

Paul Johnson
Deputy City Manager,
Community Social Services

Fire Services
4330 Dufferin Street
Toronto, Ontario M3H 5R9

Office Tel: 416-338-9051
Email: OfficeoftheFireChief@toronto.ca

August 10, 2022

Honourable Michael Kerzner
Solicitor General
Province of Ontario
Ontario Ministry of the Solicitor General
25 Grosvenor Street
Toronto, ON M7A 1Y6

Dear Solicitor General Kerzner,

RE: Proposed Ontario Fire Code Amendments Regarding Fireworks

In recent years, there has been an increase in the unpermitted / illegal use of consumer fireworks in Toronto, resulting in a number of emergency incidents and injuries.

Between 2017 and 2021, Toronto Fire Services (TFS) responded to 527 incidents involving consumer fireworks, and the City of Toronto's Municipal Licensing and Standards (MLS) enforcement officers responded to 570 complaints over the same period of time.

By way of recent examples, on July 3, 2022, TFS responded to a fire resulting from the improper use of consumer fireworks, which resulted in injury to 4 people. Further, on May 22, 2022, consumer fireworks were discharged towards Toronto Police officers, also resulting in a number of injuries.

On May 11, 2022, Toronto City Council issued the following direction:

City Council direct the Fire Chief and General Manager, Toronto Fire Services, in consultation with the Executive Director, Municipal Licensing and Standards and the City Solicitor, to request the Province of Ontario to implement the necessary amendments to the Ontario Fire Code to appropriately and effectively regulate consumer fireworks, thereby enhancing public safety and enabling a more effective enforcement framework.

Following an extensive review by the TFS and MLS teams in Toronto, we have determined that the most effective means to address these public safety issues is to regulate the sale and use of consumer fireworks in a consistent manner across Ontario, by amending the Ontario Fire Code.

The proposed Ontario Fire Code amendments have been submitted via the Provincial portal, for consideration by your Ministry. For reference purposes, I have also attached a copy of the proposed Ontario Fire Code amendments for your review.

In proposing these amendments, we aim to increase consumer and vendor education relating to the sale and use of consumer fireworks; to increase accountability relating to the sale, and use of consumer fireworks; and, to establish a viable, and consistent enforcement framework across the Province of Ontario.

Currently, the sale and use of display and other professional grade fireworks in Ontario are regulated under the Federal Explosives Act, which is referenced within the Ontario Fire Code. However, the use and discharge of consumer fireworks are not currently regulated under the Ontario Fire Code. In fact, at present, the discharge of consumer fireworks are only regulated municipally in Ontario, thereby resulting in a patchwork of inconsistent rules, processes, and enforcement.

As a result, any changes that the City of Toronto were to make to its "Fireworks By-law" (City of Toronto Municipal Code, Chapter 466, Fireworks), in order to address the public safety issues arising from the use of consumer fireworks, would immediately be undermined and rendered ineffective should other municipalities not follow suit. As such, the only viable means of addressing the issues arising from the sale and use of consumer fireworks is by way of Ontario Fire Code amendment, which can therefore be applied equally and consistently across Ontario.

On behalf of Toronto Fire Services, my team would be pleased to further discuss this proposal and to participate in stakeholder consultations regarding this important and necessary change, at your convenience.

Sincerely,



Matthew Pegg
Fire Chief & General Manager
Toronto Fire Services

Copy to:

Mario DiTommaso, Deputy Solicitor General, Province of Ontario
Jon Pegg, Ontario Fire Marshal, Ontario Office of the Fire Marshal
Paul Johnson, Deputy City Manager, City of Toronto
Carlton Grant, Executive Director, Municipal Licensing and Standards, City of Toronto
Wendy Walberg, City Solicitor, City of Toronto
Larry Cocco, Deputy Fire Chief, Toronto Fire Services

TORONTO FIRE SERVICES ONTARIO FIRE CODE CHANGE REQUEST

1. Describe the type of change requested (check all that applies):

- ☒ Add a new code requirement
- ☐ Delete a code requirement
- ☐ Revise a code requirement

2. Ontario Fire Code Reference(s):

Division (A, B or C)	Code Reference
B	5.2.1.5 (new)

3. Describe the problem with the existing fire code provision

Section 5.2 of Div. B of the Fire Code does not provide requirements for the safe discharge of consumer fireworks (type F.1). This leaves open the high potential for individuals using consumer fireworks in an unsafe manner, potentially resulting in injuries or property damage. It is proposed the following requirements be added to Section 5.2 of Div. B of the Fire Code to address the fire safety concerns regarding the discharge of consumer (type F.1) fireworks. Additionally, the following requirements concerning the sale and discharge of consumer fireworks (type F.1), will reduce the potential fire safety risks including the risks of injuries, or property damage arising from consumer firework in a retail environment.

These changes will provide a uniform set of requirements for all fire services across the province as it relates to consumer fireworks.

4. Proposed wording update or new wording addition:

Add new defined terms at the beginning of Section 5.2:

Distributor means a person who sells consumer fireworks to other distributors or retailers, whether or not they sell to users.

Retailer means a person, other than a distributor, who sells consumer fireworks.

User means a person who purchases, discharges, or is in possession of consumer fireworks.

Add header "**Sales and Discharge of Consumer Fireworks**" after Article 5.2.1.4.

Add new Article 5.2.1.5:

5.2.1.5.(1) No **Users** under 18 years old may discharge consumer fireworks.

(2) **Users** shall only discharge consumer fireworks in accordance with the instructions provided by the manufacturer.

(3) Consumer fireworks shall only be lighted at the fuse at its tip.

(4) Consumer fireworks shall not be discharged in the direction of other persons or properties.

(5) Consumer fireworks shall not be discharged indoors.

(6) Consumer fireworks shall only be discharged outdoors in a clear open space free of dry vegetation and overhead obstructions, with the lit consumer fireworks located not less than

(a) 30 m in radius in all directions from buildings, structures, and vehicles for aerial fireworks such as Roman candles, mortars and shells, repeaters, missiles and rockets, and

(b) 20 m in radius in all directions from buildings, structures, and vehicles for non-aerial fireworks such as flares, fountains, snakes, ground spinners, and ground whistles.

(7) Consumer fireworks shall not be held by **users** unless permitted to by manufacturer.

(8) **Users** and spectators shall maintain a safe distance from lit fireworks as determined by the manufacturer.

(9) Combustible surfaces or any type of vegetation shall not be used as a firing base for consumer fireworks.

(10) If necessary for firing, consumer fireworks without integral base shall only be buried in sand or earth cleared of dry vegetation.

(11) Consumer fireworks shall not be tampered or modified from their original forms.

(12) **Users** shall not attempt to re-light a firework that did not discharge or repair or modify a firework that is defective.

(13) **Users** shall wait at least 30 minutes before approaching fireworks that did not discharge after an attempt to ignite.

(14) Smoking is prohibited within 15 m of where consumer fireworks are being stored, handled, or discharged.

(15) Every user discharging consumer fireworks shall have readily available access to a minimum 3A:60BC dry chemical extinguisher, a minimum 10 L pressurized water extinguisher, or charged garden hose at the fireworks discharge site during discharging, and 30 min after the consumer fireworks have been discharged.

(16) Discharged or undischarged consumer fireworks shall be disposed of by submerging them in water overnight and then placing them in plastic bags for disposal.

(17) Consumer fireworks shall be stored not less than 15 m from the fireworks discharge site, potential sources of ignition, and flammable and combustible liquids.

(18) **Users** shall successfully complete a program or course on consumer fireworks safety deemed acceptable to the Fire Marshal prior to purchasing consumer fireworks.

(19) Retailer shall only sell consumer fireworks to **users** who have displayed proof of completion of the program or course required under Sentence 5.2.1.5.(18).

(20) Proof of completion required in Sentence 5.2.1.5.(18) shall be made available by the user to the Chief Fire Official upon request.

5. Identify how other Fire Code provisions that may be affected by the proposed change

No other Fire Code provisions are expected to be affected by the proposed changes.

Paul Raftis
Deputy City Manager,
Community Social Services

Fire Services
4330 Dufferin Street
Toronto, Ontario M3H 5R9

Office Tel: 416-338-9051
Email: OfficeoftheFireChief@toronto.ca

September 13, 2023

Honourable Michael Kerzner
Solicitor General
Province of Ontario
Ontario Ministry of the Solicitor General
25 Grosvenor Street
Toronto, Ontario M7A 1Y6

Dear Solicitor General Kerzner,

I am following up regarding my letter, dated August 10, 2022. Since then, Toronto Fire Services (TFS) has responded to an additional 97 incidents involving fireworks. There continues to be unpermitted / illegal use of consumer fireworks in Toronto, resulting in dangerous and problematic emergency incidents that continue to pose a significant public safety risk.

In my professional opinion as Toronto's Fire Chief, the most effective means to address these public safety issues is to regulate the use and discharge of consumer fireworks in a consistent manner across Ontario, by amending the Ontario Fire Code. Please find enclosed, our recommended Ontario Fire Code amendment language.

At your convenience, I would be pleased to further discuss this proposed Ontario Fire Code amendment and to participate in stakeholder consultations regarding this important and necessary change.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Pegg", with a stylized flourish at the end.

Matthew Pegg
Fire Chief & General Manager
Toronto Fire Services

Attach: Letter from August 10, 2022

Copy: Mario DiTommaso, Deputy Solicitor General, Province of Ontario
Jon Pegg, Ontario Fire Marshal, Ontario Office of the Fire Marshal
Paul Raftis, Deputy City Manager, City of Toronto
Carleton Grant, Executive Director, Municipal Licensing and Standards, City of Toronto
Wendy Walberg, City Solicitor, City of Toronto
Larry Cocco, Deputy Fire Chief, Toronto Fire Services

TORONTO FIRE SERVICES ONTARIO FIRE CODE CHANGE REQUEST

1. Describe the type of change requested (check all that applies):

- ☒ Add a new code requirement
- ☐ Delete a code requirement
- ☐ Revise a code requirement

2. Ontario Fire Code Reference(s):

Division (A, B or C)	Code Reference
B	5.2.1.5 (new)

3. Describe the problem with the existing fire code provision

Section 5.2 of Div. B of the Fire Code does not provide requirements for the safe discharge of consumer fireworks (type F.1). This leaves open the high potential for individuals using consumer fireworks in an unsafe manner, potentially resulting in injuries or property damage. It is proposed the following requirements be added to Section 5.2 of Div. B of the Fire Code to address the fire safety concerns regarding the discharge of consumer (type F.1) fireworks. Additionally, the following requirements concerning the sale and discharge of consumer fireworks (type F.1), will reduce the potential fire safety risks including the risks of injuries, or property damage arising from consumer firework in a retail environment.

These changes will provide a uniform set of requirements for all fire services across the province as it relates to consumer fireworks.

4. Proposed wording update or new wording addition:

Add new defined terms at the beginning of Section 5.2:

Distributor means a person who sells consumer fireworks to other distributors or retailers, whether or not they sell to users.

Retailer means a person, other than a distributor, who sells consumer fireworks.

User means a person who purchases, discharges, or is in possession of consumer fireworks.

Add header "**Sales and Discharge of Consumer Fireworks**" after Article 5.2.1.4.

Add new Article 5.2.1.5:

5.2.1.5.(1) No **Users** under 18 years old may discharge consumer fireworks.

(2) **Users** shall only discharge consumer fireworks in accordance with the instructions provided by the manufacturer.

(3) Consumer fireworks shall only be lighted at the fuse at its tip.

(4) Consumer fireworks shall not be discharged in the direction of other persons or properties.

(5) Consumer fireworks shall not be discharged indoors.

(6) Consumer fireworks shall only be discharged outdoors in a clear open space free of dry vegetation and overhead obstructions, with the lit consumer fireworks located not less than

(a) 30 m in radius in all directions from buildings, structures, and vehicles for aerial fireworks such as Roman candles, mortars and shells, repeaters, missiles and rockets, and

(b) 20 m in radius in all directions from buildings, structures, and vehicles for non-aerial fireworks such as flares, fountains, snakes, ground spinners, and ground whistles.

(7) Consumer fireworks shall not be held by **users** unless permitted to by manufacturer.

(8) **Users** and spectators shall maintain a safe distance from lit fireworks as determined by the manufacturer.

(9) Combustible surfaces or any type of vegetation shall not be used as a firing base for consumer fireworks.

(10) If necessary for firing, consumer fireworks without integral base shall only be buried in sand or earth cleared of dry vegetation.

(11) Consumer fireworks shall not be tampered or modified from their original forms.

(12) **Users** shall not attempt to re-light a firework that did not discharge or repair or modify a firework that is defective.

(13) **Users** shall wait at least 30 minutes before approaching fireworks that did not discharge after an attempt to ignite.

(14) Smoking is prohibited within 15 m of where consumer fireworks are being stored, handled, or discharged.

(15) Every user discharging consumer fireworks shall have readily available access to a minimum 3A:60BC dry chemical extinguisher, a minimum 10 L pressurized water extinguisher, or charged garden hose at the fireworks discharge site during discharging, and 30 min after the consumer fireworks have been discharged.

(16) Discharged or undischarged consumer fireworks shall be disposed of by submerging them in water overnight and then placing them in plastic bags for disposal.

(17) Consumer fireworks shall be stored not less than 15 m from the fireworks discharge site, potential sources of ignition, and flammable and combustible liquids.

(18) **Users** shall successfully complete a program or course on consumer fireworks safety deemed acceptable to the Fire Marshal prior to purchasing consumer fireworks.

(19) Retailer shall only sell consumer fireworks to **users** who have displayed proof of completion of the program or course required under Sentence 5.2.1.5.(18).

(20) Proof of completion required in Sentence 5.2.1.5.(18) shall be made available by the user to the Chief Fire Official upon request.

5. Identify how other Fire Code provisions that may be affected by the proposed change

No other Fire Code provisions are expected to be affected by the proposed changes.