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N.Y. Legislature votes to allow sale of milder fireworks

Most of the noise in the state Legislature's flurry of activity last week was made by gay marriage, rent control, and the property-tax cap.

But the legislation that could set off the most sparks quietly passed both the Assembly and the Senate: Both houses overwhelmingly passed a bill that would legalize some fireworks.

New York is one of only four states with a complete ban on consumer fireworks. The bill, which has not yet been sent to Gov. Andrew Cuomo for his signature, would legalize the sale of hand-held sparklers, ground sparkler displays and other so-called novelty items. It would not legalize any explosive devices, including firecrackers and Roman candles.

"I think these are things that aren't dangerous, that kids and families have probably been using for decades without realizing they're illegal," said Assemblyman Kenneth Zebrowski, D-New City, who co-sponsored the bill, "and there's no reason for New York to hinder the sale of these things when it could be a boost for business and provide some good family fun."

The state could reap up to \$2 million a year in tax revenue from legal sales, Zebrowski said. Right now, that money is going to border states like Pennsylvania and Connecticut where similar fireworks are sold legally.

"Almost 90 percent of my customers are from New York," said Lisa Damore, as she stood inside a temporary fireworks tent set up on Mill Plain Road in Danbury, about a mile from the New York border. On the folding tables near her were fireworks with names like "Blabbermouth" and "Firehouse Frenzy" that send up showers of multicolored sparks. There was another tent owned by a rival about 30 yards up the road and another one a quarter-mile closer to the border. "We get a lot of repeat customers from year to year."

Those customers will probably be coming through the Fourth of July weekend this year, as it's not expected the bill will be sent to the governor until next month, Zebrowski said. But next year, New Yorkers could be buying those fireworks without crossing a state line.

"We expect the governor to sign it," he said. "They haven't received any opposition from the governor's office yet."

Cuomo, who signed the property tax–cap bill Thursday, did not return calls seeking comment.

Support for the measure was not unanimous. Assemblywoman Ellen Jaffee, D–Suffern, was one of 10 members who voted against it.

"My decision to vote no was based on evidence I found that sparklers are really dangerous to young children," she said, noting that the American Association of Pediatrics advocates a ban on all sales of consumer fireworks. The tax revenue isn't worth the risk of harm to children from burns, she said.

"If something's wrong and they do it in other states," she said, "it doesn't mean it's appropriate for us to do it if it's a danger to our communities."

There were 6,300 fireworks–related injuries from June 18 to July 18 last year, according to a report by the U.S. Consumer Product Safety Commission. There were three fireworks–related deaths last year and two in 2009, the commission said. Forty percent of the injuries involved children under 15. There were 1,300 injuries from sparklers, which would be legal under the bill. That's 100 more injuries than were caused by firecrackers and bottle rockets combined, which would remain illegal.

The American Association of Pediatrics has joined with the National Fire Prevention Association to form the Alliance to Stop Consumer Fireworks, an organization that advocates a ban on the sale of fireworks to nonprofessionals. The pediatricians association advises people to see professional displays instead.

Dr. Erin Kelleher, a Tuckahoe pediatrician, said children are especially susceptible to injuries from fireworks because they are drawn to the lights and noise.

"They want to touch them," she said. The prospect of legalized fireworks in New York "makes me uncomfortable," she said.

"You can always go somewhere and see it professionally done," she said. "It's equally exciting and no one gets hurt."

Low–level fireworks like sparklers, whether hand–held or ground–based, could be safe if legalized, as long as adults are supervising children, Scarsdale Police Chief John Brogan said.

"The rockets, of course, are terribly dangerous," he said. "I don't think there's any need to put those types of fireworks in people's hands."

The law prohibiting fireworks isn't stopping people from using them in New York, said Rockland County Sheriff James Kralik, calling the legalization of low–level fireworks "reasonable."

"I think where the law has to be sustained would be that it's salable only to adults," he said. The proposal would ban sales to anyone under 18.

But low–level fireworks can still be harmful, said Frank Sylvester, the president of the New York Association of Fire Chiefs and a former Ossining fire chief.

"Even things like sparklers can unfortunately be very dangerous because they're not handled in the right way," said Sylvester, who opposes legalizing fireworks.

Illegal fireworks pose a greater threat to safety than legalizing them, said Julie Heckman, president of the American Pyrotechnics Association, a trade group.

"When you're breaking the law you're careless, you're trying to get away with something and hope you don't get caught," she said. "You typically have more fires and more injuries because of that."

The \$950 million industry doesn't advocate the use of fireworks by children at all, she said, saying even the use of hand-held sparklers should be limited to those at least 12 years of age and under parents' supervision.

The measure would not apply to New York City, where all fireworks would remain illegal, said the bill's sponsor, Assemblyman Joseph Morelle, D-Rochester.

"There were some concerns in the city," he said. "We did what we thought was appropriate. In time, who knows, people may lobby in the city to have the law changed."

May be legalized

- * Hand-held sparklers
- * Ground-based sparklers
- * Novelties such as Drop Pops, snakes, smoke balls

Still illegal

- * Bottle rockets
- * Skyrockets
- * Firecrackers
- * Aerials
- * Reloadable shell devices like Roman candles
- * Single tube devices, like flaming balls

How they voted

Assembly

Yes: Tom Abinanti, D-Greenburgh; Nancy Calhoun, R-Blooming Grove; Robert Castelli, R-Goldens Bridge; Sandy Galef, D-Ossining; Steve Katz, R-Yorktown; George Latimer, D-Rye; Amy Paulin, D-Scarsdale; Gary Pretlow, D-Mount Vernon; Annie Rabbitt, D-Greenwood Lake; Mike Spano, D-Yonkers; Kenneth Zebrowski, D-New City

No: Ellen Jaffee, D-Suffern

Senate

Yes: Greg Ball, R-Patterson; David Carlucci, D-Rockland; Jeff Klein, D-Bronx; Suzi Oppenheimer, D-Mamaroneck; Andrea Stewart-Cousins, D-Yonkers

No: Ruth Hassell Thompson, D–Mount Vernon

Caption: The Peacock Palette sparkles in Danbury, Conn.
Frank Becerra Jr./The Journal News

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