

United States Senate
WASHINGTON, DC 20510

July 1, 2014

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

As Independence Day approaches, we write to express concern for a cherished Fourth of July tradition: celebratory fireworks to commemorate our nation's founding. In the past few years, misguided citizen lawsuits have threatened community fireworks shows. We are concerned, on the eve of the celebration of this great nation's founding, that the Environmental Protection Agency (EPA) is set to foster expanded efforts to undermine this form of celebration. If finalized, EPA and the Army Corps of Engineers' (Corps) proposal to expand the Clean Water Act's definition of the "waters of the United States" may enable litigious environmental groups to jeopardize fireworks displays throughout the country.

In California, there is clearly a concerted effort to prevent local communities from conducting traditional Fourth of July fireworks shows. The Lake Murray July Fourth Music Fest and Fireworks Show has been cancelled three years in a row due to litigation uncertainty.¹ Last month, the San Diego City Council agreed to pay an environmental lawyer \$250,000 in order to end litigation over Fourth of July fireworks displays.² At Lake Tahoe, officials nearly cancelled this year's Fourth of July fireworks show in response to an environmental lawsuit, but a settlement reached in April will apparently allow the show to go on as scheduled.³

The Lake Tahoe lawsuit is particularly noteworthy, since it alleged that the locality's Fourth of July fireworks show violated the Clean Water Act.⁴ According to the plaintiffs'

¹ Jeremy Ogul, *Environmental Lawsuits Case Shadow Over Fireworks Show*, THE MISSION TIMES COURIER (June 24, 2014), http://scoopsandiego.com/mission_times_courier/community_news/environmental-lawsuits-cast-shadow-over-fireworks-shows/article_35fe441c-fb26-11e3-aba1-001a4bcf6878.html.

² *Local Lawyer to Receive \$250K to End Lawsuit Over Fireworks*, SANDIEGO6.COM (June 17, 2014), <http://www.sandiego6.com/news/local/Local-lawyer-could-receive-250K-to-end-lawsuit-over-fireworks-263454441.html>.

³ Scott Stoner, *Lawsuit Resolved on Lake Tahoe 4th of July Fireworks*, LAS VEGAS REVIEW-JOURNAL (April 2, 2014), <http://www.reviewjournal.com/news/lawsuit-resolved-lake-tahoe-4th-july-fireworks>.

⁴ See Complaint for Declaratory and Injunctive Relief and Civil Penalties at 14, *Truxler, et al. v. Pyro Spectaculars North Inc., et al.*, No. 2:13-cv-02310 (E.D. Cal. Nov. 6, 2013).