



Canadian National Fireworks Association
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Prepared for: Calgary Fire Department

Prepared by: Canadian National Fireworks Association

RE: Amendment to Fire Operations and Fees Bylaw 55M2014

The Canadian National Fireworks Association (CNFA) became active in Alberta several years ago when the province first looked at changing their regulations relating to consumer fireworks in the Alberta Fire Code (AFC).

In anticipation of changes to provincial regulations, CNFA participated at the municipal level with governments, fire departments and the public in order to offer support and better understand the issues municipalities were facing regarding the sale and use of consumer fireworks. Based on the feedback we received, CNFA worked with the province as they modified the AFC, which resulted in municipalities gaining the autonomy to regulate consumer fireworks.

As a result of City Council's decision on October 22, 2019 to refer the staff report to "Administration to engage with stakeholders to consider options other than a ban on consumer fireworks and report back to the 13 November 2019 meeting of the SPC on Community and Protective Services", along with the association's experience across the country, we have compiled this document to support our recommendations for a bylaw to regulate consumer fireworks; one that promotes safety and is enforceable.

Low-hazard fireworks, high-hazard fireworks and illegal fireworks

Low-hazard fireworks, commonly known as "consumer fireworks" and "family fireworks," are rigorously tested before being approved for recreational use by the federal government. Canadian testing standards are some of the most stringent in the world. Once products are tested and approved, they are safe for use by people 18 years and older. There have been no deaths relating to low-hazard fireworks over the past 30 years in Canada. The products have a fraction of the pyrotechnic compositions that are used in other levels of fireworks and are intended for use by the general public.

High-hazard fireworks which include "display fireworks" and "special effect pyrotechnics" are designed to be used only by certified professionals. They include much larger products for large shows, as well as special-purpose products for the film industry. In order to use high-hazard fireworks, you are required to be certified as a Fireworks Supervisor by Natural Resources Canada. Only .0003% of the population in Canada has this certification.



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Firework products such as firecrackers, cherry bombs, snaps, and M-80 salutes are often mistaken as legal in Canada when in fact, **they are illegal**. These illegal firework products have not been approved by the federal government and therefore are not legal products for recreational use. Countries like the U.S. permit these products, which is why some assume they are also legal here.

Comparing products allowed for use in the U.S. and Canada is like comparing apples to oranges-*they are very different*. Low-hazard, high-hazard, and illegal fireworks differ immensely in properties, certification requirements and risk, however, those distinctions are not always clear to the general public.

Consumer fireworks were removed from the Alberta Fire Code for a reason

Consumer fireworks, until April 2019, were regulated provincially in the Alberta Fire Code (AFC) through a series of stringent requirements to purchase and use products. The province understood the AFC was not working for a number of reasons and released the document “*Fireworks: What We Heard*” to share their findings, in hopes of changing the regulations in the future.

As outlined in this 2016 provincial document, the AFC required a series of onerous steps for the public to purchase and use consumer fireworks which ultimately resulted in a substantial number of individuals disobeying the regulations.

“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.” (Page 5, s. 3.3)*

The CNFA does not support or recommend any city to implement a system that was deemed “problematic” by the Province of Alberta. This includes the requirement to obtain written permissions from multiple fire departments across Alberta, in order for the public to purchase low-hazard firework products. It is not enforceable and is extremely onerous on otherwise law-abiding individuals.



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Fireworks can be accessed in multiple ways

Access to fireworks is prevalent throughout Canada in many different ways. Federally approved consumer fireworks are available in retail stores where municipalities allow sales, and online from retailers and distributors across the country. These products, when shipped or purchased, are legal and it's incumbent on the purchaser to abide by the local firework bylaw where they plan to discharge.

Illegal and unauthorized products can also be purchased through multiple avenues. Many First Nations reserves sell firework products year-round and are not mandated to follow the same guidelines as municipal retailers. Also, fireworks can be bought online on websites such as Craigslist, or brought back from the U.S., which may not be approved for use in Canada.

The *Fireworks: What We Heard* document highlights this as being an enforcement issue:

“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.” (p.5)*

Through our experience, onerous consumer firework regulations can lead the public to access fireworks illegally. It does not eliminate their desire to use products.

CNFA's recommendations are guided by the province

For continuity, CNFA would like to use the provincial *Fireworks: What We Heard* document s. 3.5 *What principles should guide an effective system?* to support our recommendations.

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.*

Alberta-wide polling data shows 64% of Calgary residents believe they should be able to use legal consumer fireworks for special celebrations.

Clear, transparent, simple, and accessible rules: *Rules are easy for stakeholders to access, understand, and follow.*

The current permit system, as well as the new proposed permit system, is not easy for residents and business owners in Calgary to access, understand or follow. Currently, before purchasing fireworks within the community, the following steps must be taken:



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- Go to a retailer to determine what products are permissible for use within their community;
 - Make a list of the desired products;
 - Take said list to the designated fire department office during business hours for review; and
 - Once approval has been granted, which may take several days, the purchaser must then return to the original retailer with the required permits to make their purchase.

Effectiveness: *The regulatory system is able to achieve its outcomes because it is enforceable, reasonable, flexible, and practical.*

The CNFA, the City of Calgary and the Calgary Fire Department are in alignment that public safety is paramount. By implementing enforceable regulations that allow trusted retailers to sell federally approved consumer firework products, we are able to promote and educate on the safe and proper use at point of sale. Currently, there is no opportunity for education, putting the city in heightened risk.

Consistent: *Low-hazard fireworks are regulated consistently across the province.*

CNFA is a willing and able partner for cities across the province in helping to achieve bylaw consistency.

Proportional: *Compliance mechanisms are proportionate to the infraction.*

Fines and fees should be set to heavily encourage individuals to follow the rules in the bylaw, and fees for retailers can help offset costs incurred for enforcement.

Safety: *The system is focused on safety.*

Giving the public access to federally authorized legal products through reputable vendors, in our experience, is the best way to mitigate risk. Education at point of sale on the safe use is paramount to a safe and enjoyable experience.

Collaboration: *Collaboration between municipalities is encouraged to enhance the effectiveness of municipal enforcement and management of fireworks.*

CNFA continues to work with several municipalities across Alberta, including but not limited to Calgary, Edmonton, Airdrie, Grand Prairie, Crossfield, Red Deer, Medicine Hat and others to find similar bylaw solutions.

These seven core principles, as provided by the province, can be addressed through a CNFA-recommended bylaw.



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What are other municipalities doing?

The CNFA works with municipalities across Canada in order to create consumer firework bylaws that are balanced and enforceable. Though we do not believe in a “one size fits all” solution, there are commonalities between municipalities with enforceable bylaws that will be expressed and recommended to the Cities of Calgary and Edmonton.

Pragmatic bylaws

Toronto, ON¹

- Permits issued by the City for vendors to be able to sell consumer fireworks year-round
- Permits issued by the City for temporary stores for a period of time leading up to Canada Day, Victoria Day and Diwali
- States: LOW HAZARD FIREWORKS - Fireworks that are relatively innocuous in themselves and not liable to explode violently or all at once and have the same meaning as in the Explosives Regulations.
- Allows for residents to discharge low-hazard fireworks on Victoria Day and Canada Day (+/- one day) without a permit from the City
- The rest of the year, residents can apply for a permit from their fire department
- This permit is to *discharge* consumer fireworks within the city, n/a to purchase

Saskatoon, SK²

- Requires a permit to sell consumer fireworks from the Fire Department
- Residents can discharge consumer fireworks on Canada Day, Labour Day, Victoria Day, and New Year's Eve until 12:15 AM New Years Day.
- Residents need a permit from the Fire Department for use on other days of the year to *discharge*

Across the country, cities are enforcing consumer fireworks bylaws which allow for the public to purchase and use federally-authorized products, while still remaining in control of the regulatory process.

¹ Toronto Municipal Code Chapter 466: Fireworks: https://www.toronto.ca/legdocs/municode/1184_466.pdf

² Bylaw No. 7990 The Fire and Protective Services Bylaw, 2001,
<https://www.saskatoon.ca/sites/default/files/documents/city-clerk/bylaws/7990.pdf>



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CNFA recommended bylaw characteristics

CNFA recommends a bylaw to the City of Calgary with the following characteristics:

- Allow for year round sales from reputable retailers. Retailers to apply for a permit to sell, approved by the city, with a fee attached
- Require retailers to complete a CNFA vendor training course before their license is approved.
- Similar to the Toronto model; allow for two holidays, Victoria Day and Canada Day, for the public to use consumer fireworks without a permit to discharge (called “open dates”).
- Times outside of “open dates” will require a permit to discharge within the city from the fire department.
- The days that are not “open date”, which would require a permit from the City, should be streamlined, standardized, easy to administer at point of sale, (i.e. online through the city website), and provide educational materials in order for it to be effective.
- The permit is to be administered by Fire Services.
- Recommendation to review this process in three years and evaluate if anything needs to be changed i.e. opening other dates or changing the open dates.

The CNFA believes that, through this framework, the City of Calgary will be aligned with other cities across the country that regulate consumer fireworks. This system incorporates recommendations provided by the province and is restrictive in nature, yet enforceable. At your request, the CNFA can participate in education for retailers and the public on proper sale, purchase and use of consumer fireworks which we have found through experience, is the best way to keep communities safe.

Thank you for your time and consideration.

Perry Logan
Executive Director
Canadian National Fireworks Association