

As Town moves towards fireworks ban, CNFA says that won't solve the problem

By Rob Paul

Last week, Caledon Town Council passed a motion to accept the recommendation of a staff report regarding fireworks. Though no by-law was attached to the staff report, this could pave the way for firework use being banned in Caledon in 2022.

In early 2022, it's expected that Council, with input from residents, will craft and pass a by-law that would effectively make the use of fireworks in Caledon illegal. Exceptions would be made for events and theatrical pyrotechnics but would need to be selected for approval by the Town.

The potential banning of fireworks stems from complaints of firework usage at late hours, danger as result of safety protocols not being followed, damaged property, and the negative impact on the environment.

The staff report states that the discharge of fireworks for personal use will not be permitted, there will be a formal ban on the sale of low-hazard consumer fireworks, maintain minimum safe distances of 300 metres from all vulnerable occupancies, set acceptable times to discharge fireworks from dusk to 11:00 p.m., unless otherwise approved, and a permit system for the discharge of fireworks for community events and other displays for motion picture and theatrical pyrotechnics will be implemented.

That would ensure large fireworks displays are discharged by a Licensed Display Supervisor, have sufficient insurance for liability purposes, inspections are required to be conducted for safety purposes, include acceptable times and locations, and this includes community groups that would like to put on displays in settlement areas and villages.

This process began at a General Committee meeting on May 18, when Council asked staff to consider and develop a separate set of standards for the use of fireworks within urban centres and to ensure distance from livestock, while implementing a permitting system for community displays.

Staff also recommends that community events follow the following requirements if a fireworks by-law is passed: be held on Town property, hold a minimum \$5 million liability; the display be conducted or performed by a licensed display supervisor; require a security deposit; take into consideration other Town departments that may be impacted, including Parks and Recreation.

The purpose of the report was to provide options for consideration regarding the direction received and also to outline concerns with respect to the impact of the use of fireworks within the community. The other options outlined in the report included permitting the discharge of fireworks on properties that are a minimum of half an acre in lot with other safety measures in place and banning all fireworks sale and discharging of fireworks within the Town of Caledon.

Perry Logan, Executive Director of the Canadian National Fireworks Association (CNFA), wrote a letter to Council detailing his disappointment with the potential decision to ban easy access to fireworks in Caledon and to reiterate that disappointment while delegating at the meeting.

“We are disappointed that the Town of Caledon staff has submitted a report recommending an essential ban on an industry that legally sells over 4,000 products in Canada under the Explosives Act as legislated by the Federal Government under the Department of Natural Resources Canada,” he said. “Fireworks are used by hundreds of thousands and enjoyed by millions in our country, and it is proven that 99.9 per cent follow the safety regulations. The reason this topic is before committee is because of the less than .1 per cent that don't respect their community or can't be controlled by rules and regulations.

“There is already legislation under the Explosives Act for enforcement to act on illegal use and yet we are seeing another staff report that highlights concerns and very little in the way of solutions. A fireworks ban has never been successful in any community in Canada because the decision makers don't understand what the problem with misuse of fireworks really is. Banning fireworks will

not stop delinquent use as proven in other communities. Better education and public awareness campaigns at the retail location is proving to be successful. The CNFA asks that committee defer this report back to staff to allow them to engage the industry on deliverable solutions that benefit everyone in Caledon, and not just a few.?

In response to the CNFA highlighting the ineffectiveness of by-law enforcement for fireworks bans, Mayor Allan Thompson raised concerns about the education not making a difference either.

?The education isn't working either,? said Thompson. ?The litter and mess we've had this year is the worst we've had yet and it's just from total lack of regard on discharging fireworks. Firing under school buses and under people's cars?the damage to property has been unreal. I'd welcome it if we can get the education, but the education is so far behind. I will tell you, what we've seen so far has been a mess. What do you do to prevent? It's not burning down the neighbourhood but it's the next thing to it. If we can somehow show that fireworks can be discharged in a group setting in a controlled manner in a safe way, I'm all for it, but right now, it's the wild west.?

Earlier this year, a survey in Toronto found that 70 per cent of fireworks purchases are done by people that are unaware of the rules and the CNFA wants to focus on removing that as an excuse through training.

Aleem Kanji, who represents the CNFA, doesn't see a way that a by-law could possibly be enforced and only sees this as a way of removing the potential safety education that could be in place.

?We believe that the CNFA believes very strongly in the power of education at the point of sale through vendors and through retailers and through the CNFA's Vendor Certification and Employee Training Program and through the CNFA's Be a Good Neighbour program, we see the results of that across the country around what education can do to make people aware of what the rules are around fireworks,? said Kanji. ?The limited resources that by-law, fire, and municipalities have, in our experience, show that bans simply do not work.?

This isn't a new problem either, says Kanji, but it is one that the CFNA believes was highlighted as a result of the pandemic and the way forward is not to ban fireworks, it's to put a more connected effort forth in education.

?It's not unique to Caledon, municipalities across the country, across the continent, and across the world have seen an increase in fireworks as a result of the pandemic. Restrictions on sales and use are impossible to enforce in any community and COVID has made this an unusual year, with unusually high levels of complaints and earlier lockdowns meaning people were going outside to light fireworks, in some cases as a mental health break to provide some enjoyment to kids and families,? said Kanji. ?It's impossible to enforce due to very limited resources of municipalities in terms of by law enforcement, fire, and police.?

Even if the ban does go forward, it's the CFNA's belief that it will only dig the municipality into a deep hole because they will have enacted a by-law that they cannot police.

?A ban is unenforceable, you're creating a bigger problem by implementing a ban that cannot be enforced,? he said. ?Delinquent users account for less than one per cent of all fireworks users and they're often gone after they've used the product nefariously. How do you go after people? They (Council) said putting the ban in, the mere threat of it, will stop people from using them. What we say is, well, let's see if that does in fact happen then. We are more than happy to work with Council on solutions as time goes on and as they revisit the notion of the ban being completely ineffective. I feel that's going to happen after the next May 24, after the next Canada Day, after the next Diwali, after the next fill in the blank.

?They'll see that they've just created a bigger problem, the phone calls that they've received are only going to grow stronger because people will expect that a ban will be enforced and as we know, the limited enforcement power that municipalities have will show very clearly that the ban is not working.?

With the staff recommendation in the report passed by Council, the next steps will be for public engagement to get feedback from

residents with a final by-law to be ready for consideration sometime in the first quarter of 2022.