

# Fireworks: What We Heard

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## 1 Executive Summary

The Public Safety Division held two meetings with stakeholders of low-hazard-fireworks (Consumer) in November 2016. Stakeholders included representatives of summer villages, urban and rural municipalities, municipal fire departments, the Alberta Fire Chiefs Association (AFCA), the Canadian Fireworks Association (CFA) and the Cities of Edmonton and Calgary. Stakeholders were asked for their perspective on the current regulatory framework for low-hazard fireworks including what is currently working, and what is not working. They were then asked to identify features and principles that would comprise an effective system.

### ***What is working?***

- The federal regulations work well for Display (high hazard) fireworks, importation, and general rules.
- Storage rules are enforceable through the Alberta Fire Code (AFC).
- Imports are well regulated.
- Industry is at the table discussing issues.
- The current framework respects municipal autonomy.

### ***What is not working?***

- There was agreement that the permitting system through the AFC is not working in many different municipalities.
- There are concerns about the misuse of the product.
- It was agreed that most fireworks complaints are nuisance or noise complaints.
- Existing enforcement tools such as orders and prosecution do not work for resolving fireworks issues.

### ***Features of an ideal system:***

- Consumers want access to fireworks, so an ideal system will provide controlled access.
- Stakeholders would like a framework that provides municipalities and stakeholders with guidance on low-hazard fireworks regulations and processes. They do not want to operate in a completely unregulated environment.
- Municipalities want to be able to decide whether or not to allow the sale and discharge of fireworks in their community.
- Stakeholders have rules in place that are easy to understand and comply with.
- Improved partnerships between industry, retailers, municipalities, and enforcement bodies.
- Better public education and consumer awareness.
- Timely and effective enforcement tools for a broad group of potential enforcement bodies that could include Safety Codes, Bylaw, Fire, Police, Forestry, Health officials.

## 2 Introduction

Low-Hazard Fireworks in Alberta are regulated at the federal, provincial levels, and in many cases also by the municipality. Manufacture, import and transportation fall under the federal *Explosives Act*. Storage also falls under the federal *Explosives Act*, but these provisions are restated in the Alberta Fire Code (AFC) under the provincial SCA. Wholesale is regulated provincially under the AFC, by requiring the AFC Administrator to approve wholesalers. Retail is regulated provincially under the AFC, and in some cases municipalities choose to further regulate sales by setting additional terms in business licenses, and requiring permission from the local fire department to sell. Use of these products is also regulated under the AFC, and municipalities have the option of issuing permissions and passing bylaws that can further regulate their use within the municipality's jurisdiction. Enforcement of federal requirements is done under the *Explosives Act*. Provincial provisions under the SCA are enforced by accredited entities including municipalities. Municipalities have the power to further regulate low-hazard fireworks using bylaw making powers given to them under the *Municipal Government Act*. The matrix below outlines the relevant regulations and enforcement mechanisms in place in the federal, provincial, and municipal jurisdictions for the different activities associated with regulating fireworks such as manufacture, storage, and sales.

The following are the highlights and themes from the two facilitated stakeholder meetings held with various stakeholders of low-hazard fireworks. The purpose of these discussions was to capture the perspectives of stakeholders, identify challenges and gaps in the current system, and identify the principles of an effective system.

## 3 Facilitated Discussion

### 3.1 Who are the key stakeholders for low-hazard fireworks?

- Municipal governments
- Provincial government
  - Forestry and Agriculture
  - Transportation
  - Environment and Parks
  - Municipal Affairs
- Federal government
- Fire, police, peace officers
- Consumers (both general public and users)
- Commercial: Manufacturers, distributors, and retailers
- Religious groups (this segment is growing)
- Cultures that use fireworks for celebrations (e.g. Chinese New Year)
- Environmental groups
- Community leagues

## 3.2 What is working well?

### ***Autonomy and Community***

- Municipalities have the choice whether to allow or not allow the sale and discharge of low-hazard fireworks in their jurisdiction.
- If municipalities choose to allow fireworks, the AFC must be followed, but they have the choice to augment this through a local bylaw by adding administrative requirements such as conditions on permissions, how to get permission, and who can issue the permission.
- Municipalities want to have autonomy, but they do not want to operate in an unregulated environment.
- Many stakeholders are in support of having a fireworks regulatory framework that permits cultural celebrations that involve low-hazard fireworks.

### ***Municipal Engagement***

- Municipalities are being engaged, and do have the autonomy to make decisions about how fireworks are regulated in their jurisdiction.

### ***Standardization and Consistency***

- Standardization of certain elements such as manufacture, storage, sale, import and classification is working well:
  - Municipalities prefer having the standardization that federal regulations and standards provide, because they do not have the technical capacity to determine how to regulate fireworks on their own.

### ***Compliance***

- There is a wide pool of potential enforcement options available in some municipalities including bylaw enforcement, police, fire officials, and safety codes officers (SCOs).

### ***Availability***

- The current system makes fireworks readily available to consumers.
- Participants thought it was important to make fireworks accessible so that people are less likely to seek illegal homemade fireworks.

### ***Industry Partnerships***

- There are industry partners in place such as the Canadian National Fireworks Association (CNFA) that can provide support for educational activities and capacity building.

### ***Public Education***

- There are some public education pieces in place.

### **Effective Permitting Models Exist**

- Bonneville's model was noted as an example of an effective model for permitting fireworks.

## **3.3 What isn't working well?**

### **Alberta Fire Code**

- Most participants agreed that the AFC was problematic for a number of reasons:

#### *Permit Process*

- The permit process is difficult for consumers to comply with, and for municipalities to administer:
  - Multiple permissions are required for the consumer;
  - There is no way to coordinate permissions in many municipalities;
  - Permits are often difficult to access because they need to be acquired from the local fire department which may or may not be available at convenient times.
- There is a high degree of variability in how municipalities permit low-hazard fireworks, adding to confusion for consumers.

#### *Regulatory Alignment Challenges*

- The AFC rules on fireworks are partially based on an outdated version of the federal Explosives Regulation, adding to confusion.
- Local councils, the public, and fire departments, do not have a strong understanding of the rules.

#### *Lack of Support for Municipalities*

- There is no provincial framework that provides guidance to municipalities on how to effectively administer fireworks regulations.

### **Enforcement**

- The federal government does not enforce federal rules at the local level.
- There is a lack of clarity over who has the jurisdiction and authority to enforce fireworks rules.
- Irresponsible use of products is hard to discourage or prevent because the products are not easy to track.
- The major provincial enforcement mechanisms under the SCA (orders and prosecution) are not effective tools to deal with the behaviour of users of fireworks because:
  - A fire department official has the power under the AFC to issue permissions, but does not have any other enforcement powers;
  - The SCO has the power to issue an order or prosecute, but these are not effective tools for enforcing the proper use of fireworks by individuals.
  - Bylaw officers can issue tickets within the scope of the municipal bylaw, which varies from municipality to municipality.

- Municipal capacity is often limited and bylaws are difficult and costly to enforce, particularly in smaller municipalities.
- Fireworks can be accessed outside of the provincial system:
  - Fireworks sold on First Nations are not subject to provincial rules;
  - Fireworks can easily be purchased online.
- Rural areas rely on volunteer staff, which further limits enforcement by this method.

### ***Education and Awareness***

- There is a lack of education for consumers on safe use.
- Sellers do not have sufficient safety training.

### ***Role of Retailers***

- Some retailers do not observe the rules around permits, which includes verifying that the individual has a permit.
  - Many retailers are not held accountable.
- Retailers could play a stronger role in the permitting of fireworks use, and the education of consumers.

### ***Use***

- Nuisance and noise complaints are the primary fireworks related concern for municipalities.
- Grass and forest fires can also be caused by fireworks.
- A large municipality voiced concern that consumer fireworks are often used at events in large quantities, which could create challenges for municipalities in managing potential risks.

### ***Inconsistency of Approach between Municipalities***

- There is inconsistency throughout the province in the application of the regulations for:
  - Sales;
  - Storage;
  - Permitting; and
  - Enforcement.
- Lack of coordination between municipalities can create additional challenges. For example, when one municipality permits the sale but not the discharge of fireworks within their boundaries, other municipalities may experience increased demand for enforcement.

## **3.4 Visioning Exercise – What would success look like?**

### **3.4.1 Vision:**

- Participants developed a draft vision statement:
  - Proper and safe use of low-hazard fireworks with a mechanism to address abuse.

### 3.4.2 Outcomes

- The consumer is compliant and safe.
- Regulations are understandable and easy to follow which encourages compliance.
- Lower nuisance complaints.
- There are no fires or injuries as a result of fireworks.
- There is a reasonable level of consistency between municipalities in how fireworks are managed.
- There are clear roles and responsibilities for vendors, retailers, and users.
- Vendors, retailers, municipalities, enforcement bodies, and users are informed.

### 3.4.3 Key Components of an Effective System

#### ***A Provincial Framework***

- Participants at both sessions suggested the need for a standardized provincial framework to guide the regulation of fireworks that would ensure alignment between provincial and federal regulations, and give municipalities the choice on whether or not to allow fireworks while providing for consistency where fireworks are allowed.
- The framework could include:
  - Guidelines;
  - Permit processes;
  - Model bylaws;
  - Enforcement mechanisms; and
  - Regulations.

#### ***Effective Enforcement***

- A standardized approach to enforcement that is simple to administer for municipalities.
- Enhanced cooperation between enforcement bodies.

#### ***Effective Permitting***

- An effective permit process that is streamlined, easy to administer, standardized, administered at point of sale, able to track end-users, and provides educational materials that encourage safe use to users.
- Special permit free days were suggested as a potential approach to simplifying the permitting process.

#### ***Enhanced Public Education***

- Adequate consumer education programming is delivered to consumers.

## 3.5 What principles should guide an effective system?

#### ***Principles:***

- **Municipal Autonomy:** The role of the municipality in determining whether to allow low-hazard fireworks in the community and set limitations on their use is respected.
- **Clear, transparent, simple, and accessible rules:** Rules are easy for stakeholders to access, understand, and follow.



- **Effectiveness:** The regulatory system is able to achieve its outcomes because it is enforceable, reasonable, flexible, and practical.
- **Consistent:** Low-hazard fireworks are regulated consistently across the province.
- **Proportional:** Compliance mechanisms are proportionate to the infraction.
- **Safety:** The system is focused on safety.
- **Collaboration:** Collaboration between municipalities is encouraged to enhance the effectiveness of municipal enforcement and management of fireworks.