CPSC staff's enforcement activities during fiscal year 2020.¹

Staff obtained information on fireworks-related deaths from news clippings and other sources in CPSC's Consumer Product Safety Risk Management System (CPSRMS). Staff also estimated fireworks-related injuries treated in hospital emergency departments from CPSC's National Electronic Injury Surveillance System (NEISS). Finally, CPSC staff conducted a special study of non-occupational fireworks-related injuries between June 21, 2020 and July 21, 2020. The special study included collecting and analyzing more detailed incident information, such as the type of injury, the fireworks involved, the characteristics of the victim, and the incident scenario. About 66 percent of the estimated annual fireworks-related, emergency department-treated injuries for 2020 occurred during that period.

Highlights of the report:

Deaths and Injuries

- CPSC staff received reports of 18 non-occupational fireworks-related deaths during 2020. Twelve of the deaths were associated with firework misuse, one death was associated with an electric match malfunction, and five incidents were associated with unknown circumstances. Reporting of fireworks-related deaths for 2020 is not complete, and the number of deaths in 2020 should be considered a minimum.
- Fireworks were involved with an estimated 15,600 injuries treated in U.S. hospital emergency departments during calendar year 2020 (95 percent confidence interval 12,300 – 19,000). The estimated rate of emergency department-treated injuries is 4.7 per 100,000 individuals in the United States, an increase from 3.1 estimated injuries per 100,000 individuals in 2019.
- There is a statistically significant trend in estimated emergency department-treated, fireworks-related injuries from 2005-2020. This trend estimates an increase of 202 fireworks injuries per year (p-value = 0.0029).
- An estimated 10,300 fireworks-related injuries (or 66 percent of the total estimated fireworks-related injuries in 2020) were treated in U.S. hospital emergency departments during the 1-month special study period between June 21, 2020 and July 21, 2020 (95 percent confidence interval 7,800 – 12,700).

¹ The 2020 federal fiscal year refers to the period of October 1, 2019 through September 30, 2020

Results from the 2020 Special Study

- Of the 10,300 estimated fireworks-related injuries sustained, 71 percent were to males and 29 percent were to females.
- Adults aged 25 to 44 years of age experienced about 35 percent of the estimated injuries, and children younger than 15 years of age accounted for 18 percent of the estimated injuries. In previous years, nearly half of the estimated emergency department-treated, fireworks-related injuries were to individuals younger than 20 years of age.
- Young adults 20 to 24 years of age had the highest estimated rate of emergency department-treated, fireworks-related injuries (17 injuries per 100,000 people). This number is approximately three times the rate of injury for the same group in 2019, and is driven by an increase in injuries among females. Older teens, 15 to 19 years of age, had the second highest estimated rate (6.1 injuries per 100,000 people).
- There were an estimated 1,600 emergency department-treated injuries associated with firecrackers and 900 with sparklers.
- The parts of the body most often injured were hands and fingers (an estimated 30 percent); head, face, and ears (an estimated 22 percent); eyes (an estimated 15 percent); legs (an estimated 13 percent); and arms (an estimated 12 percent).
- Forty-four percent of the emergency department-treated injuries were burns. Burns were the most common injury to hands, fingers, arms, and legs.
- Approximately 75 percent of the victims were treated at the hospital emergency department and then released. An estimated 21 percent of patients were treated and transferred to another hospital, or admitted to the hospital.
- CPSC staff conducted telephone follow-up investigations on a selected sample of fireworks-related injuries reported in NEISS during the special study period to clarify information about the incident scenario or fireworks type. A review of data from the seven completed follow-up investigations showed that most injuries were associated with misuse or malfunctions of fireworks. Most victims recovered or were expected to recover completely. However, there were victims who report that their injuries may be long term.

Enforcement Activities

Fiscal year 2020 presented unique challenges to CPSC's Office of Compliance and Field Operations (EXC) in its ability to conduct surveillance on imported fireworks and enforce the provisions of the Federal Hazardous Substances Act (FHSA)² and regulations under the FHSA. The SARS-CoV-2 (COVID-19) pandemic restricted CPSC staff from collecting samples as well as testing samples that were collected.

EXC staff was able to sample and test shipments of some fireworks both before and after the COVID-19 restrictions. Approximately 20 percent of the selected and tested shipments were found to

² 15 U.S.C. §§ 1261-1278

contain noncompliant fireworks. The noncompliant fireworks devices had a combined estimated import value of \$208,000. The violations consisted of fuse violations and presence of prohibited chemicals. EXC staff requested corrective actions on these noncompliant fireworks and, in all cases, firms agreed to the corrective actions.

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1. Introduction

This report describes injuries and deaths associated with fireworks devices, as well as kits and components used to manufacture illegal fireworks, during the calendar year 2020. Reports for earlier years in this series can be found at: <https://cpsc.gov/Research--Statistics/Fuel-Lighters-and-Fireworks1>.

This report is organized into seven sections. Section 1 describes the data and statistical methods used in this analysis. Section 2 summarizes the 2020 fireworks-related incidents that resulted in deaths. Section 3 provides an annual estimate of fireworks-related, emergency department-treated injuries in the United States for 2020, and compares that estimate to previous years. Section 4 analyzes emergency department-treated, fireworks-related injuries during the month around July 4, 2020. Section 5 summarizes the telephone in-depth investigations of a subsample of the injuries that occurred during that period. Section 6 describes enforcement activities of CPSC's Office of Compliance and Field Operations during fiscal year 2020. The report concludes with a summary of the findings in Section 7. Appendix A is a table depicting the relationship between fireworks-related injuries and fireworks imports between 2005 and 2020. Appendix B provides details on the completed telephone investigations.

Sources of Information

Information on non-occupational, fireworks-related deaths during 2020 was obtained from CPSC's CPSRMS. CPSRMS combines the data from CPSC's Injury or Potential Injury Incident File (IPII), Death Certificate File (DTHS), and In-Depth Investigation File (INDP) into one incident database. Entries in IPII come from a variety of sources, such as newspaper articles, consumer complaints, lawyer referrals, medical examiners, and other government agencies. CPSC staff from the Office of Compliance and Field Operations conducted in-depth investigations of the deaths to determine the types of fireworks involved in the incidents and the circumstances that led to the fatal injuries.

Because the data in IPII are based on voluntary reports, and because it can take more than 2 years to receive all of the death certificates from the various states to complete the DTHS, neither data source can be considered complete for 2019 or 2020 fireworks-related deaths at the time this report was prepared. Consequently, the number of deaths should be considered a minimum. Staff updates the total number of deaths for previous years when new reports are received. Total deaths for prior years may not coincide with the number in reports for earlier years because of these updates.

The source of information on non-occupational, emergency department-treated fireworks-related injuries is CPSC's NEISS. NEISS is a probability sample of the U.S. hospitals with emergency departments.³ Injury information is taken from the emergency department record. This information includes the victim's age and sex, the place where the injury occurred, the emergency department diagnosis, the body part injured, and the consumer product(s) associated with the injury. The information is supplemented by a narrative of 140 to 400 characters⁴ in length and that often contains a brief description of how the injury occurred.

To supplement the information available in the NEISS record, CPSC staff conducts a special study of fireworks-related injuries every year during the month around July 4. Staff focuses its efforts on fireworks incidents during this period because, in most years, about two-thirds to three-quarters of the

³ For a description of NEISS, including the revised sampling frame, see Schroeder and Ault (2001). Procedures used for variance and confidence interval calculations and adjustments for the sampling frame change that occurred in 1997 are found in Marker, Lo, Brick, and Davis (1999). SAS® statistical software for trend and confidence interval estimation is documented in Schroeder (2000). SAS® is a product of the SAS Institute, Inc. Cary, NC.

⁴ The maximum available number of characters changed from 142 to 400 characters on January 1, 2019.

annual injuries occur then. During this period, hospital emergency-department staff shows patients pictures of different types of fireworks to help them identify the type of fireworks device associated with their injuries. The type of fireworks involved in the incident are then included in the NEISS narrative. In 2020, the special study period lasted from June 21 to July 21.

After reading the incident case records, including the narrative descriptions of the fireworks device and the incident scenario, CPSC staff may assign a case for additional telephone investigation. Staff usually selects cases that involve the most serious injuries and/or hospital admissions. Serious injuries include: eye injuries, finger and hand amputations, and head injuries. Cases also may be assigned to obtain more information about the incident than what is reported in the NEISS narrative. In most years, phone interviewers can collect information for one-fifth to one-half of the cases assigned. Information on the final status of the telephone interviews conducted during the 2020 special study is in Section 5 and Appendix B of this report.

In the telephone investigations, information is requested directly from the victim (or the victim's parent, if the victim is a minor) about the type of fireworks involved, where the fireworks were obtained, how the injury occurred, and the medical treatment and prognosis. When the fireworks device reported in the telephone investigation is different from what is reported in the NEISS emergency department record, the device reported in the telephone investigation is used in the data for this report.

As a result of this investigative process, three different levels of information may be available about a fireworks-related injury case. For cases that occur before or after the July 4 special study period, the NEISS record is almost always the only source of information. Many NEISS records collected outside the special study period do not specify the type of fireworks involved in the incident. Additional information is typically available during the special study period because the NEISS records collected by the emergency departments usually contain the type of fireworks and additional details on the incident scenario. Finally, the most information is available for the subset of the special study cases where staff conducted telephone investigations. These different levels of information about injuries correspond to these different analyses in the report:

- Estimated national number of fireworks-related, emergency department-treated injuries

This estimate is made using NEISS cases for the entire year, from records where fireworks were specified as one of the consumer products involved. For cases outside the special study period, as noted above, there is usually no information on the fireworks type, and limited information is available on the incident scenario. Consequently, there is not enough information to determine the role played by the fireworks in the incident. Thus, the annual injury estimate may include a small number of cases in which the fireworks device was not lit, or no attempt was made to light the device. Calculating the annual estimates without removing these cases makes the estimates comparable to previous years.

- Detailed analyses of injury patterns

The tables are based on the special study period only, and they describe fireworks type, body part injured, diagnosis, age and sex of injured people, and other relevant information. Fireworks-type information is taken from the telephone investigation or the NEISS comment field when there was no telephone investigation. When computing estimates for the special study period, CPSC staff does not include cases in which the fireworks device was not lit, or no attempt was made to light the device.

- Information from telephone investigations

Individual case injury descriptions and medical prognosis information from the telephone investigations are provided in Appendix B. These summaries also exclude cases in which the fireworks device was not lit, or no attempt was made to light the device. These cases represent a sample of some of the most serious fireworks-related injuries and may not represent the typical emergency department-treated, fireworks-related injuries.

Statistical methods

Injuries reported by hospitals in the NEISS sample were weighted by the NEISS probability-based sampling weights to develop an estimate of total U.S. emergency department-treated, fireworks-related injuries for the year and for the special study month around July 4. Confidence intervals were estimated, and other statistics were calculated using computer programs that were written to take into account the sampling design.⁵ Estimated injuries are rounded to the nearest 100 injuries. Estimates of fewer than 50 injuries are shown with an asterisk (*). Percentages are calculated from the actual estimates. Percentages may not add to subtotals or to the total in the tables or figures, due to rounding.

This report also contains a number of detailed tables about fireworks-related injuries during the special study period. National estimates in these tables were also made using the sampling weights. To avoid cluttering the tables, confidence intervals are not included. Because the estimates are based on subsets of data, they have larger relative sampling errors (*i.e.*, larger coefficients of variation) than the annual injury estimate or the special study injury estimate. Therefore, interpretation and comparison of these estimates with each other, or with estimates from prior years, should be made with caution. For example, when comparing subsets of the data—such as between injuries associated with two different types of fireworks, or between two different age groups—it is difficult to determine how much of the difference between estimates is associated with sampling variability and how much is attributed to real differences in national injury totals.

⁵ See Schroeder (2000).

2. Fireworks-Related Deaths for 2020

CPSC has reports of 18 non-occupational, fireworks-related deaths that occurred during 2020.⁶ Reporting of fireworks-related deaths for 2020 is not complete, and the number of deaths in 2020 should be considered a minimum. Brief descriptions of the incidents, using wording taken from the incident reports, follow:

- In January, a 28-year-old female victim was fatally injured from a fireworks blast inside a vehicle. Emergency responders received a report that a car had blown up with an occupant inside. Upon arrival to the vehicle, responders noted that the windows were blown out of the vehicle and that the interior of the vehicle was damaged. The victim was located, unresponsive, away from the vehicle with blast injuries to her inner thighs and genital area. The emergency medical services report stated that the victim also had the appearance of a gunshot wound to her chest with no bleeding. The victim was transported to the hospital where she died. The ER trauma team was told that the victim was attempting to throw the firework out of the vehicle window when the firework got trapped in her groin area and exploded. The autopsy reports that the victim died due to a blast injury and did not mention a gunshot wound. A toxicology screen indicated the presence of illegal substances in the victim's system.
- In February, a 40-year-old male victim placed a commercial-grade firework device, inside a homemade mortar tube which was then lit in the driveway outside of his residence to celebrate an American football game. The victim was lighting traditional fireworks but ran out of them before lighting the commercial-grade device. The firework device did not deploy but instead exploded near the victim's face as he was bent over and lighting the fuse. The victim's wife called 911 as a result of the incident, and the subject was transported to the hospital, becoming unresponsive en route. The victim died at the hospital; the autopsy declared that the victim died due to a blast injury near his head. A toxicology screen indicated the presence of illegal substances in the victim's system.
- In May, a 65-year-old male victim was fatally injured by a homemade fireworks device. There were no witnesses to the accident; the victim was found by a witness after she heard a boom and saw a plume of smoke as she pulled up to the residence. The victim was holding a cigarette that fell to the ground after the incident; the witness indicated that the firework device may have been accidentally lit by the cigarette. The victim was driven to the hospital by his son where he was immediately ventilated and unable to speak. As a result of the incident, the victim sustained thermal burns on over 40 percent of his body surface area. After admission, the victim's condition declined and he died on May 14. The cause of death was thermal and inhalation injuries.
- In or around June, a 21-year-old male victim was involved an unknown type of firework device explosion on a roadway. The victim was transported to the local hospital where he was pronounced deceased; the cause of death was listed as anoxic-ischemic encephalopathy due to a face, neck, and chest blast injury. A toxicology report indicated the presence of illegal substances in the victim's system at the time of the incident.

⁶ CPSC staff exclude incidents that are indirectly fireworks-related. For instance, fireworks that start fires and lead to deaths are excluded based on the logic that the fire is directly responsible for death.

- In June, a 34-year-old male victim died after he attempted to deploy a mortar firework from the passenger seat of a moving vehicle. The driver of the vehicle reports that the victim held the base of a mortar firework and pointed the top of the firework out of the vehicle window. The victim lit the firework and the base of the device compressed against his chest, causing his injuries. The victim had injuries on his face and hands, and was found unresponsive by police officers. The victim died after he arrived at the hospital and the witness had no life threatening injuries.
- In June, a 31-year-old male victim was instantly killed when he tried to deploy a commercial grade firework device. No further information is available.
- In June, a fireworks explosion during preparations for a firework show killed a 69-year-old male victim and an unknown individual, and injured three other people. The victims were setting up the fireworks in a climate-controlled barn with approximately 70 aerial shells that were positioned on the barn shelves. Approximately 26 of the 70 shells exploded during the incident, which, upon investigation, are believed to have been sparked by defective electric matches that the individuals were inserting into the connectors of the aerial shells as they were preparing for the show. All of the injuries were the result of explosive pressure and subsequent fire. No additional information was available at the time of this report.
- In July, a 21-year-old male victim was fatally injured while detonating a fireworks device in a school parking lot. The victim and his friend had been shooting fireworks at people in the parking lot when the victim attempted to light an artillery shell fireworks device. The device exploded near the victim's leg causing a large open wound. After the incident, the witness transported the victim to a local hospital in his vehicle. In the emergency room, medical staff attempted cardiopulmonary resuscitation but were unsuccessful. The victim died as a result of massive blood loss from damage to the femoral artery. Although the victim had no history of alcohol or drug use, a toxicology report indicated the presence of illegal substances in the victim's body.
- In July, a 21-year-old male victim died from injuries related to an artillery style mortar firework device explosion. The victim and his friend were initially lighting fireworks on their deck by shooting them out of artillery tubes; the two transitioned to larger fireworks and used tubes designed for the smaller firework to deploy the larger firework devices. Both individuals lit a firework device and both fireworks detonated in the tubes that the individuals were holding. The victim sustained blast injuries to his hands, chest, upper extremities, and lost consciousness on the deck. Bystanders attempted to resuscitate him until emergency services arrived and took him to the hospital. The victim died in the emergency room; his death certificate states the cause as exsanguination (severe blood loss).
- In July, a 33-year-old male victim died as a result of an illegal mortar firework device explosion. The police report that the victim was holding the device over his head and the firework ejected downward after the victim lit the device. The victim was found unresponsive by police with injuries to his body; he died after he was transported to a local hospital.
- In July, a 16-year-old male victim was injured from an unknown type firework explosion. The victim died on July 14; the death certificate states the cause of death as complications of blunt head trauma due to impact with exploding fireworks. The manner of death was determined to be accidental. No additional information was available at the time of this report.

- In July, a 23-year-old male victim had been lighting various types of firework devices to celebrate Independence Day in his driveway. The victim lit a firework device that had a mortar on top of a foot-long pole and held it above his head as he walked around the driveway. The device exploded and the victim fell to the ground; the victim's brother called 911. The victim sustained major trauma to his hands and fingers, and a large wound to his head. The victim died at the scene.
- In July, a 33-year-old male victim was setting off illegal firework devices with his brother at their home. The victim had been drinking alcohol and lighting fireworks all day long. That night, the victim was going to light his last fireworks device, described as "stick-type." The victim walked around the corner and out of sight; no one witnessed the victim light the device. The victim's sister heard a loud "boom" and found the victim lying on his back with severe injuries to his stomach, chest, and hands. She called 911. Emergency personnel responded but could not revive the victim.
- In July, a 33-year-old male victim was fatally injured by a fireworks device explosion during a memorial celebration. The victim attempted to light a fireworks device that appeared to be a "dud." The victim then held the device in his hand and re-lit the device while holding his arm away from his chest. The firework device exploded, causing the victim to fall with a severe wound to his chest and neck. One of the witnesses to the incident called 911. Medical personnel responded to the incident and transported the victim to a local hospital where the victim died of his injuries. The medical examiner indicated that the victim sustained blast injuries to his right upper chest, had a fractured right clavicle, fractured rib, multiple lacerations to his lung, pericardium and aortic root and left palm. The victim's death is reported to be caused as blast injuries due to fireworks explosion and the manner of death was accidental.
- In July, a 63-year-old male victim was fatally injured by a commercial-grade fireworks device at his residence. Early in the morning, the victim led his wife to their backyard to show her the fireworks that he intended to ignite. The victim's wife moved to the garage to observe the firework detonations and fell asleep. She was awakened by a loud "boom" and exited the garage to check on the victim. She found him lying on the ground with a firework cylinder between his legs and called 911. The police arrived and declared the victim dead on arrival after viewing the victim's injury. The autopsy reports the cause of death as lacerations of the brain and brain stem, and a blast injury to the head; a toxicology screen indicated the presence of illegal substances along with alcohol in the victim's system.
- In July, a 37-year-old male victim was lighting a firework when it discharged, striking him in the chest. The coroner's report describes a large firework injury on the victim's chest, approximately 1.9 by 1.2 inches, and reports the cause of death to be a fireworks injury to the chest. A toxicology report indicated the presence of illegal substances in the victim's body. No further information was available at the time of this report.
- In September, a 47-year-old male victim was fatally injured after he ignited an unknown type of fireworks while cleaning out a shed. The victim suffered extensive burns to over 90 percent of his body surface area. The manner of death was determined to be accidental. No additional information was available at the time of this report.

- In December, a 37 year-old male victim was injured in the torso and abdomen while holding an aerial shell style fireworks device. The victim was holding a lit mortar shell in the launch tube of the fireworks device when the bottom base of the launch tube exploded. The victim was struck in the abdomen and sustained an internal organ injury described as penetrating injury with evisceration (disembowelment). Immediately after the accident occurred, the victim's brother covered the victim and sustained pressure. The victim was transported to the local hospital and later died of his injuries. The victim was drinking alcoholic beverages at the time of the accident.

Including the 18 deaths described above, CPSC staff has reports of 136 fireworks-related deaths between 2005 and 2020, for an average of 8.5 deaths per year.⁷

⁷ See previous reports in this series (e.g. the report for 2019: Marier, Tu and Ng (2020)). In the most recent three years, the number of deaths included 10 deaths in 2017, and 5 deaths in 2018, and 12 deaths in 2019. The data from 2017 to 2019 have been updated based on new incident reports received by CPSC staff during 2020, and may differ from previous reports.

3. National Injury Estimates for 2020

Table 1 and Figure 1 present the estimated number of non-occupational, fireworks-related injuries treated in U.S. hospital emergency departments between 2005 and 2020.

Table 1. Estimated Fireworks-Related, Emergency Department-Treated Injuries: 2005-2020

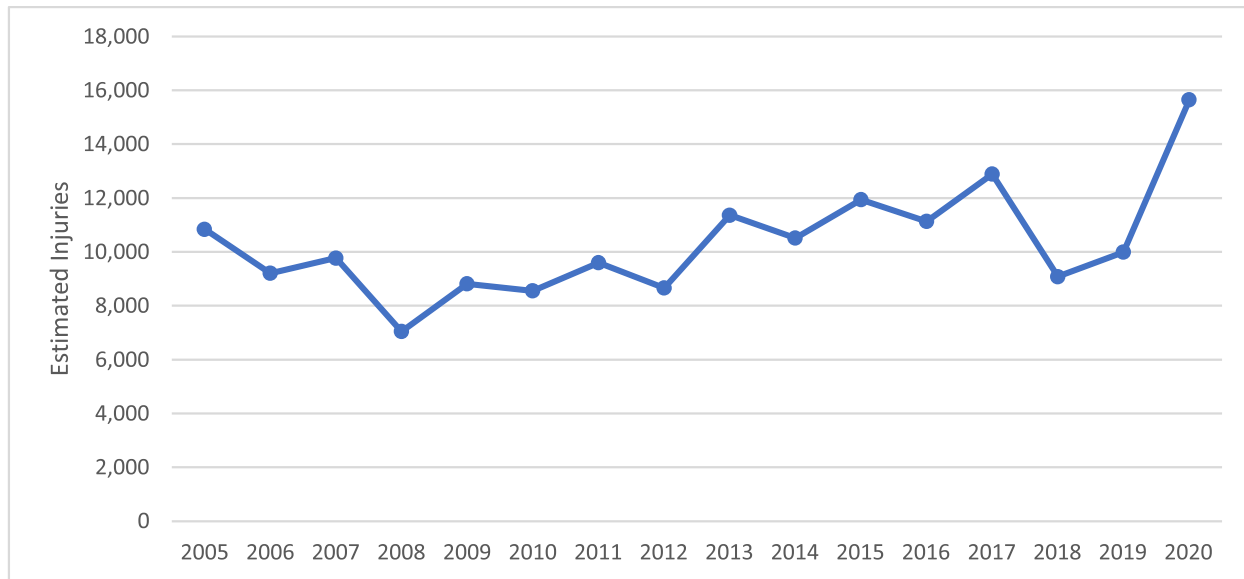
Year	Estimated Injuries	Injuries per 100,000 People
2020	15,600	4.7
2019	10,000	3.0
2018	9,100	2.8
2017	12,900	4.0
2016	11,100	3.4
2015	11,900	3.7
2014	10,500	3.3
2013	11,400	3.6
2012	8,700	2.8
2011	9,600	3.1
2010	8,600	2.8
2009	8,800	2.9
2008	7,000	2.3
2007	9,800	3.3
2006	9,200	3.1
2005	10,800	3.7

Source: NEISS, U.S. Consumer Product Safety Commission. Population Estimates for 2010 to 2020 are from [Annual Estimates of the Resident Population for the United States, States, and the District of Columbia: April 1, 2010 to July 1, 2020 \(NST-EST2020\)](#). U.S. Census Bureau. Population Division. Release Date: December 2020. Population estimates for 2005 to 2009 are from Table 1. Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2009 (NST-EST2009-01). Population Division, U.S. Census Bureau.

There is a statistically significant increasing trend in the fireworks-related injury estimates from 2005-2020 (p -value=0.0029).⁸ The slope of the fitted trend line shows an increase of about 202 injuries per year. In calendar year 2020, there were an estimated 15,600 fireworks-related, emergency department-treated injuries (95 percent confidence interval 12,300 – 19,000). There were an estimated 10,000 such injuries in 2019. The difference between the injury estimates for 2019 and 2020 is statistically significant (p -value = 0.0001). It is possible that the cessation of public firework displays during the COVID-19 pandemic of 2020 spurred consumers to try out displays on their own, resulting in an approximately 50 percent increase in fireworks injuries.

⁸ For details on the method to test a trend that incorporates the sampling design, see Schroeder (2000) and Marker et al. (1999).

Figure 1. Estimated Fireworks-Related, Emergency Department-Treated Injuries
2005 - 2020



Source: NEISS, U.S. Consumer Product Safety Commission.

Appendix A contains a table showing estimated fireworks-related, emergency department-treated injuries and fireworks imports between 2005 and 2020.

Table 2 shows that each year, the number of victims treated are mostly white, followed by victims of an unknown race, black victims, and victims of an “other” race. The “other” race category contains Asian, Pacific Islander/Native Hawaiian, and American Indian/Alaskan Native individuals. CPSC began collecting ethnicity information in 2018, which includes information about whether a victim is Hispanic; as a result, ethnicity information cannot be included at this time.⁹

Figure 2 shows the trend by race across years; there is a statistically significant upward trend for white victims ($p = 0.0021$), but not black or “other” race victims. Between the years 2019 and 2020, there was an increase in the number of white victims ($p=0.0019$) and an increase in the number of “other race” victims ($p=0.0361$).

When comparing the proportion of victims with a known race to the US population¹⁰, there were:

- proportionately fewer white victims (67% of victims, 76% of the U.S. identifies as white)
- proportionately more black victims (24.3% of victims, 13% of the U.S. identifies as black)
- proportionately fewer victims associated with an “other” race (8.7% of victims, 10% of the U.S. identifies as another race)

⁹ The ethnicity indicator is missing for 24 percent of the fireworks victims in 2020, and thus ethnicity is excluded from this report.

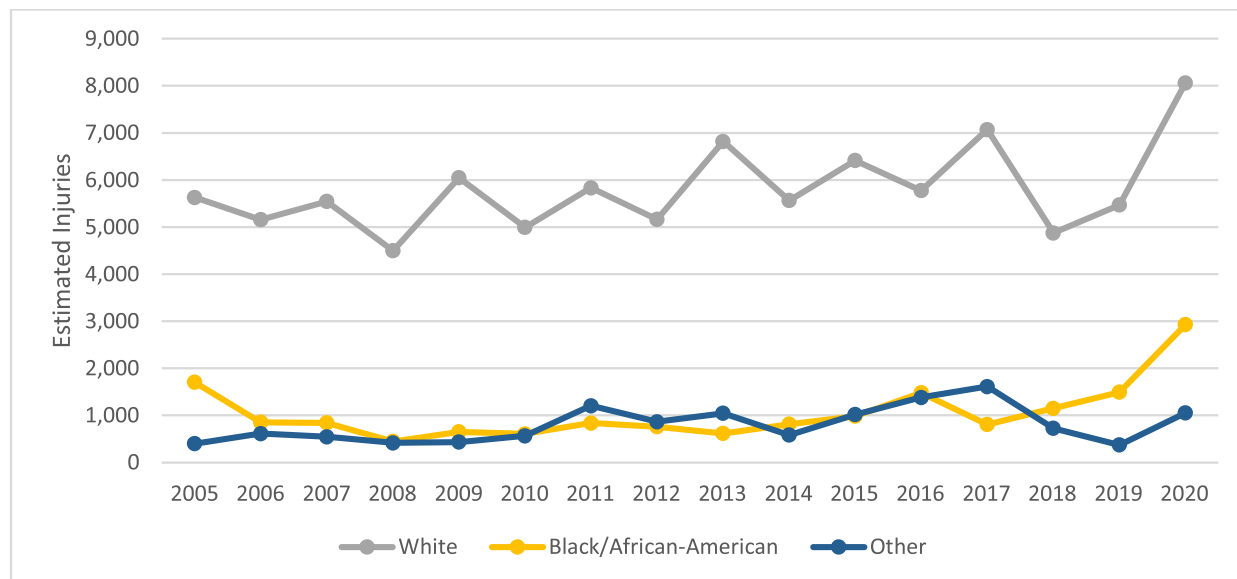
¹⁰ Total U.S. Population race estimates obtained from Census 2019 report estimates (NC-EST2019-ASR5H: [Annual Estimates of the Resident Population by Sex, Age, Race Alone or in Combination, and Hispanic Origin for the United States: April 1, 2010 to July 1, 2019](#). Release Date: June 2020); Census 2020 estimates were not available at the time of this report.

Table 2. Estimated Fireworks-Related, Emergency Department-Treated Injuries by Race
2005-2020

Year	White		Black/African-American		Other		Unknown		Total
	N	%	N	%	N	%	N	%	N
2005	5,600	51.9	1,700	15.7	400	3.7	3,100	28.6	10,800
2006	5,200	56.0	900	9.3	600	6.7	2,600	28.1	9,200
2007	5,500	56.8	800	8.6	500	5.6	3,000	29.0	9,800
2008	4,500	63.8	400	6.4	400	5.9	1,700	23.9	7,000
2009	6,000	68.6	600	7.4	400	4.9	1,700	19.1	8,800
2010	5,000	58.4	600	7.1	600	6.6	2,400	27.9	8,500
2011	5,800	60.8	800	8.7	1,200	12.6	1,700	17.9	9,600
2012	5,200	59.6	800	8.8	700	10.0	1,900	21.6	8,700
2013	6,800	60.0	600	5.4	1,000	9.2	2,900	25.4	11,400
2014	5,600	52.9	800	7.8	600	5.5	3,600	33.8	10,500
2015	6,400	53.7	1,000	8.3	1,000	8.5	3,500	29.5	11,900
2016	5,800	51.9	1,500	13.3	1,400	12.4	2,500	22.4	11,100
2017	7,100	54.9	800	6.3	1,600	12.5	3,400	26.4	12,900
2018	4,900	53.7	1,200	12.7	700	8.0	2,400	25.7	9,000
2019	5,500	54.7	1,500	14.9	400	3.8	2,700	26.6	10,000
2020	8,100	51.5	3,000	18.7	1,000	6.7	3,600	23.1	15,600

Source: NEISS, U.S. Consumer Product Safety Commission.

Figure 2. Estimated Fireworks-Related, Emergency Department-Treated Injuries by Race
2005 - 2020



Source: NEISS, U.S. Consumer Product Safety Commission.

4. Injury Estimates for the 2020 Special Study: Detailed Analysis of Injury Patterns

The injury analysis in this section presents the results of the 2020 special study of fireworks-related injuries treated in hospital emergency departments between June 21, 2020 and July 21, 2020. During this period, there were an estimated 10,300 fireworks-related injuries (sample size=294, 95 percent confidence interval 7,800 – 12,700) accounting for 66 percent of the total estimated fireworks-related injuries for the year, which is not statistically different from the estimated 7,300 fireworks-related injuries in the 2019 special study period (p-value = 0.0974).

The remainder of this section provides the estimated fireworks-related, emergency department-treated injuries from this period, broken down by fireworks device type, victims' demographics, injury diagnosis, and body parts injured.

Fireworks Device Types and Estimated Injuries

Table 3 shows the estimated number and percent of emergency department-treated injuries by type of fireworks device during the special study period of June 21, 2020 to July 21, 2020.

Table 3. Estimated Fireworks-Related, Emergency Department-Treated Injuries by Device Type
June 21 – July 21, 2020

Fireworks Device Type	Estimated Injuries	Percent
Total	10,300	100%
All Firecrackers	1,600	16%
Small	300	3%
Illegal	400	4%
Unspecified	900	9%
All Rockets	600	6%
Other Rockets	400	3%
Bottle Rockets	200	2%
Other Devices	2,400	24%
Multiple Tube	*	*
Reloadable	400	4%
Roman Candles	600	6%
Novelties	500	4%
Sparklers	900	9%
Fountains	100	1%
Homemade/Altered	300	3%
Unknown	5,300	52%

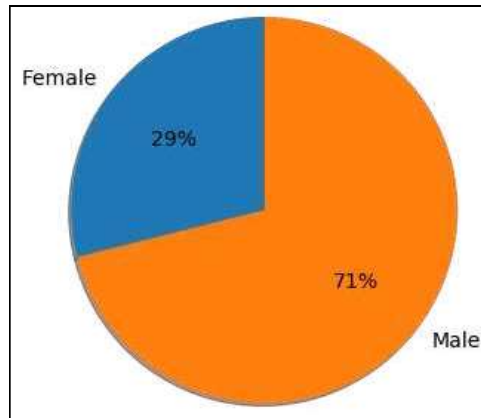
Source: NEISS, U.S. Consumer Product Safety Commission. Based on 287 NEISS emergency department-reported injuries between June 21, 2020 and July 21, 2020, and supplemented by 7 completed In-Depth Investigations. Fireworks types are obtained from the in-depth investigation, when available; otherwise, fireworks types are identified from information in victims' reports to emergency department staff that were contained in the NEISS narrative. Illegal firecrackers include M-80s, M-1000s, Quarter Sticks, and other firecrackers that are banned under CPSC's FHSA regulations (16 C.F.R. § 1500.17 (Banned hazardous substances)). Fireworks that may be illegal under state and local regulations are not listed as illegal, unless they violate the CPSC's FHSA regulations. Estimates are rounded to the nearest 100 injuries. Estimates of fewer than 50 injuries are denoted with an asterisk (*). Estimates may not sum to subtotal or total due to rounding. Percentages are calculated from the actual estimates, and they may not add to subtotals or the total due to rounding.

There were no injuries due to public firework displays during 2020. Unknown fireworks devices were associated with the most injuries during the 2020 special study period. Multiple tube devices were involved in less than 1 percent of the total estimated injuries during the 2020 special study period.

Gender and Age of Injured Persons

Males experienced an estimated 2.3 fireworks-related, emergency department-treated injuries per 100,000 individuals during the special study period. Females had 0.9 injuries per 100,000 people. Figure 3 shows the distribution of estimated fireworks-related injuries by gender.

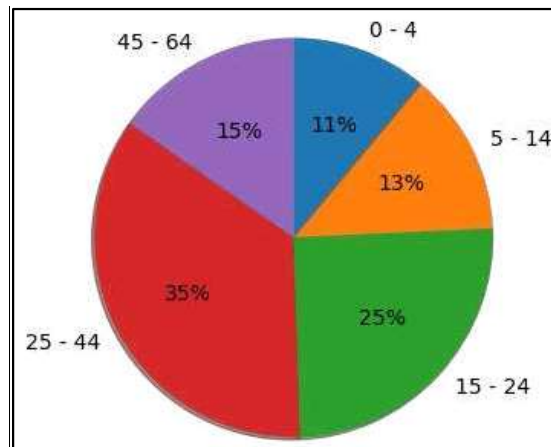
Figure 3. Estimated Injuries by Gender



Source: NEISS, U.S. Consumer Product Safety Commission. Based on the special study between June 21, 2020 and July 21, 2020.

Children under 5 years of age experienced an estimated 1,100 injuries (11 percent of all fireworks-related injuries during the special study period), as shown in Figure 4 and Table 4. Children in the 5- to 14-year-old age group experienced an estimated 1,400 injuries. Breaking down that age group further, children 5 to 9 years of age had an estimated 600 injuries and children 10 to 14 years of age accounted for 700 injuries.¹¹

Figure 4. Percentage of Injuries by Age Group



Source: NEISS, U.S. Consumer Product Safety Commission. Based on the special study between June 21, 2020 and July 21, 2020.

The detailed breakdown by age and gender is shown in Table 3. The concentration of injuries among males and people under 25 years of age has been typical of fireworks-related injuries for many

¹¹ The percentages are calculated from actual injury estimates, and age subcategory percentages may not sum to the category percentage due to rounding.

years. However, 2020 saw a large increase in the emergency department visits related to fireworks injuries among females, notably in the 20 – 24 years age group (from under 50 incidents in the 2019 special study period to approximately 400 incidents in 2020--a 700 percent increase).

Table 4. Estimated Fireworks-Related, Emergency Department-Treated Injuries by Age and Gender
June 21- July 21, 2020

Age Group	Total	Per 100,000 People	Male	Female
Total	10,300	3.2	7,300	3,000
0-4	1,100	5.3	800	400
5-14	1,400	3.3	1,000	400
5-9	600	3.1	500	200
10-14	700	3.5	500	200
15-24	2,600	8.5	1,700	900
15-19	1,300	6.1	900	500
20-24	1,300	17	900	400
25-44	3,600	4.2	2,800	800
45-64	1,600	1.9	1,000	500

Sources: NEISS, U.S. Consumer Product Safety Commission. [NC-EST2019-AGESEX-RES: Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States: April 1, 2010 to July 1, 2019](#). U.S. Census Bureau, Population Division. Release Date: June 2019. Based on the special study between June 21, 2020 and July 21, 2020. The oldest victim was 63 years of age. Estimates are rounded to the nearest 100 injuries. Estimates of fewer than 50 injuries are denoted with an asterisk (*). Age subcategory estimates may not sum to the category total due to rounding.

When considering injury rates (number of injuries per 100,000 people), children and young adults had higher estimated rates of injury than the other age groups during the 2020 special study period. Young adults aged 20 to 24 years had the highest estimated injury rate at 17 per 100,000 population, approximately six times higher than 2019's estimate of 2.8 injuries per 100,000 population. This was followed by 6.1 injuries per 100,000 people from older teens 15 to 19 years of age, and 5.3 injuries per 100,000 people from children ages 0 to 4 years.

Age and Gender of the Injured Persons by Type of Fireworks Device

Table 4 shows the ages of those injured by the type of fireworks device associated with the injury. For children under 5 years of age, unknown fireworks devices accounted for 36 percent of the total estimated injuries for that specific age group.¹²

¹² The percentages are calculated from the actual injury estimates.

No clear relationship between age and known fireworks type is suggested by the data in Table 5. It is worth noting that the number of estimated injuries does not completely represent the usage pattern because victims are often injured by fireworks used by other people. This is especially true for rockets and aerial shells (*e.g.* multiple tube and reloadable devices), which can injure people located some distance away from where the fireworks are launched.

Table 5. Estimated Fireworks-Related, Emergency Department-Treated Injuries by Device Type and Age Group
June 21 – July 21, 2020

Fireworks Type	Total	Age Group				
		0-4	5-14	15-24	25-44	45-64
Total	10,300	1,100	1,400	2,600	3,600	1,600
All Firecrackers	1,600	100	200	300	700	300
Small	300	*	*	100	200	100
Illegal	400	*	*	100	300	*
Unspecified	900	100	200	200	300	200
All Rockets	600	100	100	200	200	100
Other Rockets	400	*	100	100	100	100
Bottle Rockets	200	100	*	100	100	0
Other Devices	2,400	600	300	400	800	200
Multiple Tube	*	*	*	*	*	*
Reloadable	400	*	*	100	300	*
Roman Candles	600	100	*	300	200	*
Novelties	500	200	200	*	*	100
Sparklers	900	400	*	100	300	100
Fountains	100	*	100	*	*	*
Homemade/Altered	300	*	*	200	100	*
Unknown	5,300	400	700	1,400	1,800	1,000

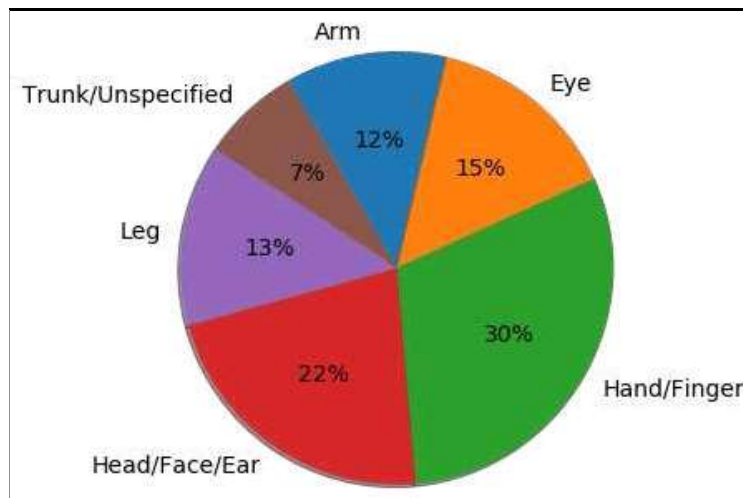
Sources: NEISS, U.S. Consumer Product Safety Commission. Based on the special study between June 21, 2020 and July 21, 2020. Estimates are rounded to the nearest 100 injuries. Estimates of fewer than 50 injuries are denoted with an asterisk (*). Age subcategory estimates may not sum to the category total due to rounding.

As shown previously in Figure 2, males accounted for 71 percent of the estimated fireworks-related injuries, and females comprised 29 percent. Males and females were injured at approximately the same rate by fireworks device. Both males and females were most often associated with injuries from an unknown fireworks device (51 percent for males, 54 percent for females).

Body Region Injured and Injury Diagnosis

Figure 5 presents the distribution of estimated emergency department-treated injuries by the specific parts of the body injured. Hands and fingers were associated with an estimated 3,100 injuries. These were followed by an estimated 2,300 head/face/ear region injuries; 1,500 eye injuries; 1,400 leg injuries; 1,200 arm injuries; and 800 trunk/other injuries.

Figure 5. Body Regions Injured

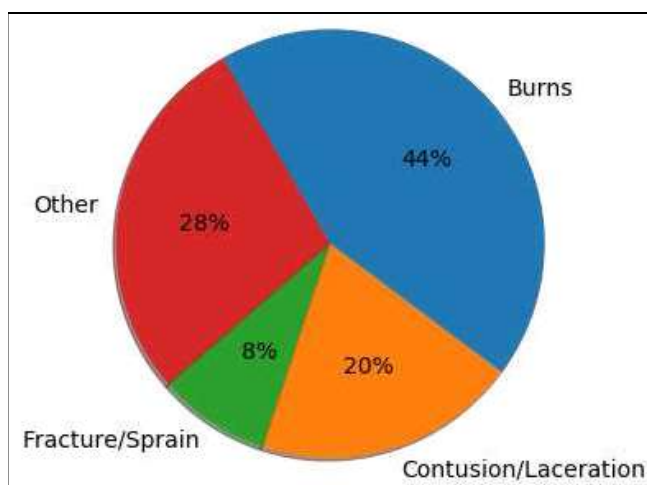


Source: NEISS, U.S. Consumer Product Safety Commission. Based on the special study between June 21, 2020 and July 21, 2020. Arm includes NEISS codes for upper arm, elbow, lower arm, shoulder, and wrist. Head/Face/Ear regions include eyelid, eye area, nose, neck, and mouth but not the eyeball. Leg includes upper leg, knee, lower leg, ankle, foot, and toe. Trunk/other regions includes chest, abdomen, pubic region, “all parts of body,” internal, and “25-50 percent of body.”

Figure 6 shows the diagnoses of the estimated injuries associated with fireworks devices. Burns, with 4,500 estimated injuries were the most frequent injury diagnosis. Contusions and lacerations were associated with 2,000 estimated injuries and fractures and sprains were associated with 900 estimated injuries. The remaining 2,900 estimated injuries were attributed to other diagnoses.¹³

¹³ Estimated injuries may not sum to the total due to rounding. Percentages are calculated from the actual injury estimates.

Figure 6. Types of Injuries



Source: NEISS, U.S. Consumer Product Safety Commission. Based on the special study between June 21, 2020 and July 21, 2020. Fractures and sprains also include dislocations. “Other diagnoses” include all other injury categories. Percentages may not sum to 100 due to rounding

As shown in Table 6, burns accounted for most of the injuries to hands/fingers, over half of the estimated injuries to arms, and half of the estimated injuries to legs. Contusions and lacerations were the most frequent injuries to the head/face/ear regions. Other diagnoses were the most frequent injuries to eyes and the trunk/other regions.

Table 6. Estimated Fireworks-Related, Emergency Department-Treated Injuries by Body Region and Diagnosis
June 21 – July 21, 2020

Body Region	Total	Burns	Diagnosis		
			Contusions/ Lacerations	Fractures/ Sprains	Other Diagnoses
Total	10,300	4,500	2,000	900	2,900
Arm	1,200	800	100	300	100
Eye	1,500	200	500	*	700
Head/Face/Ear	2,300	500	900	200	700
Hand/Finger	3,100	2,000	200	400	600
Leg	1,400	700	300	*	400
Trunk/Other	800	300	100	*	400

Source: NEISS, U.S. Consumer Product Safety Commission. Based on the special study between June 21, 2020 and July 21, 2020. Fractures and sprains also include dislocations. “Other diagnoses” include all other injury categories. Estimates are rounded to the nearest 100 injuries. Estimates of fewer than 50 injuries are denoted with an asterisk (*). Estimated injuries may not sum to subtotals or totals due to rounding.

Types of Fireworks Device and Body Region Injured

Table 7 presents estimated injuries by the type of fireworks device and body region injured.

Table 7. Estimated Fireworks-Related, Emergency Department-Treated Injuries by Type of Fireworks Device and Body Region Injured
June 21 – July 21, 2020

Fireworks Type	Total	Arm	Eye	Region of the Body Injured			
				Head/Face/Ear	Hand/Finger	Leg	Trunk/Other
Total	10,300	1,200	1,500	2,300	3,100	1,400	800
All Firecrackers	1,600	300	200	300	600	200	100
Small	300	100	*	100	200	*	*
Illegal	400	100	*	100	200	*	100
Unspecified	900	100	200	100	300	200	*
All Rockets	600	100	100	200	200	*	*
Other Rockets	400	100	*	100	100	*	*
Bottle Rockets	200	*	100	100	100	*	*
Other Devices	2,400	200	200	700	1,000	100	200
Multiple Tube	*	*	*	*	*	*	*
Reloadable	400	*	100	200	200	*	*
Roman Candles	600	100	*	200	200	*	*
Novelties	500	*	*	200	200	*	100
Sparklers	900	100	100	100	400	100	100
Fountains	100	*	*	100	*	*	*
Homemade/Altered	300	100	*	100	100	*	*
Unknown	5,300	600	1,000	1,100	1,200	1,000	400

Source: NEISS, U.S. Consumer Product Safety Commission. Based on the special study between June 21, 2020 and July 21, 2020. Estimates are rounded to the nearest 100 injuries. Estimates of fewer than 50 injuries are denoted with an asterisk (*). Estimated injuries may not sum to subtotals or totals due to rounding.

The majority of injuries resulted from fireworks devices of an unknown type; this uncertainty results from victims' (or parent/guardians') inability to identify the firework device that injured them, when asked.

Hospital Treatment

An estimated 75 percent of the victims of fireworks-related injuries in the special study period were treated at the emergency department and then released; about 13 percent of the victims were admitted to the hospital. Approximately 8 percent of the victims were treated and then transferred to another hospital. The remaining 4 percent of victims had other dispositions (*i.e.*, left the hospital without being seen or were held for observation).¹⁴ The percentage of victims that were treated-and-released for fireworks-

¹⁴ The percentages are calculated from actual injury estimates and may not sum to 100 due to rounding.

related injuries was lower than for all consumer products in 2020 and the percentages of the treated and transferred or admitted were higher for the fireworks-related injuries in the special study period than those for all consumer products. This trend is the same as seen in prior years.

For all injuries associated with consumer products in 2020, 84 percent of patients were treated and released; 12 percent were admitted to the hospital; 2 percent of patients were transferred to other hospitals; and 2 percent had other dispositions, including left hospital without being seen, held for observation, or dead on arrival.¹⁵

¹⁵ Comparisons are calculated using actual injury estimates and differences may not appear due to rounding.

5. Telephone Investigations of Fireworks-Related Injuries

CPSC staff conducted in-depth telephone investigations of a sample of fireworks incidents that occurred during the 1-month special study period surrounding the 4th of July holiday (June 21, 2020 to July 21, 2020). Completed telephone investigations provided more detail about incidents and injuries than the emergency department information summarized in the narrative in the NEISS record. During the telephone interview, respondents were asked how the injury occurred (hazard pattern); what medical care they received following the emergency-department treatment; and what long-term effects, if any, resulted from their injury. Respondents were also asked detailed questions about the fireworks involved in the incident, including their type, markings, and where they were obtained.

Cases were selected for telephone investigations based on the information provided in the NEISS narrative and coded information in the NEISS records. The selection criteria included: (1) unusual hazard patterns, (2) severity of the injury, and (3) lack of clear information in the narrative about the type of fireworks associated with the injury. For these reasons, and because many victims did not respond, the telephone investigation cases cannot be considered typical of fireworks-related injuries.

From the 287 emergency department-treated, fireworks-related injuries during the special study period, staff selected 209 cases for telephone investigations, of which 7 were completed and determined to be in scope, and 202 were incomplete. Table 8 shows the final status of these investigations, including the reasons why some investigations were incomplete.

Table 8. Final Status of Telephone Investigations

Final Case Status	Number of Cases	Percent
Total Assigned	209	100
Completed Investigation	7	3
In Scope	7	3
Incomplete Investigation	202	97
Failed to Reach Patient	109	52
Victim Name Not Provided by Hospital	59	28
Victim Refused To Cooperate	33	16
Incident Purge ¹⁶	1	0

Short descriptions of the 7 completed in-scope cases are found in Appendix B. The cases are organized in order of emergency department disposition, with Admitted (to the hospital) first, followed by Treated and Released, and Left without Being Seen by a Doctor. Within dispositions, cases are in order of increasing age of the victim.

¹⁶ Purged due to victim fatality. NEISS assignments are typically purged for one of three reasons: the record is a duplicate, the incident was a fatality, or the interview request was a duplicate.

Summary Statistics

Of the 7 completed in-scope cases, 4 involved males, and 3 involved females. There was one victim aged 0 to 4 years old; two victims aged 5 to 14 years old; and four victims aged 15 to 33 years old. One victim was admitted to the hospital, one victim was held for observation and transferred, three victims were treated and released, and two victims left without being seen.

The type of fireworks devices involved in two of the incidents was unspecified. Smoke bombs were associated with one incident, reloadable aerial shells¹⁷ were associated with four incidents.

The distribution of the types of fireworks and the emergency department dispositions differ from the special study data in Section 4. These differences reflect the focus in the telephone investigations on more serious injuries and incomplete NEISS records. Three percent of the victims selected for the telephone interviews completed the survey.

Hazard Patterns

The hazard patterns described below are based on the incident descriptions obtained during the telephone investigations and summarized in Appendix B. When an incident had two or more hazard patterns, staff selected the hazard pattern most likely to have caused the injury. Hazard patterns are presented in Table 9, below, and a detailed description of the incidents follows Table 9. Case numbers refer to the case numbers shown in Appendix B.

Table 9. Hazard Patterns as Described in Telephone Investigations for Fireworks-Related Injuries

Hazard Pattern	Number of Cases	Percent of Total
Total Cases	7	100%
Malfunction	3	43%
Errant flight path	2	29%
Early detonation	1	14%
Misuse	3	43%
Improper distance	2	29%
Improper Preparation	1	14%
Unknown	1	14%

¹⁷ The category “aerial shells” includes multiple tube, reloadable mortars and rockets, but excludes bottle rockets.

Malfunction (3 Victims, 43 percent of total)

Errant Flight Path

- Case 1: A 19-year-old female victim was in a yard when she was struck by a mortar-style firework device. The firework was lit without the victim's knowledge and flew directly toward the victim. The victim then turned and was struck by the device, leaving a second degree burn approximately four inches in diameter on the victim's left buttock.
- Case 3: A 5-year-old male victim injured his eye as a result of a rocket-style fireworks device incident. The victim's mother lit the firework and stepped back for the ignited device to wait for detonation. However, instead of shooting vertically as intended, the device shot horizontally and hit the victim in his face. As a result of the incident, the victim was admitted to the hospital and lost his right eye.

Early Detonation

- Case 6: A 33-year-old female victim was struck in the face by a fireworks device while trying to light. After the incident, the victim's fiancé drove her to the hospital where they flushed her eyes as she was unable to see. Her face and hair were also burned. The victim is now speaking with a therapist about the emotional impacts of the incident.

Misuse (3 Victims, 43 percent of total)

Improper Distance

- Case 7: A 3-year-old male victim and his father lit a smoke bomb in the street of their neighborhood. After lighting the firework device, they ran away from the device. During the run, either smoke or a foreign object from the device entered the victim's eye and caused a burning sensation; the victim was unable to open his eyes immediately after the incident. The victim's eyes were cleaned at the emergency department and recovered within a day.
- Case 3: A 7-year-old female victim lit the end of an aerial shell style firework device with a sparkler. The aerial shell was brought to her by a neighbor child; the victim had been instructed to use only sparklers. After the aerial shell was lit by the sparkler, the neighbor dropped the shell which caught the attention of the victim's guardians. Upon noticing the lit firework, the victim was instructed by her guardian to run away, but did not run far before the firework device detonated. The firework burned her left upper calf.

Improper Preparation

- Case 2: A 24-year-old male victim and his friends were shooting mortar-style fireworks out of a tube. The victim's friend used a small tube to pack a large firework, and upon ignition, detonated on the victim and his friends. The victim received second degree burns on his left hand from the incident.

Unknown (1 Victim, 14 percent of total)

Unknown

- Case 5: A 21-year-old male victim and his family were walking up the street to start to light fireworks when the victim was hit on the head with a firework device or firework device particles. At the time of the incident, the victim was saying hello to his neighbors who were setting off their own fireworks. The firework caused a three-inch gash on the victim's head that required a staple and two stitches at the emergency department.

Long Term Consequences of Fireworks-Related Injuries

Respondents were asked if there were any long-term consequences of their injuries. Six of the seven victims (86 percent of the total) experienced or expected complete recovery, with no long-term consequences. However, one victim described their expected long-term adverse consequences:

- Case 1: A rocket-style firework flew horizontally and hit the victim in the face. The victim lost his right eye as a result of the incident.

Where Fireworks Were Obtained

Of the 7 telephone survey respondents, 6 knew where the fireworks were obtained. All six respondents who knew the location that the fireworks were obtained stated that the fireworks were purchased from a store.

One of the 7 respondents did not know the source of the fireworks. This is typically the case when the respondent did not purchase the firework that caused injury.

6. Enforcement Activities

Fiscal year 2020 presented unique challenges to CPSC's Office of Compliance and Field Operations (EXC) in its ability to conduct surveillance on imported fireworks and enforce the provisions of the Federal Hazardous Substances Act (FHSA)¹⁸ and regulations under the FHSA. The SARS-CoV-2 (COVID-19) pandemic limited CPSC staff collecting samples as well as testing samples that were collected.

CPSC staff was able to sample and test shipments of some fireworks both before and after the COVID-19 restrictions. Approximately 20 percent of the selected and tested shipments were found to contain non-compliant fireworks. The noncompliant fireworks devices had a combined estimated import value of \$208,000. The violations consisted of fuse violations and presence of prohibited chemicals. EXC staff requested corrective actions on these non-compliant fireworks and, in all cases, firms agreed to the corrective actions.

¹⁸ 15 U.S.C. §§ 1261-1278

7. Summary

In calendar year 2020, there were 18 reported non-occupational fireworks-related deaths. However, reporting for 2020 may not be complete at this time. There were an estimated 15,600 fireworks-related emergency department-treated injuries for calendar year 2020.

During the 1-month special study period from June 21, 2020 to July 21, 2020, there were an estimated 10,300 emergency department-treated fireworks-related injuries. Adults aged 25 to 44 years of age experienced about 35 percent of the estimated injuries, and males of all ages experienced 71 percent of the estimated injuries.

Additionally, 44 percent of the estimated injuries during the special study period involved burns. Burns were the most common injury to hands, fingers, arms, and legs. The parts of the body most often injured were hands and fingers (an estimated 30 percent of the injuries); followed by head, face and ears (22 percent); eyes (15 percent); legs (13 percent); arms (12 percent); and trunk/unspecified (7 percent). Most of the estimated injuries (75 percent) were treated-and-released. An estimated 21 percent were treated and transferred to another hospital or admitted to the hospital where the emergency department was located.

Among the different types of fireworks, sparklers were involved in 9 percent of the estimated injuries during the special study period. Firecrackers, as a whole, were involved in 16 percent; roman candles, as well as rocket-type devices were associated with 6 percent each. Novelties and reloadable tube devices were associated with 4 percent of injuries each. Homemade or altered fireworks were associated with 3 percent of injuries, and multiple tube devices were associated with less than 50 total incidents which at a maximum equates to one-half of 1 percent of injuries. The majority of fireworks-related injuries, 52 percent, were associated with unknown firework device types.

A review of data from telephone follow-up investigations showed that the typical causes of injuries were due to both the misuse and malfunction of fireworks. At the time of the telephone investigation, which was conducted typically 1 to 2 months after the injury, most victims had recovered from their injuries. One of the 7 respondents interviewed reported that the injury will be long term.

Finally, in fiscal year 2020, CPSC staff continued to actively monitor import shipments of fireworks and products in the marketplace. CPSC staff worked with the U.S. Customs and Border Protection agency to sample imported fireworks. Compliance staff conducted inspections at fireworks retailers to collect samples for analysis and testing for compliance with mandatory requirements.

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Appendix A

Fireworks-Related Injuries and Imported Fireworks

Table 10 reports the total estimated number of injuries per 100,000 pounds of imported fireworks. Table 10 shows an average of 238.9 million pounds of fireworks were imported each year between 2005 and 2020, with a standard deviation of 32.2 million pounds. Between 2005 and 2010, the number of imports declined from a peak of 275.1 million pounds in 2005 to a low of 199.6 million pounds in 2010. From 2011 to 2014, the number of imports were relatively steady with modest changes for some years. In 2015, fireworks imports reached their highest level since 2005, with an estimated 279.5 million pounds. Since 2015, the imports have remained relatively high compared to the 2008 to 2014 time period, with a high of 278.1 million pounds in 2018.

As for the number of estimated emergency department-treated fireworks-related injuries, 2018, with 9,100 injuries, had the lowest since 2013. The highest three annual estimated fireworks-related injuries were 15,600 in 2020, 12,900 in 2017, and 11,900 in 2015.

As shown in Table 10 below, the estimated number of injuries per 100,000 pounds of fireworks imported was 6.1 in 2020, which, with the exception of 2013, was the highest since 2005. The highest three estimated number of injuries per 100,000 pounds of fireworks were 6.3 injuries in 2013, 6.1 in 2020, and 5.2 injuries in 2017. For the other years, that number ranged between 3.4 injuries and 4.8 injuries per 100,000 pounds of fireworks imported.

Table 10. Estimated Fireworks-Related Injuries and Estimated Fireworks Imported into the United States
2005 - 2020

Year	Estimated Injuries	Estimated Fireworks Imports (millions of pounds) [¥]	Injuries Per 100,000 Pounds of Fireworks Imported
2020	15,600	255.0	6.1
2019	10,000	255.8	3.9
2018	9,100	278.1	3.3
2017	12,900	247.0	5.2
2016	11,100	262.3	4.2
2015	11,900	279.5	4.3
2014	10,500	219.6	4.8
2013	11,400	180.2	6.3
2012	8,700	201.0	4.3
2011	9,600	228.1	4.2
2010	8,600	199.6	4.3
2009	8,800	200.2	4.4
2008	7,000	208.3	3.4
2007	9,800	260.1	3.8
2006	9,200	272.1	3.4
2005	10,800	275.1	3.9

Source: Injuries from NEISS, U.S. Consumer Product Safety Commission. See Table 1 for further details. Estimated fireworks imports data from the U.S. International Trade Commission (ITC), using Harmonized Tariff Schedule (HTS code 3604.10). Imports include consumer fireworks (1.4G HTS codes 3604.10.90.10 and 3604.10.90.50) and display fireworks (1.3G HTS code 3604.10.10.00). Display fireworks were about 4.7 percent of the total imports in 2020. In addition to imported fireworks used in the United States, there is also a small amount of fireworks manufactured in the United States for domestic consumption; the data for these fireworks is not available from ITC and is not shown in this table.

[¥]Fireworks imports data were downloaded from the ITC website in April 2021. Fireworks imports data subject to change by ITC. These changes have typically been minor.

Table 10 should be interpreted with caution. First, while there may be a relationship between the number of fireworks devices and estimated injuries resulting from fireworks, the number of imported fireworks is not available. Table 10 uses the total import weight as an approximation for the number of fireworks devices.

Second, the total import weight over-represents heavy devices and under-represents light devices. A heavy device may not be more dangerous than a light device because a firework's weight includes things other than just the amount of explosive material.

In addition, international trade statistics do not provide weight by fireworks device types. It is not possible to associate injuries with the weight of different types of imported fireworks. As shown in Table 2 earlier in this report, different fireworks devices are associated with different numbers of injuries. Thus, the decrease in injuries per 100,000 pounds between 2005 and 2008 may be due to different mixtures of types of fireworks imported over time or an overall decrease in injuries among all types of fireworks. Similarly, the increase in injuries per 100,000 pounds in 2013 may have resulted from different fireworks

mixtures, a decrease in importation of fireworks, or just statistical variation. The data do not provide enough information to determine the relative contribution of these factors.

Appendix B

Telephone Investigations

Case	Age	Sex	Diagnosis	Body Part	Disposition	Fireworks Type	Narrative	Medical Treatment and Prognosis	Long Term Consequences	Hazard	Source
1	3	M	Other	Eye	Left	Novelty	On an evening in July, 2020, the victim and his father lit a smoke bomb in the street of their neighborhood. After lighting the firework device, they ran away from the device. During the run, smoke from the device entered the victim's eye and caused a burning sensation; the victim was unable to open his eyes immediately after the incident.	The victim's eyes were cleaned at the emergency department; the victim recovered within a day.	No long term consequences	Misuse, improper distance	A store
2	33	F	Burn	Head/Face/ Ear	Left	Unknown	In July, 2020, a 33 year old female victim was struck in the face by a fireworks device that she was trying to light. After the incident, the victim's fiance drove her to the hospital where they flushed her eyes. Her face and hair were also burned.	The victim was treated at the emergency department where her eyes were flushed. She is speaking with a therapist about the emotional impacts of the incident.	No long term consequences.	Malfunction, early detonation	A store
3	7	F	Burn	Leg	Treat and Release	Reloadable	In July, 2020, the victim lit the end of an aerial shell style firework device with a sparkler. The aerial shell was brought to her by a neighbor child; the victim had been instructed to only use sparklers. After the aerial shell was lit by the sparkler, the neighbor dropped the shell which caught the attention of the victim's guardians. Upon noticing the lit firework, the victim was instructed by her guardian to run away, but did not run far before the firework device detonated. The firework burned her left upper calf.	The victim went to the emergency department, where she was treated for burns. The victim required follow-up visits to change the bandage and ointment to reduce scarring.	No long term consequences	Misuse, improper distance	A store

Case	Age	Sex	Diagnosis	Body Part	Disposition	Fireworks Type	Narrative	Medical Treatment and Prognosis	Long Term Consequences	Hazard	Source
4	19	F	Burn	Arm	Treat and Release	Reloadable	In July, 2020, the victim was in a yard when she was hit by a mortar-style firework device on her left buttock. The firework was lit without the victim's knowledge and flew toward the victim. The victim turned and was struck by the device, leaving a second-degree burn approximately four inches in diameter on the victim.	The victim fully recovered three weeks after the incident.	Victim has slight loss of feeling and scarring on her body.	Malfunction, errant flight path	A store
5	21	M	Contusion /Laceration	Head/Face/ Ear	Treat and Release	Unknown	In July, 2020, the victim and his family were walking up the street to start to light fireworks when the victim was hit on the head with a firework device or firework device particles. At the time of the incident, the victim was saying hello to his neighbors who were setting off their own fireworks. The firework caused a three-inch gash on the victim's head that required a staple and two stitches at the emergency department.	The victim was treated at the emergency department and required follow-up visits that required treatment of the site to remove burned skin. Recovery took approximately 10 days.	No long term consequences.	Unknown, unknown	Unknown
6	24	M	Burn	Arm	Held for Observation	Reloadable	In July, 2020, the victim and his friends were shooting mortar-style fireworks out of a tube. The victim's friend used a small tube to pack a large firework, and upon ignition, detonated on the victim and his friends. The victim received second degree burns on his left hand from the incident.	The victim recovered within a month and did not need any follow up medical visits.	Potential loss of feeling in the victim's arm.	Misuse, improper preparation	A store
7	5	M	Other	Eye	Treat and Transfer	Other Rocket	In July, 2020, a 5 year old male victim was injured in his eye as a result of a malfunctioning rocket-style fireworks device. The victim's mother lit the firework and stepped back from the ignited device to wait for detonation. However, instead of shooting up as intended, the device shot horizontally and hit the victim in his face. As a result of the incident, the victim was admitted to the hospital and lost his right eye.	The victim received multiple surgeries to address the injuries from the incident.	The victim lost his eye.	Malfunction, errant flight path	A store

Revised Position Statement - 2022

Consumer Fireworks

Submitted by the Fire & Life Safety Section Board of Directors

The International Association of Fire Chiefs (IAFC) adopts the position that the importation, sale, and use of all consumer fireworks including sparklers at the local, state, and federal level should be banned with the exception of professional public displays by licensed pyrotechnic operators. The IAFC supports and encourages collaborative efforts aimed at promoting public awareness education to eliminate the preventable social and economic impact of fireworks-related trauma and fire.

The devastating impact of consumer fireworks in our community: burn/trauma injuries are a frequent repercussion, with children and teens being injured at the highest rate.

A 2020 report¹ revealed an estimated 19,500 reported fires were started by the use of fireworks. Over the last decade, the injury and death rates from fireworks have continued to significantly increase. In 2020, there were at least 18 deaths from fireworks and 15,600 people treated for fireworks-related injuries in U.S. emergency rooms. Burns accounted for 44% of these injuries. The 2020 Consumer Product Safety Commission report states that consistently over the past 15 years that 66 – 75% of fireworks injuries occur from June 21 – to July 21: “Each year approximately 70% of the fireworks injuries in the U.S. occur during the month around July 4th.”

According to data in the June 2020 National Fire Protection Association Fireworks and Injuries report², fireworks-related fires resulted in \$105 million in direct property damage with brush, grass, and forest fires accounting for three of every five (59%) of all reported fires started by fireworks during the reported period.

Most of these injuries involved fireworks that federal regulations permit consumers to use.

Despite public perception, data proves there are no “safe and sane” fireworks. Sparklers, firecrackers, roman candles, and novelties accounted for nearly 40% of the fireworks injuries treated in emergency room hospitals in 2020.

Based on the above evidence, the IAFC supports:

- Changes to the Federal Hazardous Substance Act (FHSA) (Codified at 15 U.S.C. §§1261) prohibit the importation, distribution, and sale of all fireworks to consumers.
- Changes to the U.S. Consumer Product Safety Commission rules would restrict the importation, distribution, and sale of all fireworks to consumers.
- Local, State, and Federal legislators are encouraged to adopt and preserve laws that restrict the availability of and sale of fireworks to consumers.

- In locations where fireworks are still being legally sold to consumers, the retail sale of these fireworks should occur in buildings that are fully equipped with an approved automatic fire sprinkler system that has been shown by large scale testing to mitigate a fireworks storage hazard.
- Encourage research in appropriate fire protection for fireworks storage hazards.
- The IAFC technical committee representatives with the ICC and NFPA (International Code Council and National Fire Protection Association) code development process shall advocate for the development of codes which may be adopted by communities for the permanent and temporary storage of fireworks based on sound research and data.
- Continue to encourage the public to attend sanctioned public fireworks displays rather than using consumer grade fireworks.
- Encourages leaders to utilize their networks or partnerships to leverage a collaborative approach on this important community safety issue. This isn't exclusively a fire service issue, and it definitely "takes a village" to address it! Fire service agencies should share this with other agencies and professionals they work with.
- Promote and assist with increasing public awareness on this issue and aid in providing essential prevention education, the following links offer free ready-to-use material: <https://www.nfpa.org/Public-Education/fire-causes-and-risks/Seasonal-fire-causes/Fireworks> and https://ameriburn.org/wp-content/uploads/2017/05/fireworks_2-27-15.pdf.

The IAFC encourages fire service leaders to be assertive in their opposition to legislative attempts to legalize the use of consumer fireworks by the public. The fire service should be actively engaged in the effort to educate federal, state and local legislators and federal regulators, thus ensuring that these legislators and regulators fully comprehend the implications of the actions they take and how they impact the safety of the public and the emergency responders in their own communities.

Submitted by the IAFC Fire & Life Safety Section

Approved by IAFC Board of Directors: 05 JUL 2022

¹Marty Ahrens, June 2020 *Fireworks Fires and Injuries*, National Fire Protection Association,

<https://www.nfpa.org/News-and-Research/Data-research-and-tools/US-Fire-Problem/Fireworks-fires-and-injures>.

²Allison Marier, Blake Smith, Stephen Lee, June 2021, *2020 Fireworks Annual Report*, United States of America Consumer Product Safety Commission, https://www.cpsc.gov/s3fs-public/2020-Fireworks-Annual-Report.pdf?ZSdvk_ep9au0QsqAgL8S8_tA2LnAT7X.



RESEARCH

Fireworks Fires and Injuries

Marty Ahrens
June 2020

Each year, fireworks injure thousands and cause thousands of fires.

Fires involving fireworks

An estimated 19,500 fires started by fireworks were reported to local fire departments in the US during 2018. These fires caused five civilian deaths, 46 civilian injuries, and \$105 million in direct property damage.

Brush, grass, or forest fires accounted for three of every five (59 percent) reported fires started by fireworks in 2014–2018. In all, nine of every 10 (87 percent) of the fireworks fires in 2014–2018 were outdoor fires. While only 9 percent of the fireworks fires in this period were structure fires, these incidents accounted for almost all of the fire deaths, three-quarters (74 percent) of the fire injuries, and 45 percent of the fire property damage.

More than one-quarter (28 percent) of fires started by fireworks in 2014–2018 were reported on the Fourth of July.

Looking at just the Fourth of July, half (49 percent) of the reported fires on that day were started by fireworks.

These estimates were derived from the U.S. Fire Administration's [National Fire Incident Reporting System \(NFIRS\)](#) and NFPA's annual fire department experience survey. Estimates include proportional shares of fires in which the heat source was unknown or not reported.

Fireworks-related injuries seen at emergency rooms

The Consumer Product Safety Commission (CPSC) estimates that 9,100 consumer fireworks-related injuries were seen in US hospital emergency departments in 2018.¹ The number of people seen in hospital emergency rooms for fireworks-related injuries was lower in 2018 than it had been since 2012.

The CPSC also had reports of five fireworks-related deaths from direct impact of fireworks. Reloadable aerial devices were involved in all five deaths. The CPSC notes that additional deaths may have occurred and not been reported. The five deaths should be considered a minimum.

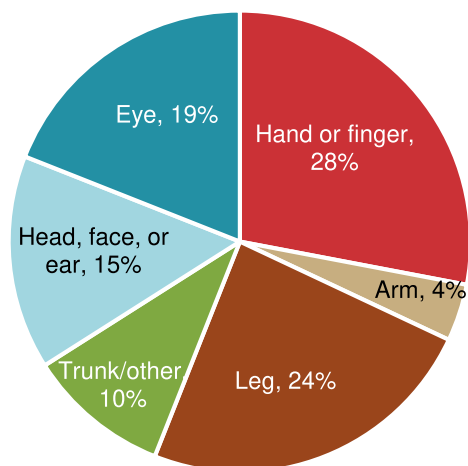
As in previous years, the CPSC sought additional information on fireworks-related injuries seen in the month around July 4. The detailed statistics below are based only on injuries seen from June 22 to July 22, 2018.

Burns accounted for 44 percent of the fireworks-related injuries seen in the month around July 4.

Males accounted for almost two-thirds (64 percent) of fireworks-related injuries.

Half of the fireworks-related injuries seen at emergency rooms around the month of July 4, 2018 were to extremities, particularly the finger, hand, or leg. (See Figure 1.) One-third of the fireworks-related injuries were to the eye or other parts of the head.

Figure 1.
2018 Fireworks-Related Injuries*
by Part of Body Injured

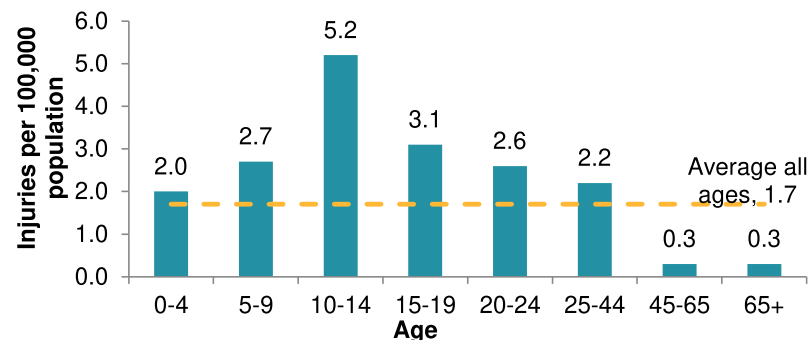


*Based on injuries during the month around July 4.
Source: CPSC's 2018 Fireworks Annual Report by Tu and Ng.

More than one-third (36 percent) of the victims of fireworks-related injuries in this period were under the age of 15. Only 8 percent of the injured were 45 years of age or older. Figure 2 shows that children aged 10–14 had the highest rate of fireworks-related injury.

It is important to remember that the individual injured was not always the individual using the fireworks. The examples of injuries to actively involved individuals and to those nearby come from CPSC's National Electronic Injury Surveillance Systems² 2018 data.

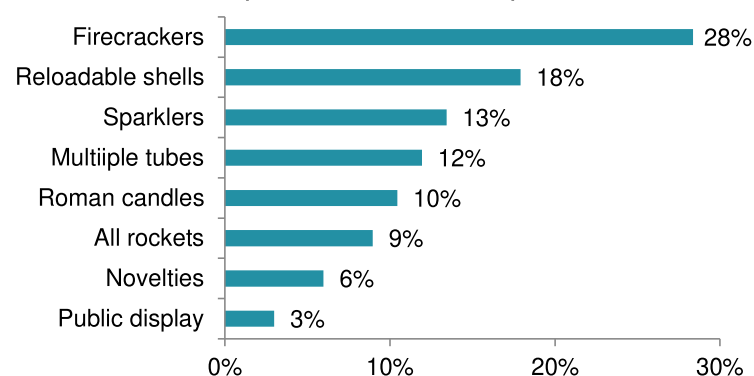
Figure 2.
Fireworks-Related Injury Rates* per 100,000
Population by Age of Victim 2018



*Based on injuries during the month around July 4.
Source: CPSC's 2018 Fireworks Annual Report by Tu and Ng.

Figure 3 shows that many fireworks-related injuries were caused by fireworks that are legal in most states.

Figure 3.
2018 Fireworks-Related Injuries*
by Type of Fireworks
(Unknowns Allocated)



*Based on injuries during the month around July 4.
Source: CPSC's 2018 Fireworks Annual Report by Tu and Ng.

- An 18-month-old girl burned her foot when she stepped on a burning sparkler.
- A 2-year-old girl burned her eyelid when she touched a sparkler that had burned out but was still hot.
- An 8-year old boy suffered a corneal abrasion when sparks from a sparkler flew into his left eye.
- An 11-year-old suffered a corneal abrasion when the firecracker he was trying to re-light went off.
- Someone aimed a Roman candle at a group of people and the device burned a 13-year-old boy on the neck and back.
- An 18-year-old male suffered lacerations to his fingers, and chest and arm abrasions when the M-80 he lit went off immediately.
- A 27-year-old man's finger was amputated when the firework shell he lit exploded in his hand.

Laws vary considerably. As of June 2019, only Massachusetts bans all consumer fireworks. Illinois, Ohio, and Vermont allow only wire or wood sparklers and other novelty items. Some or all types of consumer fireworks permitted by federal regulations are allowed in the 46 remaining states and the District of Columbia.³ Some states prohibit firecrackers, aerial devices, and explosive fireworks or fireworks that have more than a specified amount of pyrotechnic composition.

In their analysis of the effect of fireworks laws on pediatric fireworks-related burn injuries, Myers and Lehna note that the CPSC bans the sale of Class B fireworks such as cherry bombs, M-80s, and large firecrackers.⁴ The CPSC permits Class C fireworks such as Roman

candles, fountains, certain types of rockets, smoke devices, sparklers, and similar devices. States can decide which, if any, Class C devices may be sold in their jurisdiction. In 1984, consumer use of all Class C fireworks was banned in 14 states. This dropped to 10 states in 2001 and fell to six states by 2016. Using data from the Healthcare Cost and Utilization Project, Myers and Lehna reported that the rate of pediatric fireworks-related injuries increased from 4.28 to 5.12 per 100,000 between 2006 and 2012. The percentage of fireworks-related injuries seen at emergency departments that required inpatient admission almost doubled from 29 percent to 50 percent while the average inpatient length of stay more than doubled from 3.1 to 7.4 days. This suggests that a wider availability of these fireworks is leading to more severe injuries.

Given the high risk of injury associated with consumer fireworks, it is safer to avoid them, and watch professional shows where available.

For more information

The fire estimates in this analysis were derived from the U.S. Fire Administration's National Fire Incident Reporting System (NFIRS) and NFPA's annual Fire Experience Survey. See "[How the NFPA National Estimates Are Calculated for Home Structure Fires](#)" for more information.

For more details about fireworks fires, see the [companion supporting tables](#)

To learn more about research at NFPA, visit [nfpa.org/research](https://www.nfpa.org/research).

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NFPA No. PSS18

¹Yongling Tu and Jason Ng. *2018 Fireworks Annual Report: Fireworks-Related Deaths, Emergency Department-Treated Injuries, and Enforcement Activities During 2018*. Consumer Product Safety Commission, 2019. Accessed May 18, 2020, https://www.cpsc.gov/s3fs-public/Fireworks_Report_2018.pdf?5kZ4zdr9jPFyhPmeg3MoL35mGX8fB0s7

² Consumer Product Safety Commission, "NEISS Estimates Query Builder," accessed May 18, 2020, <https://www.cpsc.gov/cgibin/NEISSQuery/home.aspx>

³ American Pyrotechnics Association, "State Fireworks Control Laws," Accessed May 19, 2020, <https://www.americanpyro.com/state-law-directory>

⁴ John Myers and Carlee Lehna, "Effect of Fireworks Laws on Pediatric Fireworks -Related Burn Injuries." *Journal of Burn Care & Research*, Volume 38, Issue 1, (January-February 2017): pages e79–e82, <https://doi.org/10.1097/BCR.0000000000000435>.



RESEARCH

Fireworks Fires

Supporting Tables

Marty Ahrens
June 2020

Fireworks Fires: Supporting Tables

The tables in this document are a companion to the [report of the same name](#).

The first table shows estimates of annual averages from 2014–2018. Only fires that occurred in or on the structure are included. Estimates were derived from the [U.S. Fire Administration’s National Fire Incident Reporting System \(NFIRS\)](#) and the NFPA’s annual fire department experience survey and include proportional shares of unknown or missing data. Fires are rounded to the nearest hundred, deaths and injuries are rounded to the nearest one, and property loss is rounded to the nearest million dollars. Percentages were calculated on unrounded estimates. Inflation adjustments were made only for the trend table.

Estimates include proportional shares of fires in which the heat source was unknown. Please refer to [How NFPA’s National Estimates Are Calculated for Home Structure Fires](#) for more details.

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**Table 1. Estimated Fires Started by Fireworks by Incident Type
Annual Average of 2014–2018 Fires Reported to US Fire Departments**

Incident Type	Fires	
Outside or Unclassified Fire	16,200	(89%)
VEGETATION FIRE	10,900	(60%)
Brush, grass or forest fire	10,800	(59%)
Grass fire	5,500	(30%)
Brush or brush and grass mixture fire	3,700	(20%)
Forest, woods or wildland fire	600	(3%)
Unclassified natural vegetation fire	1,100	(6%)
<i>Cultivated vegetation or crop fire</i>	200	(1%)
OUTSIDE RUBBISH FIRE	4,500	(25%)
Dumpster or other outside trash receptacle fire	2,400	(13%)
Outside rubbish, trash, or waste fire	1,400	(8%)
Other or unclassified outside rubbish fire	700	(4%)
OUTSIDE FIRE INVOLVING PROPERTY OF VALUE	400	(2%)
Outside mailbox	100	(0%)
Other or unclassified outside fire involving property of value	400	(2%)
UNCLASSIFIED FIRE	300	(2%)
Structure Fire	1,600	(9%)
Home fire	900	(5%)
Non-home residential fire	100	(0%)
Non-residential fire	700	(4%)
Vehicle Fire	400	(2%)
Total	18,200	(100%)

Note: These are national estimates of fires reported to US municipal fire departments and so exclude fires reported only to federal or state agencies or industrial fire brigades. National estimates are projections. Fires are rounded to the nearest hundred. Figures reflect a proportional share of fires with heat source unknown. Totals may not equal sums because of rounding error.

Sources: NFIRS and the NFPA survey.

Table 2. Fires and Losses Associated with Fireworks, 1980–2018, Fires Reported to US Fire Departments

A. Fires

Year	Home Structures		Other Residential Structures		Nonresidential Structures		Total Structures		Vehicles	Outdoor and Other	Total
1980	2,900		100		1,100		4,000		500	21,800	26,400
1981	2,800		100		1,300		4,200		500	27,100	31,800
1982	1,700		100		1,000		2,700		500	24,600	27,800
1983	1,400		100		800		2,300		500	25,300	28,000
1984	2,400		100		1,200		3,700		1,000	34,700	39,400
1985	2,600		100		1,500		4,100		900	46,600	51,600
1986	2,300		100		1,200		3,600		1,000	30,500	35,100
1987	1,900		100		1,100		3,100		800	33,200	37,100
1988	2,300		100		1,400		3,700		900	47,400	52,100
1989	1,700		100		900		2,700		800	29,900	33,400
1990	1,600		100		800		2,500		800	30,000	33,300
1991	1,600		100		900		2,600		900	24,900	28,400
1992	1,400		0		900		2,300		700	22,500	25,500
1993	1,300		0		800		2,100		800	27,300	30,200
1994	1,300		0		900		2,200		700	35,100	38,000
1995	1,100		0		700		1,900		700	24,900	27,500
1996	1,100		0		600		1,700		600	22,500	24,800
1997	1,000		0		700		1,700		500	17,900	20,100
1998	800		0		500		1,400		500	19,800	21,700
1999	1,700	(1,600)	0	(0)	1,200	(600)	2,800	(2,200)	900	29,000	32,700
2000	1,500	(1,400)	100	(100)	1,200	(700)	2,800	(2,200)	900	35,000	38,700
2001	1,200	(1,100)	100	(100)	1,000	(700)	2,200	(1,900)	900	32,600	35,600

Table 2. Fires and Losses Associated with Fireworks, 1980–2018, Fires Reported to US Fire Departments (Continued)

A. Fires (Continued)

Year	Home Structures		Other Residential Structures		Nonresidential Structures		Total Structures		Vehicles	Outdoor and Other	Total
2002	1,100	(1,000)	100	(100)	700	(600)	1,900	(1,600)	900	29,900	32,700
2003	1,000	(900)	100	(100)	700	(600)	1,800	(1,600)	800	31,300	33,900
2004	900	(800)	100	(100)	600	(400)	1,500	(1,300)	600	25,800	27,900
2005	1,000	(900)	100	(0)	700	(500)	1,800	(1,400)	700	31,000	33,500
2006	900	(800)	100	(0)	700	(500)	1,700	(1,300)	600	30,300	32,600
2007	1,000	(800)	100	(100)	700	(400)	1,700	(1,300)	600	22,700	25,100
2008	900	(700)	0	(0)	500	(400)	1,400	(1,100)	500	20,600	22,500
2009	700	(600)	0	(0)	600	(300)	1,300	(900)	400	16,300	18,000
2010	600	(600)	0	(0)	400	(300)	1,100	(900)	300	14,100	15,500
2011	700	(600)	0	(0)	400	(200)	1,200	(900)	400	16,300	17,800
2012	800	(700)	100	(0)	600	(400)	1,400	(1,100)	300	23,300	25,000
2013	700	(600)	0	(0)	600	(300)	1,400	(900)	200	14,000	15,600
2014	800	(600)	0	(0)	400	(200)	1,300	(900)	200	12,500	14,000
2015	700	(600)	0	(0)	700	(300)	1,400	(900)	300	13,700	15,300
2016	800	(700)	100	(0)	600	(300)	1,600	(1,000)	300	16,900	18,800
2017	900	(700)	100	(0)	700	(300)	1,700	(1,100)	400	16,100	18,200
2018	1,000	(800)	100	(0)	800	(300)	1,900	(1,100)	500	17,100	19,500

Note: Numbers in parentheses exclude fires reported as confined to a cooking vessel, chimney, flue, fuel burner, boiler, compactor, incinerator, or trash. Detailed reporting is not required and is much less often provided for fires coded as confined fires. These are national estimates of fires reported to US municipal fire departments and so exclude fires reported only to federal or state agencies or industrial fire brigades. National estimates are projections. Casualty and loss projections can be heavily influenced by the inclusion or exclusion of one unusually serious fire. Fires are rounded to the nearest hundred. Figures reflect a proportional share of fires with heat source unknown. Because of low participation in NFIRS Version 5.0 during 1999-2001, estimates for those years are highly uncertain and must be used with caution. Totals may not equal sums because of rounding error.

Sources: Data from NFIRS Version 4.1 (1980-1998) and Version 5.0 (1999-2018) and the NFPA survey.

Table 2. Fires and Losses Associated with Fireworks, 1980–2018, Fires Reported to US Fire Departments (Continued)

B. Civilian Deaths

Year	Home Structures		Other Residential Structures		Nonresidential Structures		Total Structures		Vehicles	Outdoor and Other	Total
1980	0		0		0		0		0	0	0
1981	0		0		0		0		0	0	0
1982	0		0		0		0		0	0	0
1983	0		0		0		0		0	0	0
1984	3		0		0		3		0	0	3
1985	8		0		0		8		3	4	15
1986	4		0		0		4		0	0	4
1987	4		0		3		7		0	0	7
1988	20		0		0		20		0	0	20
1989	4		0		0		4		0	0	4
1990	3		0		0		3		0	0	3
1991	0		0		0		0		2	0	2
1992	0		0		0		0		0	1	1
1993	0		0		0		0		0	3	3
1994	12		0		0		12		0	0	12
1995	0		0		0		0		0	2	2
1996	9		0		18*		27		0	0	27
1997	0		0		0		0		0	3	3
1998	0		0		0		0		0	0	0
1999	43	(43)	0	(0)	0	(0)	43	(43)	0	0	43
2000	29	(29)	0	(0)	0	(0)	29	(29)	0	0	29
2001	0	(0)	0	(0)	0	(0)	0	(0)	0	0	0

Table 2. Fires and Losses Associated with Fireworks, 1980–2018, Fires Reported to US Fire Departments (Continued)

B. Civilian Deaths (Continued)

Year	Home Structures		Other Residential Structures		Nonresidential Structures		Total Structures		Vehicles	Outdoor and Other	Total
2002	0	(0)	0	(0)	0	(0)	0	(0)	0	0	0
2003	7	(7)	0	(0)	0**	(0)	7**	(7)	0	0	7
2004	0	(0)	0	(0)	0	(0)	0	(0)	0	0	0
2005	0	(0)	0	(0)	0	(0)	0	(0)	0	0	0
2006	4	(4)	0	(0)	0	(0)	4	(4)	0	2	6
2007	9	(9)	0	(0)	0	(0)	9	(9)	0	0	9
2008	0	(0)	0	(0)	0	(0)	0	(0)	0	1	1
2009	0	(0)	0	(0)	0	(0)	0	(0)	0	0	0
2010	8	(8)	0	(0)	0	(0)	8	(8)	0	0	8
2011	0	(0)	0	(0)	0	(0)	0	(0)	0	0	0
2012	0	(0)	0	(0)	0	(0)	8	(8)	0	0	8
2013	0	(0)	0	(0)	0	(0)	0	(0)	0	0	0
2014	16	(16)	0	(0)	0	(0)	16	(16)	0	0	16
2015	0	(0)	0	(0)	0	(0)	0	(0)	0	2	2
2016	0	(0)	0	(0)	0	(0)	0	(0)	0	0	0
2017	5	(5)	0	(0)	0	(0)	5	(5)	0	0	5
2018	5	(5)	0	(0)	0	(0)	5	(5)	0	0	5

*The 1996 total is inflated by statistical projection of one Ohio fire with nine deaths.

**This does not include 100 deaths in the Station nightclub fire that occurred in Rhode Island in 2003.

Note: Numbers in parentheses exclude fires reported as confined to a cooking vessel, chimney, flue, fuel burner, boiler, compactor, incinerator, or trash. Detailed reporting is not required and is much less often provided for fires coded as confined fires. These are national estimates of fires reported to US municipal fire departments and so exclude fires reported only to federal or state agencies or industrial fire brigades. National estimates are projections. Casualty and loss projections can be heavily influenced by the inclusion or exclusion of one unusually serious fire.

Civilian deaths are expressed to the nearest one. Figures reflect a proportional share of fires with heat source unknown. Because of low participation in NFIRS Version 5.0 during from 1999-2001, estimates for those years are highly uncertain and must be used with caution.

Totals may not equal sums because of rounding error.

Sources: Data from NFIRS Version 4.1 (1980-1998) and Version 5.0 (1999-2018) and the NFPA survey.

Table 2. Fires and Losses Associated with Fireworks, 1980–2018, Fires Reported to US Fire Departments (Continued)

C. Civilian Injuries

Year	Home Structures		Other Residential Structures		Nonresidential Structures		Total Structures		Vehicles	Outside and Other	Total
1980	30		10		0		30		0	20	50
1981	30		0		20		50		0	20	70
1982	10		0		20		30		0	60	100
1983	50		0		0		50		0	30	80
1984	40		0		10		50		10	30	90
1985	70		10		10		80		30	30	140
1986	50		10		50		100		0	20	130
1987	50		10		10		70		0	30	90
1988	40		0		20		50		20	30	100
1989	50		0		0		50		20	30	110
1990	30		10		10		50		0	60	110
1991	50		10		10		70		10	30	110
1992	40		0		10		50		10	40	100
1993	20		0		20		40		0	20	70
1994	90		0		10		100		10	50	150
1995	50		0		0		50		0	40	90
1996	20		0		20		40		0	20	70
1997	20		0		10		30		20	20	70
1998	10		0		0		10		10	30	40
1999	0	(0)	0	(0)	0	(0)	0	(0)	0	80	80
2000	30	(30)	0	(0)	0	(0)	30	(30)	0	40	70
2001	40	(40)	0	(0)	10	(10)	50	(50)	10	20	80

Table 2. Fires and Losses Associated with Fireworks, 1980–2018, Fires Reported to US Fire Departments (Continued)

C. Civilian Injuries (Continued)

Year	Home Structures		Other Residential Structures		Nonresidential Structures		Total Structures		Vehicles	Outside and Other	Total
2002	20	(20)	10	(10)	0	(0)	30	(30)	20	10	60
2003	40	(40)	0	(0)	10*	(10)	50*	(50)	0	30	80
2004	10	(10)	0	(0)	0	(0)	10	(10)	0	30	50
2005	50	(50)	0	(0)	0	(0)	50	(50)	10	40	90
2006	20	(20)	10	(0)	0	(0)	30	(20)	10	30	70
2007	20	(20)	0	(0)	0	(0)	30	(30)	10	20	50
2008	10	(10)	10	(10)	10	(10)	20	(20)	10	10	40
2009	20	(20)	0	(0)	10	(10)	30	(30)	0	10	30
2010	30	(30)	0	(0)	0	(0)	30	(30)	0	20	60
2011	30	(30)	0	(0)	0	(0)	30	(30)	10	10	40
2012	20	(20)	0	(0)	10	(0)	30	(30)	0	10	50
2013	10	(10)	0	(0)	0	(0)	20	(20)	0	10	30
2014	60	(60)	0	(0)	11	(11)	71	(71)	0	10	81
2015	50	(50)	3	(3)	3	(3)	56	(56)	0	17	73
2016	19	(19)	41	(41)	0	(0)	60	(60)	11	17	87
2017	15	(15)	0	(0)	0	(0)	15	(15)	5	8	27
2018	31	(26)	0	(0)	2	(2)	33	(29)	4	9	46

* This does not include injuries in the Station nightclub fire that occurred in Rhode Island in 2003.

Note: Numbers in parentheses exclude fires reported as confined to a cooking vessel, chimney, flue, fuel burner, boiler, compactor, incinerator, or trash. Detailed reporting is not required and is much less often provided for fires coded as confined fires. These are national estimates of fires reported to US municipal fire departments and so exclude fires reported only to federal or state agencies or industrial fire brigades. National estimates are projections. Casualty and loss projections can be heavily influenced by the inclusion or exclusion of one unusually serious fire. Civilian injuries are expressed to the nearest ten. Figures reflect a proportional share of fires with heat source unknown. Because of low participation in NFIRS Version 5.0 during 1999–2001, estimates for those years are highly uncertain and must be used with caution. Totals may not equal sums because of rounding error.

Sources: Data from NFIRS Version 4.1 (1980-1998) and Version 5.0 (1999-2018) and the NFPA survey.

Table 2. Fires and Losses Associated with Fireworks, 1980–2018, Fires Reported to US Fire Departments (Continued)

D. Direct Property Damage (in Millions)

Year	Home Structures		Other Residential Structures		Nonresidential Structures		Total Structures		Vehicles	Outdoor and Other	Total	Total in 2018 Dollars
1980	\$12		\$0		\$3		\$15		\$0	\$0	\$16	\$49
1981	\$12		\$0		\$6		\$18		\$0	\$1	\$19	\$52
1982	\$9		\$0		\$2		\$11		\$0	\$0	\$11	\$29
1983	\$7		\$0		\$5		\$12		\$0	\$0	\$13	\$33
1984	\$19		\$0		\$6		\$25		\$2	\$1	\$27	\$65
1985	\$22		\$1		\$7		\$30		\$1	\$5	\$36	\$84
1986	\$24		\$0		\$29		\$53		\$2	\$1	\$56	\$128
1987	\$17		\$0		\$7		\$24		\$1	\$0	\$25	\$55
1988	\$22		\$0		\$14		\$37		\$1	\$1	\$39	\$83
1989	\$56		\$0		\$3		\$59		\$1	\$2	\$62	\$126
1990	\$22		\$1		\$4		\$26		\$2	\$1	\$28	\$54
1991	\$17		\$0		\$5		\$21		\$2	\$0	\$23	\$42
1992	\$13		\$0		\$16		\$29		\$1	\$3	\$33	\$59
1993	\$12		\$0		\$6		\$19		\$1	\$1	\$21	\$37
1994	\$10		\$0		\$8		\$18		\$2	\$2	\$22	\$37
1995	\$21		\$1		\$9		\$30		\$2	\$1	\$32	\$53
1996	\$12		\$0		\$7		\$19		\$1	\$6	\$27	\$43
1997	\$13		\$0		\$8		\$21		\$1	\$0	\$23	\$41
1998	\$9		\$0		\$3		\$12		\$1	\$2	\$16	\$25
1999	\$17	(\$17)	\$0	(\$0)	\$1	(\$1)	\$19	(\$19)	\$3	\$1	\$23	\$35
2000	\$36	(\$36)	\$0	(\$0)	\$6	(\$6)	\$42	(\$42)	\$3	\$3	\$48	\$70
2001	\$32	(\$32)	\$1	(\$1)	\$17	(\$17)	\$50	(\$50)	\$5	\$4	\$59	\$84

Table 2. Fires and Losses Associated with Fireworks, 1980–2018, Fires Reported to US Fire Departments (Continued)

D. Direct Property Damage (in Millions) (Continued)

Year	Home Structures		Other Residential Structures		Nonresidential Structures		Total Structures		Vehicles	Outdoor and Other	Total	Total in 2018 Dollars
2002	\$25	(\$25)	\$1	(\$1)	\$5	(\$5)	\$31	(\$31)	\$4	\$1	\$35	\$49
2003	\$47	(\$47)	\$1	(\$1)	\$13*	(\$13)	\$60*	(\$60)	\$4	\$1	\$65	\$89
2004	\$15	(\$15)	\$0	(\$0)	\$5	(\$5)	\$20	(\$20)	\$2	\$1	\$22	\$29
2005	\$26	(\$26)	\$0	(\$0)	\$10	(\$10)	\$37	(\$37)	\$2	\$1	\$41	\$53
2006	\$28	(\$28)	\$0	(\$0)	\$3	(\$3)	\$31	(\$31)	\$1	\$1	\$34	\$42
2007	\$39	(\$39)	\$1	(\$1)	\$4	(\$4)	\$43	(\$43)	\$76**	\$1	\$119**	\$144**
2008	\$23	(\$23)	\$1	(\$1)	\$8	(\$8)	\$32	(\$32)	\$1	\$9	\$42	\$49
2009	\$28	(\$28)	\$1	(\$1)	\$7	(\$7)	\$35	(\$35)	\$1	\$1	\$38	\$44
2010	\$19	(\$19)	\$0	(\$0)	\$13	(\$13)	\$32	(\$32)	\$1	\$3	\$36	\$42
2011	\$19	(\$19)	\$5	(\$5)	\$6	(\$6)	\$29	(\$29)	\$2	\$1	\$32	\$36
2012	\$36	(\$36)	1	(\$1)	\$24	(\$24)	\$60	(\$60)	\$1	\$16	\$78	\$85
2013	\$16	(\$16)	\$1	(\$1)	\$3	(\$3)	\$19	(\$19)	\$1	\$1	\$21	\$23
2014	\$27	(\$27)	\$0	(\$0)	\$7	(\$7)	\$34	(\$34)	\$1	\$0	\$35	\$37
2015	\$24	(\$24)	\$0	(\$0)	\$8	(\$8)	\$32	(\$32)	\$1	\$11	\$45	\$48
2016	\$19	(\$19)	\$0	(\$0)	\$12	(\$12)	\$32	(\$32)	\$2	\$7	\$40	\$42
2017	\$31	(\$31)	\$3	(\$3)	\$4	(\$4)	\$38	(\$38)	\$3	\$67	\$108	\$110
2018	\$38	(\$38)	\$0	(\$0)	\$6	(\$6)	\$44	44	\$2	\$58	\$105	\$105

*Does not include damages in the Station night club fire that occurred in Rhode Island in 2003.

**Vehicle estimate inflated by one apparently miscoded incident showing a \$20 million loss, which would project to a \$75 million estimate from that one incident.

Note: Numbers in parentheses exclude fires reported as confined to a cooking vessel, chimney, flue, fuel burner, boiler, compactor, incinerator, or trash.

Detailed reporting is not required and is much less often provided for fires coded as confined fires. These are national estimates of fires reported to US municipal fire departments and so exclude fires reported only to federal or state agencies or industrial fire brigades. National estimates are projections.

Casualty and loss projections can be heavily influenced by the inclusion or exclusion of one unusually serious fire. Direct property damage is rounded to the nearest million dollars. Figures reflect a proportional share of fires with heat source unknown. Inflation adjustment to 2006 dollars is done using the consumer price index. Because of low participation in NFIRS Version 5.0 during 1999–2001, estimates for those years are highly uncertain and must be used with caution. Totals may not equal sums because of rounding error.

Sources: Data from NFIRS Version 4.1 (1980-1998) and Version 5.0 (1999-2018) and the NFPA survey

Acknowledgements

The National Fire Protection Association thanks all the fire departments and state fire authorities who participate in the National Fire Incident Reporting System (NFIRS) and the annual NFPA fire experience survey. These firefighters are the original sources of the detailed data that make this analysis possible. Their contributions allow us to estimate the size of the fire problem.

We are also grateful to the U.S. Fire Administration for its work in developing, coordinating, and maintaining NFIRS.

To learn more about research at NFPA visit nfpa.org/research.

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NFPA No. PSS18ST

Fireworks Business Guidance



The U.S. Consumer Product Safety Commission (CPSC) has issued mandatory safety regulations for fireworks devices. The CPSC enforces its fireworks regulations under the Federal Hazardous Substances Act (FHSA), [15 U.S.C. §1261](#). It is a violation of Federal law to import, distribute or sell fireworks that violate CPSC regulations. This summary has been developed to familiarize interested parties with the CPSC's fireworks regulations. It does not replace the Commission Statutes or Commission Interpretive Regulations set out in Title 16, Code of Federal Regulations (C.F.R.) [Parts 1500](#) and [1507](#).

What is the purpose of the fireworks regulations?

These rules aim to prevent injuries and death from hazards from fireworks. The rule requires that:

1. Consumer fireworks have warning labels describing the hazard and function of a fireworks device;
2. Fireworks sold to consumers for personal use or for use in or around a household must meet certain construction and performance requirements.

What types of fireworks does the CPSC regulate?

These rules aim to prevent injuries and death from hazards from fireworks. The rule requires that:

1. All fireworks devices intended for use by consumers or in and around a household.
2. Fireworks that are intended solely for commercial use, such as fireworks used in public displays, are not covered by these regulations. However, any professional or display fireworks device which contains a specific defect that presents a risk to consumers, such as those observing displays, may be subject to the provisions of Section 15 of the Consumer Product Safety Act, [15 U.S.C. §2064](#).

How do you test a fireworks device to determine if it meets the CPSC's requirements?

The CPSC has a laboratory facility that analyzes each sample of fireworks devices collected by the CPSC's field investigators. Samples are collected on the docks at ports of entry when they are imported, or from manufacturers, distributors and retailers throughout the United States

Once a sample arrives at the laboratory, it is submitted to a set of tests both in a laboratory and at an outdoor firing range. The label is examined to determine if it meets the CPSC's label requirements.

If the fireworks device fails any of the tests, it is a banned hazardous substance under the definition in the Federal Hazardous Substances Act (FHSA, Section 3b) and cannot be sold in the United States.

What are the requirements for pyrotechnic composition?

These requirements are found in the Code of Federal Regulations, Title 16, [Part 1500.17\(a\)\(3\)](#) and [Part 1500.17\(a\)\(8\)](#).

Powder content requirements limit the amount of pyrotechnic material present in fireworks devices that is designed to produce an audible effect (often called a "report", this is the "bang" that is produced when a fireworks functions). The limits minimize the risk of injury from fire/flames, fragments, explosions, and damaging sound to users or bystanders. There are two basic limits on powder content:

1. 16 CFR 1500.17(a)(8) limits firecrackers and other ground devices, to 50 mg. of pyrotechnic composition (powder) designed to produce an audible effect. Firecrackers that exceed this limit, including illegal devices such as 'cherry bombs', 'M-80's', 'silver salutes' and other large firecrackers are banned. Kits and components intended to produce any banned device also violate the regulations.
2. 16 CFR 1500.17(a)(3) limits aerial fireworks devices to 130 mg (2 grains) of pyrotechnic composition intended to produce an audible effect. Aerial devices, which are devices that are launched into the air and then function, that have an audible effect larger than 130mg are banned fireworks devices. This limit applies to many types of fireworks, including but not limited to: rockets; aerial bombs, and firecrackers or other types of reports included in aerial devices such as multi-tube shells and aerial rockets. Kits and components intended to produce any of these are also subject to this limit.
3. Fireworks devices distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior or a equivalent state or local program are not subject to the powder content limits. Such devices must be distributed in response to a written application describing the problem that requires their use and there

must be no other available or adequate means of control. Such devices must be distributed in a quantity no greater than that needed to control the problem.

What does the regulation say regarding reloadable shell devices?

The rule bans reloadable shell devices with a diameter greater than 1.75 inches. A reloadable shell typically consists of a cardboard or plastic launcher tube and separate aerial shells that the user places inside the tube. These fireworks, that have a shell diameter of over 1.75 inches, cannot be sold to consumers for personal use or for use in or around a household.

Are there other requirements that fireworks must meet?

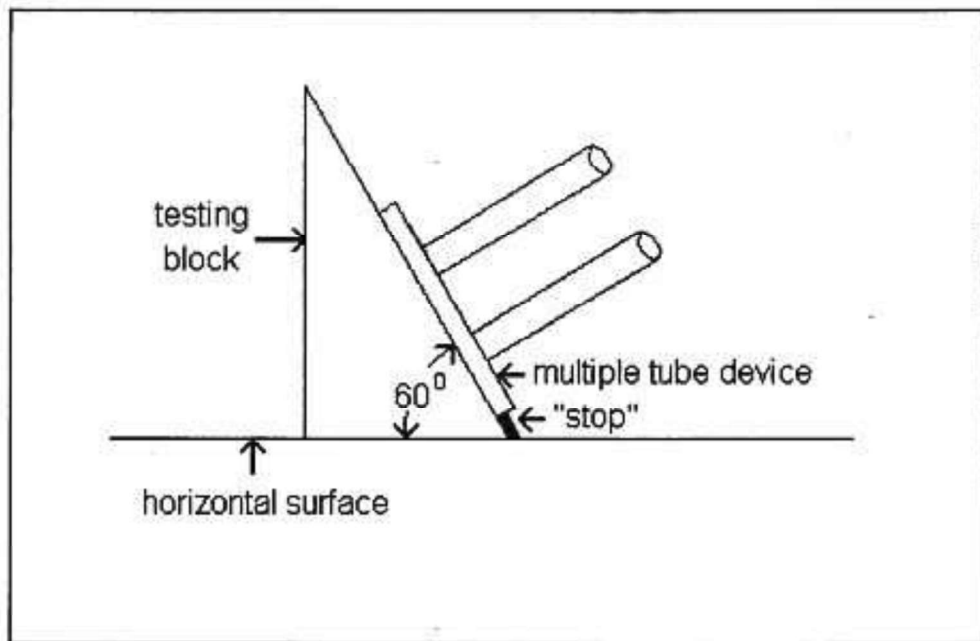
Yes. All fireworks device intended or sold to consumers except for firecrackers must meet the performance requirements located at [Title 16, Part 1507](#) of the Code of Federal Regulations.

Performance requirements ensure that fireworks work properly and safely. Specifically:

1. Fuses must resist side ignition and must burn for at least 3 but not more than 9 seconds.
2. The fuse must support twice the weight of the device to which it is attached or the weight plus 8 ounces, whichever is less;
3. The shortest dimension of the base of a fireworks device that stands upright must be at least 1/3 of the overall height of device or must pass a 12 degree tilt test.
4. Devices must be sealed to prevent leakage of pyrotechnic material at any

time.

5. Devices must not exhibit burnout or blowout.
6. Handles and spikes must be securely attached. Handles must be at least 4 inches long, and spikes must be at least 2 inches long and have a blunt tip;
7. Wheels must have drivers securely attached;
8. Toy smoke devices must not burst or produce excessive external flame during operation;
9. Rockets must have sticks which are straight, rigid, and which remain securely attached.
10. Party poppers must not have more than 0.25 grains of pyrotechnic composition, nor have paper or plastic inserts which ignite during operation.
11. Fireworks must not contain the following chemicals: arsenic sulfide, arsenates, arsenites, boron, chlorates, gallates, gallic acid, magnesium, mercury salts, phosphorous, picrates, picric acid, thiocyanates, titanium, or zirconium. (See [16 CFR §1507.2](#) for exceptions.)
12. Large multiple-tube mine and shell devices with any tube measuring 1.5 inches or more in inside diameter must not have a minimum tip angle of less than 60 degrees.



Side view of an apparatus or testing block for testing compliance with the proposed 60-degree tilt angle standard.

[61 FR 13096, Mar. 26, 1996]

60 DEGREE TILT TEST FIXTURE

Fireworks which do not meet these requirements are banned hazardous substances. See [16 CFR §1500.17\(a\)\(9\)](#).

What are the labeling requirements for fireworks?

Cautionary labeling warns consumers of the potential dangers associated with fireworks and tells them guidelines for use. These can be found in the Title 16 of the Code of Federal Regulations [Parts 1500.14](#) and [Part 1500.83\(a\)\(27\)](#).

1. Every fireworks device must have:
 1. A label with a signal word, either WARNING or CAUTION;
 2. A statement describing the hazard(s) associated with the device, such as A statement describing the hazard(s) associated with the device, such as "SHOOTS FLAMING BALLS" or "EMITS SHOWERS OR SPARKS";

3. And information describing the actions to be followed or avoided in order to store, handle and use the device safely.
2. [1500.14\(b\)\(7\)](#) includes the specific text for the labels of fountains, California Candles, spike and handle fountains, Roman candles, rockets with sticks, wheels, illuminating torches, sparklers, mines and shells, whistles without report, toy smoke and flitter devices, helicopter-type rockets, party poppers, and missile-type rockets.
3. The signal word and statement of hazard for every label must appear on the principal display panel, usually the front panel of the fireworks device.
4. The information contained on the labels must be displayed in a prominent and obvious (conspicuousness) manner. [16 CFR §1500.121](#) provides information on how to meet this requirement. For example, it addresses type, size, location on the product, and contrast by color, font or type style, etc., for the required cautionary labeling.
5. The labeling of a fireworks assortment's outer packaging must state the language in [16 C.F.R. §1500.83\(a\)\(27\)\(iii\)](#). This label is acceptable only if the individual fireworks devices in the assortment have labels in compliance with all other labeling requirements and the assortment contains only consumer fireworks.

Fireworks devices which do not comply with the labeling requirements are misbranded hazardous substances under Section 3(b) of the FHSA.

Does CPSC have any other requirements that apply to fireworks?

Yes. Some fireworks are banned if they look like candy, food, or other banned fireworks devices. Dragon eggs which look like foil wrapped chocolate candy kisses, cracker balls which look like breakfast cereal, and smoke devices that look like cherry bombs or "M-80's" are banned fireworks devices. 16 C.F.R.

Parts [1500.17\(a\)\(8\)](#) and [1507.9](#).

Where can I find additional information?

For more information on the requirements for fireworks contact the Consumer Product Safety Commission:

- Office of Compliance (for specific enforcement inquiries): e-mail: section15@cpsc.gov; telephone: [\(301\) 504-7520](tel:(301)504-7520).
- Small Business Ombudsman (for general assistance understanding and complying with CPSC regulations): e-mail: Please use our [Contact Form](#), which is the best way to get a fast response; telephone: [\(888\) 531-9070](tel:(888)531-9070).

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