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**Summary of Proceedings**

**Public Hearing**

**Joint Select Committee on Social Services and Public Administration**

Held on Friday December 15, 2017

[10:20 a.m. to 12:07 p.m.]

**Inquiry:** An inquiry into the adverse health effects of fireworks

**Objectives of the inquiry**

The objectives of the inquiry are:

- 1. To understand the possible impact of fireworks on human health and the extent of injuries associated with the improper use of fireworks;**
- 2. To assess the adequacy of law enforcement measures in place to regulate the use of fireworks and explosives by members of the public; and**
- 3. To assess the adequacy of the legal framework governing the use of fireworks and explosives by members of the public.**

**NB:** This was the Committee's third public hearing on this subject. Its first was held on March 15, 2017 and the second April 19, 2017.

**Venue:** The J. Hamilton Maurice Room, Mezzanine Floor, Office of the Parliament, Tower D, the Port of Spain International Waterfront Centre, 1A Wrightson Road, Port of Spain.

**Committee members**

The following committee members were present:

1. Dr. Dhanayshar Mahabir – Chairman
2. Mr. Esmond Forde, MP – Vice-Chairman
3. Brig. Gen. (Ret.) Ancil Antoine, MP
4. Mrs. Christine Newallo-Hosein, MP
5. Ms. Khadijah Ameen

**Witnesses who appeared**

The following officials were present:

**Ministry of National Security**

- i. Mr. Kenny Gopaul - Deputy Chief Fire Officer
- ii. Mr. Biaine Wilson – Fire Sub. Officer
- iii. Ms. Adelle Rahamut - Senior Legal Officer

**Trinidad and Tobago Police Service**

- i. Mr. Deodat Dulalchan – Deputy Commissioner of Police (Operations) Ag.
- ii. Mr. Kazim Ali- Police Inspector Ag./ Legal Officer

**Environmental Management Authority (EMA)**

- i. Mr. Hayden Romano - Managing Director
- ii. Mr. Wayne Rajkumar – Managing Technical Services
- iii. Ms. Jenell Partap – Manager, Legal Services

**Fire One Fireworks FX Limited**

- i. Mr. Andre Abraham - Chief Executive Officer

**Key Issues Discussed**

The following are the key subject areas/issues discussed during the hearing:

**Issues discussed with the Ministry of National Security**

- i. The Ministry's capacity to spearhead the changes required to address the inconsistencies within the current legislative framework;
- ii. The need for a forum for all relevant stakeholders to express their concerns on the current laws which are relevant to fireworks;
- iii. Police Officers encounter difficulty in obtaining oral testimonials from witnesses in relation to the nuisance discharge of fireworks in communities;
- iv. The majority of reports on the subject of the nuisance discharge of fireworks were anonymous;
- v. Subsequent to the public hearing held on March 15, 2017, the TTPS developed and implemented six strategies with a view to encourage the proper use of fireworks:
  - i. increase patrols as a deterrent to the nuisance use of fireworks within communities;
  - ii. engagement of the general public;
  - iii. making announcements on the TV program *Beyond the Tape*;
  - iv. a press briefing was convened specifically to discuss the use of fireworks during Divali celebrations in October 2017;
  - v. a press release was circulated with regard to the proper use of fireworks during Divali celebrations and the potential impacts of the nuisance use of fireworks within communities; and
  - vi. Community Police Officers participated in awareness's initiatives in Schools.
- vi. The efforts of the TTPS to ensure that persons adhere to the statutory provisions stated in Section 99-102 of the Summary of Offenses Act 1921 (Chapter 11:02) i.e: the requirement that fireworks must be discharged outside of a 60 feet radius from a building house;

- vii. One license for the importation of fireworks was granted by the Ministry in 2017;
- viii. The 999 line can be used to report nuisance use of fireworks;
- ix. Surveillance and monitoring will be conducted by the TTPS during the Christmas and New Year's period to ensure that the provisions of the Explosive Act Chapter 16:02 are observed;
- x. Challenges encountered by the TTPS in ensuring that retailers adhere to the 30 pounds limit for storage on their premises;
- xi. The TTFS is obligated under the Fire Service Act Chapter 35:50 and Part 5 of the Occupational Safety and Health Act. Chapter 88:08, to inspect all industrial premises with regard to the storage of fireworks and other related pyrotechnics ;
- xii. The Explosives Act does not designate the TTFS as a regulatory agency concerning the importation, storage and use of fireworks;
- xiii. The closure of one government storage magazine in 2015 was due to inadequate maintenance; and
- xiv. The existence of a Committee in previous years that deliberated on matters concerning the importation and storage of fireworks.

Issues discussed with the Environmental Management Authority (EMA)

- i. The EMA pledged its continued support to all relevant agencies that are responsible for the regulation of fireworks;
- ii. The EMA reinforced that the regulation of the use of fireworks does not fall directly within its remit. However, it was appended because of the noise that emanates during the discharge of fireworks, may be in violation of the Noise Variation Rules;
- iii. The EMA becomes directly involved in the oversight of the use of fireworks when applications are made for the discharge of fireworks during an event under the Noise Variation Rules;
- iv. The need for the EMA to provide other state agencies with technical and scientific advice with reference to safety and suitability of fireworks to be imported;

- v. The collaboration between the EMA and TTPS, to ensure that persons adhere to the statutory provisions stated in the Noise Pollution Control Rules, 2000;
- vi. Further research on the impact of the discharging of fireworks on air quality and human hearing is required. However, the EMA doesn't possess the relevant mobile equipment to test air quality;
- vii. The EMA lacks the resources required to provide greater assistance to the TTPS as it relates to the nuisance use of fireworks;
- viii. The need for greater collaboration between the EMA and other State Agencies such as the Ministry of National Security, Customs and Exercise Division and the Ministry of Agriculture, Land and Fisheries, to address issues pertaining to the nuisance use of fireworks;
- ix. The need for amendments to be made to the current legislative framework to assign a greater role to the EMA in granting licenses for the importation, storage and use of fireworks;
- x. Over 80% of complaints received by the EMA are complaints related to excessive noise;
- xi. The process observed by the EMA when complaints are received from the public regarding the nuisance use of fireworks within communities are referred to the TTPS; and
- xii. The need for the revision of the current Noise Variation Rules.

Issues discussed with FireOne Fireworks FX Limited

- i. Retail outlets of FireOne Fireworks FX Limited are mandated to obtain an explosive retail license which is granted by the Magistrates' Court based on the advice of a Senior officer of the TTPS and TTFS;
- ii. FireOne Fireworks FX Limited has adopted the policies of the National Fire Protection Association (NFPA) of the United States. This policy has informed the Company's decisions regarding safety and location of retail outlets;

- iii. There is no expiry date for fireworks. However new stock is imported and rotated every two (2) years;
- iv. Noiseless pyrotechnic are imported by the company. However, there is a need for continuous promotion of this type of pyrotechnic as an alternative to the regular type as it is less injurious to humans and animals;
- v. Noiseless pyrotechnics are not as profitable as regular pyrotechnics;
- vi. Scratch bombs have been saturating the market since 1985. However, the advent of FireOne FX provided persons with several alternative options. The Company does not import or endorse the use of scratch bombs and other related incendiary devices;
- vii. Scratch bombs are considered illegal and are sold on the black market. In addition, scratch bombs are not internationally tested;
- viii. Scratch bombs have a higher content of black powder than regular pyrotechnics;
- ix. A person purchasing fireworks at any retail outlet of FireOne FX has to be verified and is mandated to produce a form of ID, including drivers permit or national identification card;
- x. Customers are given a tutorial on how to use the various types of pyrotechnics;
- xi. The need for existing laws to be modified to designate times and dates for the discharging of fireworks;
- xii. The need for an increase in the value of fines penalties associated with the improper use and sale of fireworks without a license;
- xiii. The process of granting licenses and the demand-led importation of fireworks; and
- xiv. Fireworks are imported and inspected based on the American Fire Service Laboratory (AFSL) criteria. Furthermore, the technical specifications such as decibel levels are stated on the label of imported pyrotechnics.

**Recommendations proffered during the Public Hearing**

The following recommendations emanated from the discussions:

- i. The TTPS executes its mandate as stated in the legislative provisions of Section 40 of the Explosives Act Chapter 16:02. Furthermore, the TTPS be equipped with scales to ensure that retailers do not exceed the stipulated fifty (50) pounds of “explosives” that can be stored on the premises;
- ii. Amendments be made to the existing law to reflect the provisions of Section 7 of the Fireworks Regulations 2004 (United Kingdom) which prescribes a designated time and date for the disbursement of fireworks;
- iii. Greater collaboration between all relevant state agencies in addressing issues associated with the use of fireworks;
- iv. That consideration be given to including the EMA in the approval process for the granting of an explosive license;
- v. That strategies or initiatives be implemented to encourage citizens to report the nuisance discharge of fireworks within communities, for example, hotlines and collaborating with community watch groups;
- vi. That unused fireworks be returned to the relevant retail or wholesale outlet following major festivities such as Divali, Christmas and New Year’s Eve;
- vii. That the EMA utilizes Facebook and other social media platforms to promote the EMA’s hotline and email address as options for reporting the nuisance use of fireworks;
- viii. The regulation of the number of fireworks that can be purchased by a consumer;
- ix. The Explosives Act Chapter 16:02 should be modified to accommodate the diverse range of fireworks and other related explosives;
- x. The development and implementation of the Fireworks Regulations;

- xi. That the EMA undertake the testing of decibel levels and air quality immediately following the discharge of fireworks during major festivities;
- xii. That the use of soundless fireworks during celebrations be considered; and
- xiii. The Canine Unit of the TTPS should be utilized to assist in gathering evidence within communities in order to prosecute persons who have unlawfully discharged fireworks.

### **View the Hearing**

The hearing can be viewed on our YouTube channel via the following link:

[https://youtu.be/M\\_o04Bz6XrM](https://youtu.be/M_o04Bz6XrM)

### **Contact the Committee's Secretary**

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*Committees Unit*

*December 28, 2017*