

Committee on Public Health and Human Services
October 13, 2020

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES

Remote location using Microsoft® Teams
Tuesday, October 13, 2020
9:30 a.m.

PRESENT:

COUNCILWOMAN CINDY BASS, CHAIR
COUNCILMAN BOBBY HENON, VICE-CHAIR
COUNCILWOMAN KENDRA BROOKS
COUNCILWOMAN HELEN GYM
COUNCILMAN DEREK GREEN
COUNCILMAN DAVID OH
COUNCILMAN ISAIAH THOMAS

BILLS: 200392, 200425

1 - - -

2 COUNCILWOMAN BASS: Good
3 morning. This is the Committee on
4 Public Health and Human Services. I
5 understand that state law currently
6 requires that the following announcement
7 be read at the beginning of every remote
8 public hearing as follows: Due to the
9 current public health emergency, City
10 Council Committees are currently meeting
11 remotely. We are using Microsoft Teams
12 to make these remote hearings possible.

13 Instructions for how the public
14 may view and offer public testimony at
15 public hearings of Council Committees
16 are included in the public hearing
17 notices that are published in the Daily
18 News, Inquirer and Legal Intelligencer
19 prior to the hearings and can also be
20 found on phlcouncil.com. I now note
21 that the hour has come.

22 And, Clerk, will you please
23 call the roll to take attendance.

24 Members that are in attendance
25 will please indicate that you are

1 present when your name is called. Also,
2 please say a few brief words when
3 responding so that your image will be
4 displayed on screen when you speak.

5 THE CLERK: Councilmember Bobby
6 Henon.

7 COUNCILMAN HENON: Good
8 morning, Madam Chair. And good morning,
9 colleagues.

10 COUNCILWOMAN BASS: Good
11 morning.

12 THE CLERK: Councilmember David
13 Oh.

14 COUNCILMAN OH: Good morning,
15 Madam Chair. Good morning, colleagues.

16 COUNCILWOMAN BASS: Good
17 morning.

18 THE CLERK: Councilmember Helen
19 Gym.

20 COUNCILWOMAN GYM: Good
21 morning, Council Chairwoman. And good
22 morning, colleagues.

23 COUNCILWOMAN BASS: Morning.

24 THE CLERK: Councilmember Derek
25 Green.

1 COUNCILMAN GREEN: Good
2 morning, Madam Chair. Good morning,
3 colleagues. Good seeing you this
4 morning.

5 COUNCILWOMAN BASS: Good to see
6 you.

7 THE CLERK: Councilmember
8 Isaiah Thomas.

9 COUNCILMAN THOMAS: Good
10 morning, Madam Chair. Good morning,
11 colleagues. Good to see everybody this
12 morning.

13 COUNCILWOMAN BASS: Good
14 morning.

15 THE CLERK: Councilmember
16 Kendra Brooks.

17 COUNCILWOMAN BROOKS: Good
18 morning, Madam Chair. Good morning,
19 colleagues.

20 COUNCILWOMAN BASS: Good
21 morning.

22 THE CLERK: And, Councilwoman
23 Cindy Bass.

24 COUNCILWOMAN BASS: I am
25 present. Thank you. And a quorum of

1 this Committee is present and this
2 hearing is now called to order. Again,
3 this is the public hearing of the
4 Committee of Public Health and Human
5 Services regarding Bill No. 200392.
6 Bill No. 200425 is being held at the
7 request of the sponsor and will not be
8 heard today.

9 Clerk, will you please read the
10 title of the bill being considered
11 today.

12 THE CLERK: Bill No. 200392, an
13 Ordinance amending Section 10-403 of the
14 Philadelphia Code, entitled "Prohibited
15 Conduct," by prohibiting the use of
16 consumer fireworks and providing certain
17 penalties, under certain terms and
18 conditions.

19 COUNCILWOMAN BASS: Thank you.
20 Before we begin to hear testimony from
21 the witnesses that we have for today,
22 everyone who has been invited to the
23 meeting to testify should be aware that
24 this public hearing is being recorded.
25 Because the hearing is public,

1 participants and viewers have no
2 reasonable expectation of privacy. By
3 continuing to be in the meeting, you are
4 consenting to being recorded.

5 Additionally, prior to
6 recognizing Members for the questions or
7 comments they have for witnesses, I will
8 note for the record at this time that we
9 will use the chat feature available in
10 Microsoft Teams to allow Members to
11 signify that they wish to be recognized.
12 In order to comply with the Sunshine
13 Act, the chat feature must only be used
14 for that purpose.

15 Before we begin, I do want to
16 also let everyone know that I will have
17 to step away from the hearing for a
18 moment or two and that Councilman Henon
19 will be conducting the hearing in my
20 absence.

21 So I'm going to ask the Clerk
22 to please call the first panel of
23 witnesses that we have to testify. And
24 after she calls their names, Councilman
25 Henon, who is Vice-Chair of this

1 Committee, will conduct the rest of the
2 hearing. Thank you.

3 THE CLERK: Hi. So our first
4 panel will be Charles Johnson and Julian
5 Sellers.

6 COUNCILWOMAN BASS: Okay.

7 MR. JOHNSON: Can you hear me
8 okay? Good morning.

9 COUNCILWOMAN BASS: We can hear
10 you. Good morning. Can we have one of
11 you state your name for the record and
12 begin your testimony.

13 But actually before we do that,
14 I do want to recognize Councilman Oh,
15 who has an opening statement.
16 Councilman.

17 COUNCILMAN OH: Thank you very
18 much, Chairwoman. I just wanted to
19 inform the public what this ordinance is
20 about. The City of Philadelphia does
21 not have jurisdiction over fireworks
22 completely. That is a matter of state
23 law and our Chairwoman Councilwoman Bass
24 and other Councilmembers have introduced
25 and passed a resolution urging the state

1 to take action on these matters.

2 However, our Code does provide
3 restrictions on the use of fireworks,
4 but it does not specifically say that
5 they cannot be used after 9:00 p.m.
6 except for federal holidays. So while
7 they cannot be purchased by someone who
8 is under 18 years of age and they can't
9 be set off on private property without
10 written permission or within 100 feet of
11 an occupied structure, that can be
12 challenging to identifying and enforce.

13 I think it's a little confusing
14 for people. We're just letting folks
15 know after 9:00 p.m. don't do the
16 fireworks other than federal holidays,
17 but you still need to comply with the
18 other requirements. I think all of us
19 have received calls from people very
20 disturbed, concerned, especially those
21 with PTSD, pets, seniors, children,
22 infants, that type of thing.

23 And with that, thank you very
24 much, Chairwoman.

25 COUNCILWOMAN BASS: Thank you

1 very much, Councilman. And it was a
2 very interesting summer of fireworks
3 season this year. So we all thank you
4 for this bill. Any help that the City
5 of Philadelphia can give to aid its
6 citizens so that we don't feel like
7 we're all living in a war zone, we
8 greatly thank you, Councilman Oh.

9 COUNCILMAN OH: Thank you.

10 COUNCILWOMAN BASS: With that,
11 I'm going to ask if Councilman Henon is
12 available and we will hear from the
13 first panel.

14 So, Mr. Sellers and
15 Mr. Johnson, if you want to again state
16 your names for the record and one of you
17 begin and proceed with your testimony.
18 So why don't we start with Mr. Sellers.

19 MR. SELLERS: How are you
20 doing?

21 COUNCILWOMAN BASS: Good
22 morning.

23 MR. SELLERS: This is Julian
24 Sellers, Captain with the Philadelphia
25 Fire Department's Fire Code Unit.

1 MR. JOHNSON: And Deputy Chief
2 Charles Johnson with the Philadelphia
3 Fire Department's Fire Prevention
4 Division. So good morning, Chairwoman
5 Bass and other members of the Committee
6 on Public Health and Human Services.
7 I'm here providing testimony regarding
8 Bill No. 200392. Because this bill also
9 would impact Fire Code, I'm being joined
10 by Captain Julian Sellers from the Fire
11 Code Unit.

12 Thank you for allowing me to
13 speak about the impact and dangers of
14 consumer fireworks as you all discuss
15 this bill. Every year in the United
16 States thousands of citizens will be
17 either injured, killed and/or suffer
18 long-term consequences due to
19 firework-related incidents. These
20 injuries and deaths stem from a variety
21 of causes all related to the misuse,
22 malfunction and/or Federal Hazardous
23 Substance Act's, FHSA, regulations
24 violation.

25 The ban of fireworks locally

1 would have a positive impact on lowering
2 these numbers and protecting citizens
3 that we are tasked with protecting. In
4 dealing with fireworks-related death and
5 injury prevention, the Philadelphia Fire
6 Department-Fire Prevention Division
7 utilizes a national approach developed
8 by the National Fire Protection
9 Association or NFPA. We obtain national
10 stats on both injuries and deaths as
11 well as the national prevention
12 messaging associated with fireworks via
13 the NFPA website.

14 This information allows us to
15 have a standardized approach to safety
16 messaging to be communicated to the
17 citizens of Philadelphia and beyond.
18 The 2018 Fireworks Annual Report, which
19 is the most recent prepared by the U.S.
20 Consumer Product Safety Commission, or
21 the CPSC, yielded the following
22 information: During the fiscal year
23 2018, CPSC's Office of Compliance and
24 Field Operations continue to work
25 closely with other federal agencies to

1 conduct surveillance on important
2 fireworks and to enforce the provisions
3 of the FHSA, Federal Hazardous Substance
4 Act, and regulations under the FHSA.

5 The Compliance and Field
6 Operations staff in cooperation with
7 U.S. Customs and Border Protection, CBP,
8 continues to conduct surveillance on
9 important shipments of consumer
10 fireworks. With assistance from CBP,
11 CPSC staff selectively sampled and
12 tested shipments of important fireworks
13 in fiscal year 2018 to determine
14 compliance with the FHSA requirements.

15 Approximately, 67 percent of
16 the selected and tested shipments were
17 found to contain fireworks that were
18 noncompliant. These volatile fireworks
19 devices had an estimated import value of
20 \$523,000. In calendar year 2018, there
21 were five reported nonoccupational
22 fireworks-related deaths. Emergency
23 department-treated injuries are
24 estimated at \$9100 for calendar year
25 2018.

1 From years 2003 to 2018, the
2 range of annual injuries were 7,000 to
3 12,900. The parts of the body most
4 often injured were hands, fingers, legs,
5 eyes, head, face and ears and also arms.
6 Burns were the most common injury to
7 hands, fingers and arms. A review of
8 data from follow-up investigation showed
9 that the typical cause of injuries were
10 from misuse of fireworks, errant flight
11 paths, tip-overs, early ignitions and
12 blowout.

13 At the time of the
14 investigation, which was conducted
15 typically one or two months after the
16 injury, most victims had recovered from
17 their injuries. Not many, but just a
18 small percentage of them interviewed
19 reported that the effect of the injuries
20 might be long-term. Fireworks-related
21 deaths for 2018, CPSC staff has reported
22 five nonoccupational fireworks-related
23 deaths that occurred during 2018.
24 Including those five deaths described,
25 CPSC staff has reports of 121 fireworks-

1 related deaths between 2003 and 2018 for
2 an average of 7.56 deaths per year.

3 Long-term consequences of
4 fire-related injuries, most victims 60
5 percent have experienced or expected
6 complete recoveries with no long-term
7 effects. 40 percent who have
8 experienced injuries do suffer from
9 long-term effects from these injuries.

10 At this point, I want to turn
11 it over to Captain Julian Sellers from
12 the Fire Code Unit. Cap.

13 MR. SELLERS: Yes. Thanks,
14 boss. So the one thing I can touch on
15 and Councilman Oh spoke to it, the state
16 has oversight on fireworks but the
17 restrictions in place do help to or at
18 least give some teeth to enforcement.
19 The main one is consumer fireworks and
20 the distances from occupied structures.
21 You're not supposed to utilize any kind
22 of consumer fireworks within 150 feet of
23 an occupied structure, also, under trees
24 and power lines, and the third thing to
25 mention is permissions are needed if

1 you're going to use them on any public
2 or private property. But when you add
3 all of those things together with the
4 distances and everything like that, it's
5 a lot of restrictions in place already.

6 The issue is you can't really
7 be -- the enforcement, the enforcement
8 is tough as he spoke of earlier. Most
9 people are using them after hours and it
10 sounds like gunfire sometimes. A lot of
11 citizens are frightened by the
12 fireworks. When it comes to the Fire
13 Code, we have more oversight over
14 display fireworks. We do inspections.
15 We conduct inspections at shows and
16 games and we get to actually see and
17 supervise the usage of the display
18 fireworks, but consumer fireworks we
19 have no oversight over.

20 So based on the Code, maybe
21 more enforcement -- maybe there's a
22 possibility to implement more
23 enforcement strategies. But from what I
24 can see, the Code offers all the
25 restrictions that we should be able to

1 utilize to at least further this bill.
2 And past that, I really don't have
3 anything else to offer. If you have any
4 specific questions about the Code, I
5 will be glad to answer those.

6 COUNCILMAN HENON: Well, thank
7 you. This is Councilman Bobby Henon. I
8 want to thank you both, Deputy Chief and
9 Captain. I do have a question and this
10 has been an ongoing issue and it
11 escalated this year for a lot of
12 reasons, with the City unrest, with
13 COVID, with more people being at home.
14 And I think it's responsible that we're
15 actually having this conversation. So I
16 want to thank the Councilmembers who
17 sponsored this bill along with the rest
18 of our colleagues because we hear it
19 every day.

20 My question to either of you
21 would be how closely do you work with
22 L&I on the enforcement of these because
23 there is somewhat separation of a little
24 bit of responsibility and authority on
25 I'm going to say like shutting down

1 illegal operations where they're selling
2 in backyards or selling on the corners?
3 Who is going to enforce whether there's
4 a written or oral lease on the corner of
5 a gas station?

6 So it's an ongoing issue and
7 it's not just with fireworks. So we see
8 during other holidays with the sale of
9 flyers or flowers and other shirts and
10 not having business privilege stuff, so
11 it feeds into a different sector of the
12 underground economy. And I know we
13 don't have enough L&I inspectors. We
14 need a lot more inspectors to help
15 continue to keep our City safe.

16 So long and short on that rant
17 is, how closely do you work with L&I as
18 calls come in and as you respond because
19 of your house or in every neighborhood
20 across the City?

21 MR. SELLERS: So, Councilman --
22 I'll take this one, boss. The Fire Code
23 Unit works very close with L&I.
24 Usually, when there's an issue where
25 they intend to, for lack of a better

1 word, cease an operation, they will call
2 us and we provide basically the uniform.
3 Our inspectors will go -- we work hand
4 in hand with Cease Operations on
5 businesses. But as it relates to
6 fireworks, we do work very closely with
7 them, although we haven't had the
8 opportunity to conduct any enforcement
9 activities with them. But as it
10 pertains to this particular bill, we did
11 have meetings and we kind of like, I
12 guess, we put our collective brains
13 together to come up with what might make
14 sense for Philadelphia as far as
15 restrictions or the possibility of a
16 ban. So to answer your question, we do
17 work very closely with L&I. They're
18 undermanned, understaffed rather and so
19 are we, but we do what we need to do to
20 try to get the job done.

21 COUNCILMAN HENON: And we
22 appreciate your service. I want to
23 thank you very much for your commitment.

24 The Chair recognizes
25 Councilmember Brooks.

1 COUNCILWOMAN BROOKS: Good
2 morning. My question is about
3 enforcement. How is the Code currently
4 enforced and what will this bill
5 specifically change in enforcement?
6 Because I understand, my nephew is
7 petrified of all the noise over the
8 summer. My neighbors are complaining
9 too, but I'm not really sure what to do
10 and how to enforce it. And what exactly
11 will this bill change in the enforcement
12 process?

13 MR. SELLERS: So the
14 enforcement arm with the Fire Code
15 unfortunately rests with the Department
16 of Licenses and Inspections. I can't
17 really say how it will be enforced. I
18 guess what I can suggest or not even
19 make a suggestion, but I would imagine
20 that there would have to be police
21 integration into this, because most of
22 the infractions happen after hours. And
23 although L&I can be called out after
24 hours, we have to stop it when it's
25 happening. So in my opinion it probably

1 will involve multiple agencies, not just
2 L&I and not just the Fire Department.

3 And I guess it would need
4 more -- beyond the Code you might need
5 more teeth. So an outright ban probably
6 goes, and this is in my opinion, it
7 probably will serve the enforcement
8 activities a little better because at
9 that stage there are no fireworks
10 allowed so it's easier to enforce. It
11 will be easier to enforce in my view.

12 COUNCILMAN OH: Yes.

13 Mr. Chairman, I can also answer that
14 question as the sponsor of the bill.

15 COUNCILMAN HENON: As long as
16 Councilmember Brooks is finished with
17 her line of questioning.

18 COUNCILWOMAN BROOKS: Yes.

19 COUNCILMAN OH: When she is
20 done.

21 COUNCILWOMAN BROOKS: Thank you
22 so much.

23 COUNCILMAN HENON: Chair
24 recognizes Councilman Oh. Thank you.

25 COUNCILMAN OH: Thank you very

1 much, Mr. Chairman. There are two
2 sections in our Code that deal with
3 fireworks. The Fire Code portion
4 specifically deals with fireworks.
5 There's no other section that
6 specifically deals with fireworks.
7 However, the noise violations which
8 include things like construction,
9 setting off a demolition, concerts and
10 all of that, the decibel issue is
11 actually under the Health Department,
12 the Health section of the Code. And so,
13 the bill adds to what already exists
14 about basically public disturbance by
15 noises, including aggressive noises or
16 noises that alarm people that also
17 result in unfortunately reactive
18 responses such as when someone thinks
19 there's explosions or gunfire or a fire
20 hazard because of the noise. So this
21 bill amends that section which currently
22 exists.

23 In addition to the Fire Code,
24 that section's enforcement is by the
25 Department of Public Health, the Police

1 Department and the Department of
2 Licenses and Inspections to enforce the
3 chapter, the regulations and other
4 things. And usually when people call
5 late at night, they're calling the
6 Police Department who will coordinate if
7 necessary with the Fire Department, the
8 Health Department and L&I.

9 Unfortunately, there are probably no
10 people from the Health Department and
11 L&I working at 2 o'clock in the morning.

12 And to answer Councilmember
13 Brooks' question, there's graduated
14 fines that are in place. So in addition
15 to the enforcements that exist, there
16 are fines. The first fine is between
17 \$100 and \$300 for the first offense.
18 The second offense -- and this is all
19 within a one-year period. However, if a
20 person does this five times in one day,
21 those are five separate offenses.

22 So the first offense is between
23 \$100 and \$300 fine. The second offense
24 is between \$200 and \$400. The third
25 offense is between \$300 and \$500 fine

1 and every offense after that is \$500 to
2 \$700, which are pretty significant fines
3 and the person would have that within a
4 12-month period, so that's how this will
5 be enforced.

6 Let me say for example, or not
7 for example, but I had an incident where
8 they were setting off fireworks and that
9 was kind of common throughout the City
10 and the police responded. And I live
11 right next to Cobbs Creek Park, and to
12 my shock about 100 young people came out
13 of the park onto my block and for the
14 most part were relatively peaceful
15 compared to what was going on, but they
16 were shooting off bottle rockets, things
17 like that. They were, I think, just
18 gathered to have fun and eventually over
19 the course of four or five hours they
20 dispersed without any incident, by the
21 way. That was the police and it was
22 very well-handled. But, yes, people
23 want to have enforcement and I think
24 this is something that will help,
25 probably not the common situation where

1 you have 100 people gathered together,
2 but more like what was typical, two or
3 three or five people.

4 Thank you very much,
5 Mr. Chairman.

6 COUNCILWOMAN BROOKS:

7 Mr. Chairman, can I have a follow-up?

8 I just want to be clear that
9 enforcement does not equate to arrests,
10 because I'm thinking about Councilmember
11 Oh's scenario that he just pictured. So
12 suppose someone in the crowd has built
13 up these fines up to \$400, in any way
14 will it lead up to young people getting
15 arrested for fireworks?

16 COUNCILMAN OH: In the Code --
17 I don't want to answer for the Deputy
18 Commissioner or the Captain. But in the
19 Code, there's no arrests. These are
20 civil violations and I think the thing
21 in their situation while they didn't
22 have written permission to set off
23 fireworks in the park, they were not
24 within 150 feet of an occupied
25 structure, but we could all hear it and

1 see it because they were shooting
2 fireworks that exploded, you know,
3 pyrotechnics, very colorful, loud, that
4 type of thing. But as our fire
5 officials said, one of the big concerns
6 is injury to themselves and to others.

7 And I think about that little
8 boy who did what a lot of little boys
9 would do, I would have done, hang onto
10 the firework as long as you can to show
11 your friends that you got the guts to do
12 it, and unfortunately, he lost his hand.
13 And people just don't understand, these
14 fireworks are really powerful and I
15 can't even understand what they're doing
16 to them, are they aggregating them
17 somehow. The explosions are not like
18 any kind of firework when I was a kid.

19 But I'm sorry, Councilmember
20 Brooks. I wanted to answer your
21 question. I'm sorry. Thank you.

22 COUNCILMAN HENON: Did that
23 answer your question, Councilmember
24 Brooks?

25 COUNCILWOMAN BROOKS: Yes. I

1 just wanted to hear clearly that it's
2 not going to result in young people
3 being arrested for fireworks. And I
4 understand the danger behind children
5 holding fireworks. I understand that.
6 But my concern is the danger behind
7 large sums of young Black men in the
8 hood getting arrested for fireworks.
9 Even though my neighborhood is also
10 blowing up with fireworks all night, the
11 result should not be arrests when young
12 people are having a good time. That's
13 my concern.

14 COUNCILMAN HENON: Okay. Well,
15 thank you, Councilmember.

16 Are there any other members on
17 this Committee that wish to have any
18 follow-up questions or additional
19 questions for Deputy Chief and the
20 Captain?

21 (No response.)

22 COUNCILMAN HENON: And I do not
23 seen none. Gentlemen, thank you for
24 your service and thank you for
25 testifying here today. Hopefully, you

1 can hang around in case any other
2 questions arise.

3 With that, Sabrina, would you
4 please call our next panel.

5 THE CLERK: Yes. Our next
6 panel is Chris Spahr and Pauline
7 Rosenberg. But I understand Pauline
8 dropped off.

9 I don't know if Council
10 Support, if you could attempt to call
11 her, but those are our two witnesses for
12 this panel.

13 COUNCILMAN HENON: Okay.
14 Great. Thank you. We will start with
15 Chris and hopefully, we can get
16 reconnected with Pauline.

17 Chris, would you please state
18 your name for the record and you may
19 proceed with your testimony.

20 MR. SPAHR: Sure. My name is
21 Chris Spahr. Can y'all hear me okay?

22 THE CLERK: Hi, Chris. We can
23 hear you.

24 MR. SPAHR: Okay. Thank you.
25 Good morning, Chairperson and other

1 Councilmembers on the Committee on
2 Public Health and Human Services as well
3 as my fellow witnesses. My name is
4 Chris Spahr. I'm the Executive Director
5 of the Centennial Parkside Community
6 Development Corporation. I'm here to
7 provide testimony on Bill No. 200392.

8 This past summer as all of you
9 know, we experienced numerous episodes
10 of trauma in our neighborhoods, starting
11 with the coronavirus pandemic that has
12 disproportionately impacted our Black
13 and Brown communities, causing illness,
14 joblessness and hunger and continuing
15 with the murders of unarmed Black men
16 and women at the hands of law
17 enforcement leading to uprisings that
18 shook our City streets for weeks.
19 Amongst all of the stress and turmoil,
20 the residents of many Philly
21 neighborhoods also experienced the
22 endless noise of fireworks night after
23 night into the early morning.

24 Often times it was hard to
25 decipher the sounds of fireworks from

1 the sounds of gunshots. As Executive
2 Director of the Centennial Parkside CDC
3 and the East Parkside neighborhood of
4 West Philadelphia, I fielded numerous
5 complaints of residents complaining
6 about the noise associated with
7 fireworks throughout East Parkside.

8 We have many people in the
9 neighborhood who suffer from PTSD
10 associated with the sounds of gunshots
11 and other loud noises. We have
12 terrified children and working people
13 who can't sleep at night due to the
14 noise. One resident wrote to me saying
15 "these fireworks are really out of hand,
16 it's every single night. We have
17 elderly people, children, pets, people
18 who work and it's terrorizing us and
19 causing trauma and anxiety."

20 One particularly terrible
21 incident occurred in the early morning
22 hours of July 5th when two historic
23 apartment buildings located at 4224 and
24 4226 Parkside Avenue were damaged by a
25 fire suspected to be caused by a

1 firework shot off from either the roof
2 of the buildings or from nearby
3 Fairmount Park. Those fires displaced
4 at least 11 people from the historic
5 mansions on Parkside Avenue. These were
6 primarily affordable housing units in
7 those buildings. These buildings are
8 still unable to be occupied and all of
9 the residents needed to find other
10 places to live.

11 So as you've heard from my
12 testimony, fireworks that may seem fun
13 and harmless most of the time have
14 created a multitude of traumas in the
15 East Parkside neighborhood. And on
16 behalf of the residents of East
17 Parkside, I want to thank Councilman Oh
18 for introducing this bill. And I am in
19 full support of Bill No. 200392 in its
20 efforts to limit the use of consumer
21 fireworks in Philadelphia. Thank you.

22 COUNCILMAN HENON: Well, thank
23 you for your testimony, Chris.

24 Does anybody on our Committee
25 have any questions for Chris at this

1 moment?

2 (No response.)

3 COUNCILMAN HENON: Have we been
4 able to connect Pauline?

5 THE CLERK: No, I don't think
6 so. Council Support attempted to call
7 and it went to voicemail.

8 COUNCILMAN HENON: Okay. Well
9 again, Chris, thank you for your
10 testimony and we will give a little bit
11 more time for Pauline to reconnect.
12 This way she has the opportunity to have
13 her voice be heard and her testimony be
14 submitted on the record, and I'm sure
15 her testimony has been submitted for the
16 record and will be if it's not.

17 Sabrina, our next panel, do we
18 need a moment to connect via phone?

19 THE CLERK: Yes, please. Thank
20 you.

21 COUNCILMAN HENON: I'm going to
22 ask that we not go into recess, but we
23 will take a brief pause as we try to
24 connect the witnesses from the public
25 who call in and submit their testimony.

1 And while we're connecting,
2 again I want to thank all the panels and
3 the witnesses for your participation
4 today. We do value your opinions and as
5 stated, we're going to be inviting or we
6 ask that all witnesses and panels to not
7 disconnect for this brief time before we
8 go into our public meeting. These
9 proceedings will be paused briefly while
10 we try to connect multiple participants.

11 (Brief recess.)

12 COUNCILMAN HENON: Good
13 morning. My name is Councilman Henon,
14 Chairing this meeting on behalf of
15 Councilmember Cindy Bass. You may state
16 your name for the record and proceed
17 with your testimony, please.

18 MR. HARRIS: My name's Mark
19 Harris from Cathedral Park. It's a
20 little community in West Philadelphia
21 just below Parkside. And we've
22 experienced -- I get around through West
23 Philadelphia generally a lot of problems
24 regarding fireworks. They're loud.
25 They're noisy. Make it hard for people

1 to sleep at night and people set them
2 off any time they want to. But besides
3 the nuisance factor, it's a public
4 safety factor.

5 There was a structure up on
6 Parkside Avenue that actually got set on
7 fire because of the falling of debris
8 from one of these things that landed on
9 the roof. And also, many of them sound
10 like gunshots. So there's a confusion
11 factor. When one hears these noises,
12 one wants to call them into the Police
13 Department as a gunshot. But you can't
14 really tell in many cases, which means
15 sometimes they may not get called in or
16 they may get called in as a gunshot when
17 they're exactly really just fireworks,
18 which are much less dangerous, which
19 wastes the police time.

20 It really would be best to
21 outlaw these things as much as possible.
22 Just go back to the way it was where the
23 innocuous things like sparklers were
24 permitted, and not actual fireworks.

25 COUNCILMAN HENON: Well, thank

1 you for your testimony.

2 MR. HARRIS: All right.

3 COUNCILMAN HENON: Sabrina,
4 will you call our next witness, please.

5 THE CLERK: Susan Seagal.

6 MS. SEAGAL: All right. I just
7 unmuted my mic and I will turn on my
8 camera as well.

9 COUNCILMAN HENON: Good
10 morning, Susan. Please state your name
11 for the record and you may proceed with
12 your testimony.

13 MS. SEGAL: Okay. My name is
14 Susan Segal, actually Susan Segal-
15 Bonavitacola. I'm testifying in
16 reference to Bill 200392. I live in the
17 West Mount Airy section of Philadelphia.
18 And most of the summer there were
19 fireworks every single night as soon as
20 it got dark. And as the previous
21 gentleman stated, sometimes you didn't
22 know whether they were gunshots or
23 fireworks.

24 I want to thank, by the way,
25 our Fire Department and our Police

1 Department. I really appreciate your
2 service and City Council for taking this
3 up as well because you really have no
4 place else to go. I have dogs that
5 every time I walk outside they pull me
6 back in because they are terrified. My
7 neighbor has a little girl who was
8 terrified by the noise. And there were
9 several others as witnessed next door,
10 communication online where every day
11 there was somebody that was scared
12 because they had, what is it, PTSD or
13 just plain fear or the inability to be
14 able to go to sleep because there was so
15 much noise.

16 And if you were lucky enough to
17 have a window air conditioner, you were
18 able to drown out the sound. Even
19 though it might not have been hot enough
20 for a window air conditioner, you turned
21 them on anyway because that was the only
22 way to get some peace and quiet, so I
23 appreciate what you're doing. I just
24 don't know how you catch these people in
25 the act of doing it so that they can

1 maybe be fined and say, this is not
2 worth it, I'm not going to do this. How
3 would that happen unless one saw them?

4 COUNCILMAN HENON: That is a
5 good question. And I believe Councilman
6 Oh is in a better position to respond to
7 that. But most of the time, the calls
8 are submitted to either 311 or 911 and
9 they respond as quickly as possible.

10 MS. SEGAL: I understand that.
11 But when I called, it sounded like it
12 was right next to me practically and I
13 ran outside to see if I can find it and
14 it was close, but I don't know exactly
15 where it was. So there was -- I would
16 have to get in my car and drive around
17 to see if I can find people that were
18 actually shooting off these fireworks so
19 that I could report them and tell the
20 police or the fire department where to
21 find them. That, I found, was the
22 problem. They were in close proximity
23 to where I was living. It was
24 really awful.

25 I understand federal holidays

1 and I understand when people get
2 frustrated and the gentleman that
3 mentioned sparklers, there's nothing
4 wrong with sparklers. I don't think you
5 can start a fire with a sparkler. I
6 don't know. But if you don't know what
7 you're doing and you don't care who you
8 bother, you should pay a fine of some
9 sort, like how do you fine those people.

10 COUNCILMAN HENON: We
11 understand that that is part of the
12 challenge.

13 MS. SEGAL: Yeah. So I'm
14 hoping that this is some way you find a
15 path, because two nights again in my
16 neighborhood in West Mount Airy around
17 9:30, quarter of 10:00, there were
18 several, several huge bangs. Now, I
19 know they were fireworks and I know they
20 are young people who have nothing to do.
21 The frustration level is huge.

22 COUNCILMAN HENON: We share
23 your frustration. I --

24 MS. SEGAL: I know you do.

25 COUNCILMAN HENON: And I know

1 that as a result of this legislation
2 even though we are governed through
3 state law, I think the enforcement
4 agencies are more in tune with each
5 other and have been speaking
6 collaboratively on how to address these
7 moving forward as much as we possibly
8 can.

9 MS. SEGAL: Well, it certainly
10 will be much appreciated. Just what
11 you're doing right now is helpful
12 because it's saying that you hear us and
13 you want to help us. I'm just
14 frustrated as to how. Having worked in
15 government myself, I know it can be very
16 difficult. But I worked on the federal
17 level so I'm not quite sure how the City
18 level works.

19 COUNCILMAN HENON: We are --

20 COUNCILMAN OH: Mr. Chairman,
21 maybe I can just make a brief comment in
22 answer to that question.

23 COUNCILMAN HENON: Go ahead,
24 Councilman Oh.

25 COUNCILMAN OH: Thank you very

1 much, Mr. Chairman.

2 Enforcement is always
3 challenging. I think the first problem
4 that we encountered was we never had
5 this type of activity with fireworks,
6 not to my knowledge, not anything like
7 this, three, four, five weeks in a row,
8 night after night, 2 o'clock in the
9 morning, 3 o'clock in the morning and
10 really loud.

11 But one of the problems is
12 there was nothing prohibiting -- well,
13 yeah, you had to get written permission
14 if you were in a public space. But for
15 example, does that include the park or
16 does that include a sidewalk or does
17 that include a vacant lot, wherever it
18 is. So it was difficult because while
19 there are restrictions, for example, the
20 purchase of fireworks is you have to be
21 over 18. But after you purchase it, the
22 possession of it is not -- you can be
23 12, possession is not a violation. And
24 then you have to be 150 feet away from
25 an occupied structure, but 150 feet away

1 you can still hear them pretty loud.
2 And these appear to be some type of
3 aggregated fireworks because the
4 explosion is louder than any type of
5 cherry bomb I've ever heard.

6 The thing is that simply
7 letting people know -- I think a lot of
8 people don't know -- that, one, now you
9 cannot do it after 9 o'clock except for
10 federal holidays, so that's a violation,
11 it comes with a hefty monetary fine.
12 And again, unless people are just
13 intentionally trying to harass people
14 which then falls into another category
15 all together, but if they are just
16 setting off fireworks and they don't
17 understand that it's prohibited, it
18 gives the Health Department, L&I and in
19 this case the Police if it's 2 o'clock
20 in the morning or the Fire Department
21 the ability to say, hey, listen, it's
22 prohibited so it is illegal and it comes
23 with a fine. And hopefully, people will
24 positively respond.

25 For bad actors, that's always a

1 problem. They are bad actors, but that
2 goes beyond an ordinance. Now, we're
3 talking about criminal violations and
4 things like that.

5 MS. SEGAL: Well, in that vain,
6 one of my neighbors when I was trying to
7 walk my dog came out and said he caught
8 a guy with his trunk open shooting them
9 off in the middle of the street, he just
10 pulled over and started shooting them
11 off and right across the street from
12 residential homes. So you have to chase
13 after them and say, oh, it's a guy here
14 and then call the police and then hope
15 they get there before the guy takes off
16 because he knows someone has seen him.
17 I just want to know how it works.

18 COUNCILMAN OH: I think this is
19 a first step in trying to address that
20 question through the cooperation of our
21 agencies around the fact that now it's
22 very clear and people are alerted and we
23 will kind of deal with it from here.
24 But this is what we can do, and
25 enforcement is a matter of the

1 Administration. As a Legislative body,
2 we're passing a law and certainly, we're
3 going to work with the Administration
4 about enforcement.

5 MS. SEGAL: So when the
6 legislation goes through, it's going to
7 be provided to the stores, including
8 grocery stores I think that sell these
9 fireworks? How will you --

10 COUNCILMAN OH: Well, that then
11 becomes a state matter because there is
12 an effort by Councilmembers. As I said
13 at the very beginning, Councilmember
14 Bass introduced a resolution
15 co-sponsored by other Councilmembers and
16 I think passed unanimously by Council,
17 just urging the state and I know state
18 legislators are looking to ban
19 fireworkers all together from the City
20 of Philadelphia, the sale of it.

21 Thank you very much,
22 Mr. Chairman.

23 MS. SEGAL: Thank you.

24 COUNCILMAN HENON: Thank you,
25 Councilman. And, Susan, I want to thank

1 you for your testimony.

2 MS. SEGAL: Thank you.

3 COUNCILMAN HENON: Sabrina,
4 could you call our next witness, please.

5 THE CLERK: Scott Dubin.

6 MR. DUBIN: Good morning. My
7 name is Scott Dubin. I'm here to speak
8 about Council Bill No. 200392. As a
9 lifelong resident --

10 COUNCILMAN HENON: You may
11 proceed.

12 MR. DUBIN: Thank you. As a
13 lifelong resident in Philadelphia, I was
14 absolutely blown away, no pun intended,
15 by the higher than usual number of
16 explosions that were in the night sky
17 this year. I've lived in Philadelphia
18 for 28 years, varying parts of the City
19 and as we all know, this year was
20 ungodly.

21 The streets surrounding my
22 house on any given evening would be
23 littered with fireworks debris. Many
24 restless nights were had by my partner
25 and I. I'm not even talking about my

1 dog. He was scared. He was hiding
2 under the nightstand every night. If I
3 were at a later point in my life and had
4 a small child in the house, I don't know
5 if we would have made it through the
6 summer in my neighborhood. It was that
7 bad.

8 Individuals would come over to
9 the Senior Recreation Center behind my
10 house and light up fireworks from the
11 athletic field, the hockey rink and even
12 the playground around or after midnight
13 every night. On several nights, several
14 times the athletic field was set on fire
15 by faulty pyrotechnics and by people who
16 thought they were doing the Wawa Welcome
17 America parade on the athletic field.

18 When I would call 911 and ask
19 for someone to come out and take a look,
20 they said they were busy, which I get
21 it. But at what point do quality of
22 life issues qualify as important. When
23 the police would come by, it would be
24 hours after the offenders had already
25 left and the damage was already done to

1 the neighborhood and to the residents.
2 When confronting the individuals, there
3 would be threats of violence or less
4 commonly they would have a conversation
5 and say, well, I'm not breaking any
6 rules, let alone the fact that they
7 would be trespassing in a park, after
8 dark, under trees, near houses, letting
9 off fireworks.

10 With the passage of this bill,
11 that statement would be false because
12 they would be breaking the rules. And
13 it would provide an avenue for the City
14 to stop these events from happening and
15 provide peace and comfort to me, my
16 family, my neighbors and the City of
17 Philadelphia. There are so many great
18 reasons to live in the City, but quality
19 of life issues like this severely
20 outweigh all the positives I can
21 possibly list.

22 I like a good fireworks show,
23 but not at the expense of myself or
24 anyone else's health or sanity. Thank
25 you, Councilman Oh, for sponsoring this

1 bill. And thank you to the Committee
2 for your time.

3 COUNCILMAN HENON: Well, thank
4 you for your testimony.

5 Sabrina, would you call our
6 next witness, please.

7 THE CLERK: I believe Pauline
8 Rosenberg's on the line. Pauline, if
9 you could unmute or press star 6.

10 COUNCILMAN HENON: Good
11 morning, Pauline. If you're able to
12 join us, when that happens, could you
13 state your name for the record so we
14 know that you are there and you may
15 proceed with your testimony.

16 (No response.)

17 COUNCILMAN HENON: Okay.
18 Sabrina, let's move to our last witness
19 on Panel 3, and we'll give Pauline
20 another opportunity to join us.

21 THE CLERK: That will be Joe
22 Carlson. He might have to be called in.

23 COUNCILMAN HENON: We will wait
24 a brief moment for Joe. Any luck with
25 Pauline?

1 (No response.)

2 COUNCILMAN HENON: As we wait
3 for the last two unless there are
4 others, I just want to again thank
5 Councilman Oh and members of this
6 Committee and Council At-Large for
7 addressing these issues. And for the
8 record, we understand everybody's
9 frustration as we share ourselves
10 because we all live in the City of
11 Philadelphia, that we are preempted by
12 state law and when we are preempted by
13 state law, no matter what it is, we try
14 to find ways locally to help address the
15 quality of life and help address the
16 public safety concerns any way possible
17 and this bill does start to do that and
18 it may take a little bit to change
19 behavior, but it is the beginning to
20 change behavior when we are restricted
21 from an entire prohibition of fireworks
22 in the City of Philadelphia because of
23 the state law preemption. So I want to
24 commend Council for trying to change
25 behavior with some of the local

1 provisions that we're able to do that
2 we're not preempted.

3 Any luck with witnesses,
4 Sabrina?

5 THE CLERK: Pauline is on the
6 line. She just has to unmute.

7 Can you please unmute or press
8 star 6, Pauline. Hi, Pauline. We can't
9 hear you.

10 COUNCILMAN HENON: Pauline, if
11 I may, why don't we try reconnecting
12 after this session and we would love for
13 you to submit written testimony to which
14 you were going to speak on. It seems
15 like we're having difficulties
16 connecting, but we still do want to
17 provide you an opportunity to do so.

18 So, Sabrina, if you would be
19 able to try to make that happen on
20 behalf of the Committee, we would
21 appreciate it.

22 With that being said, are there
23 any other questions or comments from
24 members of this Committee?

25 (No response.)

1 COUNCILMAN HENON: I don't see
2 any. There being no further questions
3 from members of the Committee and no
4 other witnesses that are able to connect
5 or that are in the queue right now, I
6 will ask if there's anyone else present
7 in this hearing whose name we have
8 failed to call that wishes to offer
9 testimony on any of the bills or
10 amendments that are submitted here
11 today?

12 (No response.)

13 COUNCILMAN HENON: Hearing
14 none, I want to thank you all. I want
15 to thank all the panelists and the
16 witnesses for their participation here
17 today. And again, we value your
18 opinions. I now invite all the panels
19 and witnesses to please disconnect from
20 the hearing before we go into our public
21 meeting, and we will take a brief pause
22 from the proceedings as multiple
23 participants have the opportunity to
24 leave the hearing.

25 Sabrina, you will let me know

1 when people are fully disconnected and
2 we can move into our public meeting.

3 THE CLERK: I will let you
4 know. There's still a couple of people.

5 COUNCILMAN HENON: Thank you
6 much.

7 THE CLERK: Okay. I think
8 we're good now.

9 COUNCILMAN HENON: Wonderful.
10 This concludes the public hearing of the
11 Committee. We will now go into our
12 public meeting to consider the actions
13 to be taken on the bill that is heard in
14 front of the Committee today.

15 Sabrina, would you please call
16 the roll to take attendance.

17 Members that are in attendance
18 will please indicate that you are
19 present when your name is called. Also,
20 please say brief words when you're
21 responding so that your image can appear
22 to be displayed on our screen as you
23 speak.

24 Sabrina.

25 THE CLERK: Councilmember David

1 Oh.

2 COUNCILMAN OH: Present. And
3 thank you everyone for participating in
4 this hearing.

5 THE CLERK: Councilmember Helen
6 Gym.

7 COUNCILWOMAN GYM: Present.

8 THE CLERK: Councilmember Derek
9 Green.

10 COUNCILMAN GREEN: I am
11 present.

12 THE CLERK: Councilmember
13 Isaiah Thomas.

14 COUNCILMAN THOMAS: Present.

15 THE CLERK: Councilmember
16 Kendra Brooks.

17 COUNCILWOMAN BROOKS: Present.

18 THE CLERK: Councilmember Cindy
19 Bass.

20 And, Councilmember Bobby Henon.

21 COUNCILMAN HENON: I am
22 present.

23 With that, the Chair recognizes
24 Councilman Oh for a motion for the
25 amendment to Bill No. 200392.

1 COUNCILMAN OH: Thank you very
2 much, Acting Chair. I offer an
3 amendment to Bill No. 200392. A copy of
4 the amendment had been circulated to all
5 members of the Committee. I move that
6 the amendment to Bill No. 200392 be
7 approved.

8 COUNCILMAN HENON: Can I get a
9 second?

10 COUNCILMAN GREEN: Second.

11 COUNCILMAN HENON: Thank you.
12 I note for the record that the motion
13 has been seconded by Councilmember
14 Green. It has been moved and properly
15 seconded that the amendment to Bill No.
16 200392 be approved.

17 All those in favor of our
18 motion will signify by saying aye.

19 (Aye.)

20 COUNCILMAN HENON: Those
21 opposed?

22 (No response.)

23 COUNCILMAN HENON: The ayes
24 have it. And the amendment to Bill No.
25 200392 has been approved.

1 The Chair again recognizes
2 Councilmember David Oh on a motion to
3 Bill No. 200392 as amended.

4 COUNCILMAN OH: Thank you very
5 much. I move that Bill No. 200392 as
6 amended be reported from this Committee
7 with a favorable recommendation and
8 further move that the rules of Council
9 be suspended to permit first reading of
10 this bill at our next session of
11 Council.

12 COUNCILMAN HENON: Can I get a
13 second?

14 COUNCILMAN GREEN: Second.

15 COUNCILMAN HENON: The Chair
16 notes for the record that Councilmember
17 Green seconds the motion. It has been
18 moved and properly seconded that Bill
19 No. 200392 as amended be reported from
20 this Committee with a favorable
21 recommendation and further move that the
22 rules of Council be suspended to permit
23 the first reading of this bill at our
24 next session of Council.

25 All those in favor will signify

1 by saying aye.

2 (Aye.)

3 COUNCILMAN HENON: Those
4 opposed?

5 (No response.)

6 COUNCILMAN HENON: The ayes
7 have it. The motion carries. And this
8 will conclude the business for the
9 Committee -- my apologies. So that
10 motion has been properly moved and
11 seconded and it will be read at our next
12 Council session with the rules
13 suspension.

14 And this will now conclude the
15 business before the Committee of Public
16 Health and Human Services. I want to
17 thank you all and thank all of those who
18 participated in our panels and the
19 general public for calling in. Thank
20 you and have a great day.

21 (Committee on Public Health and
22 Human Services concluded at 10:25 a.m.)

23

24

25

C E R T I F I C A T I O N

I, hereby certify that the
proceedings and evidence noted are contained
fully and accurately in the stenographic
notes taken by me in the foregoing matter,
and this is a correct transcript of the
same.

TANEHA C. CARROLL
Court Reporter - Notary Public

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