



New York State Department of Labor  
Elliot Spitzer, Governor  
M. Patricia Smith, Commissioner

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May 8, 2007

Mr. Curt R. Dunnam  
5244 Perry City Road  
Trumansburg, New York 14886  
**VIA E-MAIL**

Dear Mr. Dunnam:

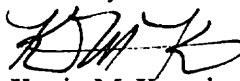
It was a pleasure speaking with you last week regarding your interest in meeting to discuss your concerns with S.3911, the Department of Labor's current departmental bill in relation to explosives. While the Department believes the bill in its current form addresses the Department's responsibility to protect the safety of the public with regard to the storage and use of explosives, we are interested in learning more about your concerns as to how the bill impacts on your activities and those of your colleagues.

With regard to issues that have been previously identified by the Department as problematic in A.7539B/S.4816B of 2006, the Department is particularly concerned about the language on page 2, lines 2 through 5 that would allow unrestricted access to consumer fireworks for individuals who have been issued an explosives or pyrotechnics license or permit by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Additionally, the Department is concerned with the portion of the bill on page 3, lines 13 through 31 that would add language to the Labor Law to regulate public and private displays of fireworks. Both of these issues raise serious public safety concerns and are currently regulated by Penal Law Articles 207 and 405, which address the legality of consumer fireworks and displays of fireworks.

Also of concern is the language on page 1, lines 19-22 and page 2, lines 1-2 that exempts individuals who have been issued a license or permit by the ATF from regulation by the Department of Labor on the state level. In addition to raising serious public safety concerns, this language would put New York State pyrotechnicians at a competitive disadvantage. This language would allow out-of-state pyrotechnicians who hold an ATF license or permit to enter the state and perform fireworks shows without first having to obtain the proper credentials from the Department, thereby opening New York State as a new market for their activities.

I trust this information is helpful to you as a starting point for our meeting. I look forward to seeing you soon.

Sincerely,

  
Kevin M. Kerwin

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