
RISK CONTROL SOLUTIONS

A Service of the Michigan Municipal League Liability and Property Pool and
the Michigan Municipal League Workers' Compensation Fund

Your Municipality and Fireworks Displays

Fireworks are a common part of many community celebrations, most frequently Independence Day. Although the public enjoys the color and excitement, putting on a display of fireworks poses many dangers. The mishandling of fireworks and the unstable nature of explosives poses a threat to the safety of spectators as well as the individuals providing the display. In addition, property damage can occur if the display site is not sufficiently distant from homes and businesses if something goes wrong.

A municipality may sponsor a display or it may grant approval to a local organization, such as the Chamber of Commerce, to put on a display on municipal property. When a municipality decides to sponsor a display, it should hire professional operators even if its employees have received training and certification in putting on fireworks. Hiring a thoroughly trained and certified professional is preferable because the municipality can contractually transfer much of the risk associated with putting on a display to the operator. The municipality should verify that outside organizations use certified fireworks operators.



Permitting an outside organization to sponsor a display or hiring a professional may not relieve a municipality of its obligation to assure a safe display. In addition, most sources of liability coverage may limit coverage or exclude the pyrotechnician. To limit liability if an accident occurs, the

municipality must carefully review the selection process for the operator and maintain oversight to make certain the professional conforms to established national and state standards. In addition, the municipality should

- Make sure that the professional and/or organization carries appropriate insurance coverage and liability limits for fireworks activities.
- Require the organization and/or contractor to hold the municipality harmless and indemnify it for liability arising from the fireworks display.
- Require that organizations and/or professional operators name the municipality as an additional insured on their policies.
- Review its liability coverage with the municipality's account representative to assure adequate coverage.

In addition, the municipality should assure that its employees, the professional, or the outside organization:

- Adheres to appropriate state statutes.
- Notifies the local fire department of its intention to sponsor a display and makes sure of adequate fire protection.
- Obtains any required permits from the state.
- Makes sure that the operator or carrier transports all class B fireworks according to DOT requirements for certification and placards.
- Adheres to NFPA 1123 (National Fire Protection Association Code for Fireworks Display, 1995) on shooting fireworks and NFPA 1124 (Code for the Manufacture, Transportation, and Storage of Fireworks, 1995). These extensive standards cover the following:
 - General safety requirements and the set up of displays,
 - Types of fireworks and size requirements for shells and mortars,
 - Distances between fireworks and spectators,
 - Crowd control measures,
 - Safety measures and staffing,
 - Clean up
 - Storage and transportation of fireworks.

The municipality, professional operator, or organization should also:

- ✓ Make a detailed map of the display site. The map should show the location from which operators will launch the fireworks. It should also indicate the distance to the nearest spectators, emergency evacuation paths, and any other necessary details.
- ✓ Prepare a written report detailing the minimum site radius, size (diameter) and number of shells the operator will fire. The fire and police departments should receive copies before the event for their review.
- ✓ Have a record of the individuals who will be operators, their license information, previous experience and number and experience of any assistants. Municipalities who use their employees should send them to one of the fireworks and certification programs available.

- ✓ Store fireworks according to NFPA recommendations before, during and after the display.
- ✓ Meet all NFPA standards.
- ✓ Review all personal safety equipment.
- ✓ Make sure all necessary emergency equipment is available.
- ✓ Develop a policy and procedure on what to do if excessive wind drift of shells occurs.
- ✓ Develop a site and a fireworks security program to adequately separate the fireworks from the general public. The program should consider security measures both before the display and after, until completion of a final clean up and inspection of the site.
- ✓ Make sure there are enough people to handle crowd security and that these individuals have appropriate communication equipment to maintain crowd control and to handle any problems or emergencies that arise.
- ✓ Have emergency medical care available at the event.
- ✓ Develop a policy covering the interruption or cancellation of the event due to inclement weather, equipment problems, etc. The “rain date” should appear in all pre-event publicity and effective means of communicating the cancellation should be in place on the day of the event.
Take steps to assure that shells that fail to ignite do not pose a threat to the safety of the public or those who are working on the display. For example, NFPA 1123 recommends that operators mark mortars in which there are shells that have failed to ignite. The operator should then flood the mortar with water immediately following the display but no sooner than 15 minutes after the attempted firing.
- ✓ Develop a checklist to inspect the site immediately after the fireworks display and the next day to find any unexploded shells.

Fireworks can enhance any celebration, but they can also be dangerous. Operators must meet certain requirements and be knowledgeable about applicable standards and regulations. A municipality’s best option, if it desires to sponsor a display, is to hire or require outside organizations to hire professionals, enforce stringent requirements, and maintain vigilant oversight to assure the operator meets them.

For information on fireworks regulations, standards, training and certification, contact or refer to the following:

US Department of Transportation
400 Seventh Street SW
Washington, DC 20590

Treasury Department
Bureau of Alcohol, Tobacco & Firearms
Washington, DC 20260

National Fire Protection Association
Batterymarch Park
Quincy, MA 02270

Pyrotechnics Guild International, Inc.
18021 Baseline
Jordan, MN 55352

American Pyrotechnics Association
PO Box 213
Chestertown, MD 21620

Publications:

- National Fire Protection Association 1122 Code for Model Rocketry, 1994 edition
- National Fire Protection Association 1123 Code for Fireworks Display, 1995 edition
- National Fire Protection Association 1124 Code for the Manufacture, Transportation, and Storage of Fireworks 1995 edition
- National Fire Protection Association 1126 Standard for the Use of Pyrotechnics before a Proximate Audience, 1995.
- Title 16, *Code of Federal Regulations*, Parts 1500 and 1507, US Consumer Products Safety Commission Labeling Regulations, Federal Hazardous Substances Act.
- Title 27, *Code of Federal Regulations*, Part 18, Bureau of Alcohol, Tobacco, and Firearms, Part 181, Commerce in Explosives
- Title 49, *Code of Federal Regulations*, US Department of Transportation, Parts 171-177, “Hazardous Materials Regulations.”

 Important Phone Numbers: MML - Pool Risk Management Services 734/662-3246 or 800/653-2483 Loss Control Services 800/482-0626
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Note:
This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public agencies are encouraged to review their procedures with an expert or a competent attorney who is knowledgeable about the topic.