



**Safe and Humane Fireworks  
Policy and Impact Information  
May 5, 2023**

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## SUMMARY

### **Citizens for Safe and Humane Fireworks Mission Statement**

Safe and Humane Fireworks is seeking a change to Island County Code that limits fireworks sales and use, in the unincorporated areas of Island County, to those permitted and sponsored by the towns, cities or County, and only on the 4th of July.

### **Fireworks: Impact on Island Communities and the Environment**

Historically, there have been 2 to 3 days of fireworks activity on Whidbey and Camano Islands. This year, 2022, there were three days, July 2, 3, and 4<sup>th</sup> (with some lingering activity 2 days before and 2 days after). Three days of loud booms, three days of domestic pets and farm animals being terrified, three days of detrimental impact to local wildlife, three days of disruption to the health and livelihood of local families, three days of increased fire danger and road hazards, three days of increased impact on local resources (emergency services, hospital, police and fire), and, three days of heightened noise, water and air pollution on our beautiful Islands. With more and more communities banning fireworks, for all the above reasons, Whidbey and Camano are, and will become even more so, a destination for off-Island folks seeking a venue for personal fireworks celebrations.

**That said:** Banning personal fireworks will not deprive anyone from enjoying fireworks on the 4th of July. There are beautiful community sponsored fireworks displays in both Oak Harbor and Freeland every year with the possibility of creating a Camano or shared Camano/Stamwood display. These venues provide ample opportunity for families and friends to meet and celebrate the holiday and enjoy fireworks together.

The proposed ban would address the following Key Issues:

**Noise Pollution** - Impact on Domestic Pets, Farm Animals, Wildlife & Humans - (PTSD, Noise Related Heart Problems, Respiratory Problems)

**Environmental Pollution** – ocean, lakes, wetlands and beaches contaminated

**Air Pollution** – concentration of pollutants, particles and gases from explosives

**Fire Danger** – exploding fireworks, nationally, start 19,500 fires per year

**Injuries and Accidents** – 4,500 daily emergency room visits, nationally, July 4<sup>th</sup>-5<sup>th</sup>

### **About Safe and Humane Fireworks**

We are a grassroots group of Island County citizens from across Whidbey and Camano Islands who have joined together in the belief that fireworks should be celebrated by the community in

the form of municipal, permitted fireworks shows. The reckless abandon that has become the norm surrounding the 4th of July are harmful to pets, humans, wildlife and the environment.

We began working as a group after several of us posted our concerns on “Next Door” which led to dozens of people replying with their personal perspectives. A Change.org petition was also started and to date has 2,000+ signatures.

See our website at: <https://www.islandcountyfireworks.com/>

Facebook page at: Safe and Humane Fireworks of Island County

See the Change.org petition at: <https://www.change.org/p/ban-personal-fireworks-displays-in-unincorporated-island-county-wa-municipal-displays-permitted/c>

## Key Issues and Rationale

### Fire Danger

According to the Washington State Fire Marshal’s most recent report, there were 588 fireworks related fires in 2020 and 842 in 2021; an increase of 19%. Those incidents resulted in \$4.5 million in property loss in Washington. The report notes that in July of 2021, Island County fire agencies reported 14 fireworks related fires. ([Fire in Washington; Prepared by the Washington State Fire Marshal’s Office, 2021](#))

According to the National Fire Protection Agency (NFPA), fireworks started an average of 19,500 fires in 2018 and caused \$105 million in property damage. ([NFPA, Fireworks Fires & Injuries, June 2020](#))

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*The safety of Camano residents, in the event of a wildfire, is in jeopardy. “We are, after all, a very long island with very narrow roads and only one way on and off. Given these circumstances, it would be impossible to evacuate all residents in a safe and timely manner, should someone’s fireworks spark a wildfire. Likewise, with residents attempting to flee, it would be equally impossible for outside resources and support for our very limited fire district to get on the island. The consequences would be devastating, not just from the perspective of the destruction of personal property, but with regards to the loss of lives, as well.” (Rhonda Paulson, Camano Island Preparedness Group and C.E.R.T Lead)*

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**But more important than national data, is local information. The table below shows that Island County has the third highest per capita fire incident rate in Washington State as reported by the WA State Fire Marshal.**

Washington State Fire Marshall's Office					
Title: "2021 Fire In Washington"					
2021 Summary of Fireworks Incident Reports by County					
County*	Fire	Injury	Total	Population*	Per Capita Incidents (per 10,000)*
Pierce	460	8	468	910,225	5.05
Walla Walla	12	0	12	62,168	1.93
Island	14	0	14	85,938	1.63
Grays Harbor	12	5	17	74,737	1.61
Skagit	19	0	19	128,228	1.48
Adams	3	0	3	20,353	1.47
Franklin	13	0	13	95,313	1.36
Asotin	3	0	3	22,285	1.35
Klickitat	3	0	3	22,478	1.33
Pacific	3	0	3	22,974	1.31
Benton	26	0	26	204,551	1.27
Grant	12	0	12	97,874	1.23
Yakima	29	0	29	255,151	1.14
Stevens	5	0	5	46,057	1.09
Lewis	8	0	8	81,214	0.99
Pend Oreille	1	0	1	13,302	0.75
Cowlitz	8	0	8	109,457	0.73
Kitsap	19	1	20	273,072	0.70
Jefferson	2	1	3	32,590	0.61
San Juan	1	0	1	17,631	0.57
Clallam	4	0	4	76,727	0.52
Whatcom	11	0	11	224,533	0.49
King	108	1	109	2,240,876	0.48
Mason	3	0	3	64,964	0.46
Spokane	21	0	21	531,477	0.40
Thurston	10	3	13	290,642	0.34
Chelan	2	0	2	78,508	0.25
Douglas	1	0	1	42,622	0.23
Kittitas	1	0	1	44,147	0.23
Whitman	1	0	1	48,197	0.21
Snohomish	17	1	18	820,024	0.21
Clark	10	0	10	496,494	0.20
<b>Total</b>	<b>842</b>	<b>20</b>	<b>862</b>	<b>7,617,364</b>	<b>1.11</b>

\*www.washington-demographics.com/counties\_by\_population

\*www.wsp.wa.gov/wp-content/uploads/2022/04/Fire\_in\_Washington\_Report.pdf

\*Per Capita Population is a calculated field by Safe and Humane

\*32 of 39 Counties Reported Incidents

The first five columns in the table above contain fireworks incident data published by the WA State Fire Marshal. The last column, "Per Capita Incidents" is a calculated field that is sorted in descending order indicating that based on 2021 fireworks incident data, Island County has the **third highest per capita** fireworks incidents in Washington State. And in fact, if examining



counties west of the Cascades with populations below 900,000, Island County has the highest per capita fireworks incidents.

Research has shown that between 1992 and 2015 more wildfires were started on the 4th of July than any other day of the year, and most of them were near homes. (Bloomberg, In Wildfire Country, it is Time to Lay Off the Fireworks, July 3, 2021) Add in historic drought and heat made worse by human-caused climate change and that's a recipe for disaster as noted in the following:

- One of the most devastating fires in the PNW, the Eagle Creek Fire - 2017, in the Columbia River Gorge, in Oregon, was ignited by fireworks. The blaze burned for three months and burned over 48,000 acres. (Wikipedia.org)
- As summers in the Pacific Northwest trend hotter, researchers and state forestry leaders are trying to understand how trees west of the Cascade crest will fare. The June, 28, 2021 heat dome was among the most extreme heat waves ever recorded globally and the most intense in the observational record for the region. (How extreme Heat Scorched Pacific Northwest Evergreen Trees, Seattle Times, February 13, 2023)
- Researchers concluded, in a paper published in January of 2022 in Tree Physiology, that PNW trees were scorched as a result of the heat dome due to drought and an inability of trees to release water vapor to cool down. They also note that some of the region's evergreens died as a result.

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*"The simple and painful fact is that Island County has become vulnerable to wildfire. For all the green we see, Island County is also very densely populated. Wildfire anywhere in the county would be devastating. A ban on recreational fireworks should be considered an ounce of prevention."*  
(Marianne Edain, Whidbey Environmental Action Network, December 7, 2022)

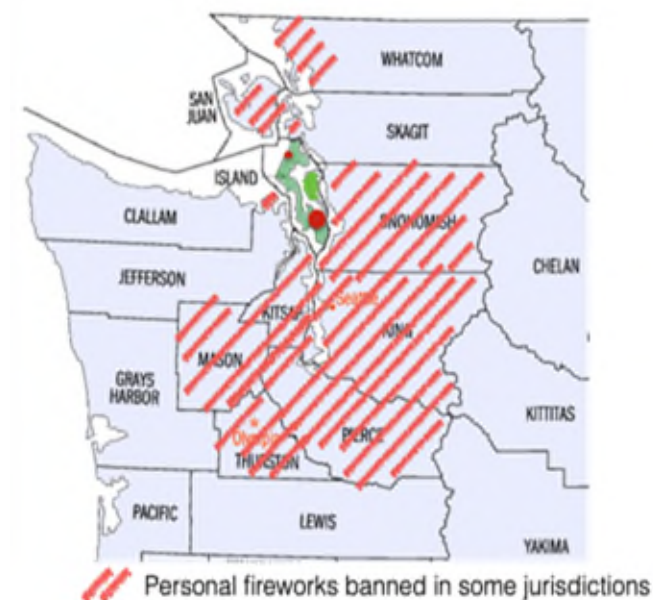
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- In 2021, the state Department of Natural Resources flew aerial surveys of federal, tribal, state and private lands. They mapped about 84,000 acres of heat-scorched damage – all of it in Western Washington. Douglas fire, western hemlock and western red cedar saw the worst of it. (How Extreme Heat Scorched Pacific Northwest Evergreen Trees, Seattle Times, February 13, 2023)

It is not surprising, that the Consumer Product Safety Commission (CPSC) issued a Press Release on June 30, 2021, stating, "As the July 4<sup>th</sup> weekend approaches, a new report from the (CPSC) reinforces the long-held position of NFPA to avoid consumer fireworks."

## Fireworks Tourism

The fact that Island County ranks third in the state per capita for fireworks incidents speaks to the probability that Island County is experiencing fireworks "tourism" as so many other surrounding counties have already banned fireworks.



Compounding Island County's fire risk potential is the fact that it is near several Tribal Reservations that surround Island County that sell illegal fireworks. It is well known that many 'tourists' travel to both Whidbey and Camano Islands for the 4<sup>th</sup> of July holiday, many of which stop by one of the Tribal Reservations to purchase higher caliber and velocity illegal fireworks for their celebrations. It is clear that our local law enforcement and sheriff's deputies do not have the manpower to respond to hundreds of calls regarding the use of illegal consumer fireworks, and thus the discharge of these highly riskier fireworks in the County goes unchecked.

## Injuries and Accidents

The U.S. Consumer Product Safety Commission (CPSC) 2020 report "estimated 15,600 people were seen for fireworks related injuries at emergency departments, reflecting the highest estimate seen in more than 15 years, according to data collected by CPSC." Last year alone, nine people died in incidents involving fireworks (Consumer Product Safety Commission, Fireworks Injuries and Deaths, 2021 Report)

The Washington State Fire Marshal's most recent report stated that "most of the firework's related injuries are due to holding or throwing fireworks (40%) or hit by fireworks or debris (36%) and legal fireworks accounted for 47% of the injuries reported in 2021. (Fire in Washington; prepared by the Washington State Fire Marshal's Office, 2021)

"The National Fire Protection Agency strongly recommends only attending public shows put on by trained professionals. Fireworks in the hands of consumers can cause serious injury and damage due to their unpredictability." (Consumer Protection Safety Commission, Safety Source: Press Release, June 30, 2021)



While fireworks pose preventable risks to consumers, the injuries and damage they incur also unnecessarily tax responding fire departments, as well as emergency workers, law enforcement, and EMS staff who are called upon to address these incidents.

### **Hospital Capacity**

Whidbey General Hospital was recently downgraded to Level 3, which means any severe trauma must be transported off-island. Obviously, this presents an unnecessary risk that the current fireworks code cannot address.

### **Homeowners Insurance**

Fire Protection Ratings being used to determine premiums or coverages for homeowners insurance policies. Protection class is based on:

- Typical response times of emergency services
- Full Time Staff or Volunteer
- Wildfire Score –annual score based on distance to closest fire in previous year

Many companies will not write policies if Protection Class of 9 or 10. As an example, South Whidbey current class = 8 for residential, 9 for commercial.

As climate change increases fire risk, it will become more expensive to obtain homeowners insurance.

### **Noise Pollution**

Fireworks that sound like bombs and gunfire mimic a war zone, and, according to SPCA New Zealand CEO Ric Odom, they are detrimental to humans and animals alike. Here in Island County, during the 4<sup>th</sup> of July holiday, personal fireworks displays are from morning until late night for several days.

### **Impact on Domestic Pets and Farm**

#### **Animals**

Fireworks and other loud noises account for nearly 20% of missing pets, according to the American Society for the Prevention of Cruelty to Animals (ASPCA). In fact, July 5th is one of the busiest days of the year for shelters. According to Pet Amber Alert, animal control officials around the country experience a 30-60% increase in lost pets between July 4 and July 6.

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*Always a nightmare spending these holidays (4th and New Year's) consoling my goats. It drives them crazy with fear. Certainly does not help with the seemingly daily blasts that are still occurring and it is September, not the first week of July. Out of control. –Change.org signer*

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Each year, an estimated 2.8 million dog owners give their dogs calming and anxiety medicines like Xanax or Prozac. Horses, and other farm animals, react by vocalizing, pacing up and down and often panic and injure themselves. Not only is this traumatizing, but it also places an undue financial burden on low income households who may not be able to afford the cost of these drugs or the veterinarian bills for injuries.

## Impact on Island Wildlife

If you want to see your fireworks and protect birds and wildlife, too, the best thing to do is attend a permitted community-based display, rather than setting off your own pyrotechnic

devices. City and town sponsored fireworks are concentrated in one location, rather than in several locations at once, which is what often happens in neighborhoods. This allows birds and wildlife to move to a “safer” location rather than continuing to flee noises coming at them from all directions; mimicking a war zone. Hampered by poor night vision, birds bump into houses, trees and other objects. Nesting seabirds flee their nests leaving their eggs and/or fledglings vulnerable to predators. (Do Fireworks Cause Bird Deaths, Audubon, July 3, 2012)

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*We have to leave our dogs with friends in Shoreline every year during the 4th of July. They are terrified. Panic attacks, etc. Also, we've seen bats fly into one another in the sky, birds flying erratically, etc.—Change.org signer*

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According to the Washington State Status Report for the Tufted Puffin (2015) Tufted puffins form dense breeding colonies, during the summer reproductive season, along the Washington coast line, which includes Whidbey Island. Given the rate of recent population decreases, related to human disturbance to breeding colonies, widespread colony abandonment, and ongoing threats from multiple factors, Tufted Puffins are likely to continue to decline; prompting Washington state to approve its listing as an endangered species. If the current 8.9% annual rate of decline continues, the state's population could become functionally extirpated within about 40 years.

## Impact on Federally Protected Bald and Golden Eagles – U.S. Fish & Wildlife

Bald Eagles in Island County are protected by the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) which provides criminal penalties for persons who disturb an eagle. “Disturb” is defined as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” (50 CFR 22.6). A violation of this act can result in a fine of \$100,000 or imprisonment for one year, or both. Permits are required for activities that disturb an eagle. According to the Federal Migratory Bird Office, shooting off fireworks within 660' of an eagle's nest, is considered a "disturbance to nesting eagles [and] is unlawful without a permit."

## Impact on Humans

The nightly loud booms and explosions affect many peoples' sleep pattern, sense of well-being, and feeling of security and safety. The impact on veterans with PTSD, and individuals with respiratory diseases and heart conditions are covered below.

## PTSD & Anxiety Disorders

Fireworks spark fears for war-stressed veterans. The unexpected sounds of exploding fireworks can have a traumatizing effect for some veterans who are suffering from post-traumatic stress disorder. It can be a particular sound or smell, which will trigger some symptoms. For some, even the smell of fireworks, not just the noise, will trigger a flashback. According to the Veteran Resource Center in Langley, Island County has the highest number of veterans per capita in the state — estimates range from 14,000 to 17,000.

The US Department of Veterans Affairs, estimates that 8-35 percent of veterans suffer from PTSD. Perhaps the most patriotic thing we can do for veterans with PTSD is lay off the pyrotechnics.

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*"I have a few veteran buddies who live the scars of their service in the form of PTSD. Independence Day has become a dark period every year for them. They are Vietnam, Iraq, and Afghanistan combat veterans who suffer every Independence Day as their reward for defending the Constitution. I wish people would consider their humanity over blowing sh#t up." (Next Door, July 17, 2022)*

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## Loud Noise: Effect on the Human Heart

Numerous studies link exposure to environmental noise to an increased risk of heart-related troubles. There is a growing recognition of the connections between noise pollution and reduced physical health. Evidence of noise's physiological effects — whether on cells and organs or entire populations — "is really coming together and painting a picture of the problem," says Mathias Basner, a psychiatrist and epidemiologist at the University of Pennsylvania and president of the International Commission on the Biological Effects of Noise. (Sounding the Alarm; How Noise Affects the Heart, February, 12, 2021)

A 2010 study used epidemiological data to estimate the likely health impacts from fireworks pollution and found that the relative risk of cardiovascular mortality increased to as high as 125.11% and the relative risk for cardiovascular morbidity increased by 175.16% per a regular winter day. (Forbes Magazine: Festive Fireworks Create Harmful Pal of Pollution, December 31, 2019)

## Ocean & Beaches Pollution



A study from New Hampshire Department of Environmental Services determined that fireworks contaminate local lakes and the chemicals that land in the water are harmful and negatively impact water quality. A common chemical that is released in fireworks is ammonium perchlorate, which is known to contaminate ground and surface waters, and can cause harm to aquatic creatures. Further, copper compounds, sulfur dioxide, lead nitrate and lead chloride are released when fireworks are let off, and can be a hazard to the environment in general.

Additionally, firework debris pollutes our ocean and can adversely impact water quality, air quality and aquatic species and wildlife through debris and toxic contamination pollution. Pollutants released by fireworks travel far from their origin. Several studies revealed that in mild weather, tagged heavy metals used in pyrotechnics traveled 100 km (62 miles) downwind over a two-day period (i.e.; ref & ref). Among the pollutants traced were: strontium, vanadium (V), potassium, titanium (Ti), barium, copper, lead,

magnesium, aluminum (Al) and zinc (Zn). These heavy metals add to the toxic pollution in the air. Further, the environmental impacts of these emissions are not confined to the air because these heavy metals are washed out of the air by rainfall and accumulate in — and pollute — local watersheds. (Forbes Magazine: Festive Fireworks Create Harmful Pall of Pollution, December 31, 2019)

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*I love fireworks. However, over the past 5 or 10 years the duration and amount of major private fireworks displays on Whidbey Island has increased exponentially to the point that humans, animals, and property are greatly and negatively impacted. Competing percussive bombs go off for 3 or 4 days where humans, pets, wildlife are not just disturbed but frightened and endangered. At such close range, it is unbearable for many humans and pets. There are better ways to celebrate together as a community. —Change.org signer*

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Leftover trash from fireworks can pose major risks to marine animals when it enters the ocean. Both sea birds and marine animals can mistake debris for food. If ingested, it could result in a loss of nutrition, internal injury, intestinal blockage, starvation, and even death.

It is not uncommon to find streets and beaches littered with the remnants of fireworks after the holiday. Pieces of plastic, fiberglass, paper, and cardboard that are not properly disposed of, can easily make their way to the beaches and the ocean to become marine debris.

## Air Pollution

### *IQAir Report*

Fireworks are basically explosions of chemicals in solid form. Millions of combustion particles and gases are released into the air during these splashes of color in the sky. Many are also blown around for miles in atmospheric wind currents.

Fireworks generate huge concentrations of pollutants from colorants and explosives as well as from metals and fuses that make up the firework itself. PM pollutant concentrations can be up to eight times higher than normal in the hours right after a fireworks display

And even though fireworks only result in temporary increases in local air pollution, fireworks air pollution can travel for miles and cause bad air quality around the world, making the effects of air pollution more severe even in regions that never see a fireworks show. (Are Fireworks Bad for Air Pollution, on IQAir.com, June 29, 2022)

Although the heavy metals in fireworks experience a temporary physical change, the metal salts and explosives in the fireworks undergo chemical changes by combining with oxygen (combustion). This chemical reaction releases smoke and gases such as carbon dioxide, carbon monoxide, and nitrogen, and these are some of the primary greenhouse gases responsible for climate change. The metal salts end up as aerosols that poison the air, the water, and the soil. (Forbes Magazine: Festive Fireworks Create Harmful Pall of Pollution, December 31, 2019, excerpt also below)



## **Fireworks create a toxic fog of fine particulates, poisonous aerosols and heavy metals**

The most obvious result of a fireworks show is air pollution. But how polluted is the air? The Air Quality Index was designed to measure daily concentrations of air-borne pollutants, such as fine particulate matter, aerosols and other pollutants. (You might enjoy looking at this [real-time air quality index](#) listing to see how your air compares.) The Air Quality Index values range from 0 to 500, with anything above 401 classified as 'severe' that can seriously affect healthy people and those with existing respiratory illnesses.

Index Value	Name	Color	Advisory
0 to 50	Good	Green	None
51 to 100	Moderate	Yellow	Unusually sensitive individuals should consider limiting prolonged outdoor exertion
101 to 150	Unhealthy for Sensitive Groups	Orange	Children, active adults, and people with respiratory disease, such as asthma, should limit prolonged outdoor exertion
151 to 200	Unhealthy	Red	Children, active adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else should limit prolonged outdoor exertion
201 to 300	Very Unhealthy	Purple	Children, active adults, and people with respiratory disease, such as asthma, should avoid outdoor exertion; everyone else should limit outdoor exertion
301-500	Hazardous	Maroon	Everyone should avoid all physical activity outdoors.

But how much more of these heavy metals can *just one* fireworks show add to the atmosphere? Surely, not much? No, not so. A case study found that within 1 hour of fireworks displays, strontium levels in the air increased 120 times, magnesium 22 times, barium 12 times, potassium 11 times, and copper (Cu) 6 times more than the amount already present in the air before the event ([ref](#)).



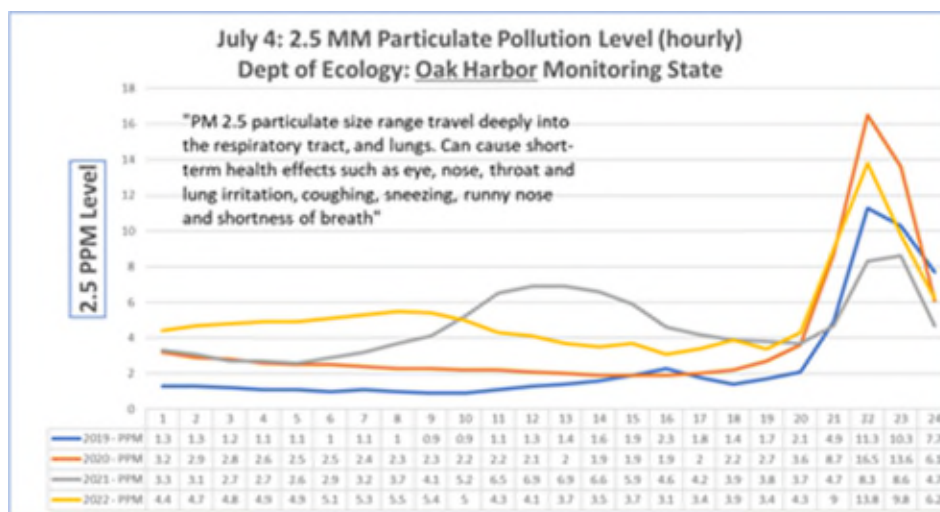
### Puget Sound Clean Air Agency

Puget Sound Clean Air Agency has a number of monitoring sites around the region. This data was taken from the Oak Harbor, WA, monitoring site on the 4th of July in 2020, results indicate:

- 25% worse than 2019, a continuing trend for several years prior.
- Personal fireworks produce the lion's share of the small particulate pollution that degrades air quality on July 4 and 5

**“Community fireworks might contribute a little bit. But it's the personal fireworks that are the main source of such pollution.” -- Cliff Mass, University of Washington Atmospheric Sciences**

#### ***Dangerous Spike (700%) in 2.55 mm Particulates***



### Respiratory Conditions

If you have a respiratory condition like asthma, chronic obstructive pulmonary disorder (COPD), or chemical sensitivity, you probably already know the kind of symptoms that chemicals from a fireworks show can cause – shortness of breath, coughing, and chest pain. Further, hospital admissions for asthma and other breathing problems peak the day following fireworks activity. (Forbes Magazine: Festive Fireworks Create Harmful Pall of Pollution, December 31, 2019)

Fireworks explosions “cause the release of fine particles less than 2.5 micrometers in diameter. Airborne particulate matter of this size is hazardous because when inhaled, it can be absorbed by the lungs and passed to other organs inside the body.” (Medical Life Sciences, Public Health Risks Posed by Consumer Fireworks, June 29, 2021)

But fireworks can be harmful even if you don't have any existing respiratory issues. Some of the symptoms you might experience because of poor air quality caused by fireworks include: headaches, anxiety from nervous system effects, sore or swollen throat, airway inflammation, laryngitis, difficult breathing, high blood pressure, irregular heartbeat, reduced lung function, pneumonia, heart attacks.( Medical Life Sciences, Public Health Risks Posed by Consumer Fireworks, June 29, 2021)

## Washington State Fireworks Bans

The following is a sample listing of places in Western Washington where personal fireworks are illegal. Several other jurisdictions in Eastern Washington and across the country also ban personal fireworks.

### **King County**

Unincorporated King County (new in 2022 - including Skyway, White Center, Snoqualmie Valley, Greater Maple Valley, Enumclaw Plateau and Vashon Island), Algona, Bellevue, Bothell, Burien, Carnation, Clyde Hill, Covington, Des Moines, Federal Way, Issaquah, Kenmore, Kent, Kirkland, Lake Forest Park, Maple Valley, Medina, Newcastle, Pacific, Redmond, Renton, Sammamish, SeaTac, Seattle, Shoreline, Tukwila, Woodinville

### **Pierce County**

Crystal Mountain, Fircrest, Greenwater, JBLM, Ruston, Steilacoom and Tacoma

### **Snohomish County**

Arlington, Brier, Edmonds, Everett, Gold Bar, Lynnwood, Marysville, Mill Creek, Mountlake Terrace, Mukilteo, Woodway,

and in unincorporated southwest Snohomish County

### **Thurston County**

Lacey, Olympia, Tumwater

### **Kitsap County**

Bainbridge Island

### **Whatcom County**

Bellingham

### **Jefferson County**

Port Townsend

### **Skagit County**

Burlington  
Anacortes

### **San Juan County**

All unincorporated areas

### **Mason County**

Shelton

### **Island County**

City of Langley  
Naval Air Station Whidbey Island

## Illegal Fireworks Chart

Below is a chart from the Washington State Patrol indicating the fireworks that are illegal to possess or use of Indian Reservations.

The following Fireworks are always illegal everywhere in Washington State:



**CELEBRATE  
LEGALLY  
FIREWORKS  
CAMPAIGN**

**FIREWORK AND EXPLOSIVE DEVICES  
THAT ARE ILLEGAL  
IN WASHINGTON STATE**


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**Federally Legal Consumer Fireworks:** These items are legal to purchase, possess, and discharge only at an Indian Reservation. Possession and/or use off the reservation is illegal.

Firecrackers	Sky Rockets and Missiles	Bottle Rockets
<p>Generally 1/4" x 1 1/2" or less that come in packs to large bricks. A firecracker makes a single "pop" sound. Many firecrackers strung together will make repetitive "popping" sounds.</p> 	<p>Similar to the Bottle Rocket, a Sky Rocket is attached to a stick or has fins and may have a plastic cap. A missile will have fins rather than a stick. Once lit, it ascends rapidly, high into the air where it explodes.</p> 	<p>A firecracker type (tube) attached to a 12" long wooden stick. The stick is placed in a bottle and once lit, it rises into the air, travelling laterally before exploding.</p> 

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**Illegal Explosive Devices:** The possession, manufacturing, or using of illegal Explosive Devices is a criminal offense.

M-80's, M-100's, etc.	Improvised Explosive Device (IED)	Altered Firework
<p>Illegal since the 70's, an M-80 can contain flash powder, black powder, or a composition of materials that are sensitive to shock and can injure or kill people. Can do serious permanent damage to fingers, hands, and eyes.</p> 	<p>A pipe bomb is an improvised explosive device, consisting of a tightly sealed section of pipe that is filled with an explosive material. The pipe provides containment, meaning that a low explosive can be used to produce a relatively large explosion.</p> 	<p>A tennis ball bomb is an improvised explosive device consisting of a tennis ball filled with combustibles or pyrotechnic material with a fuse producing a loud explosion.</p> 
<p>Sparklers are bound together in electrical or duct tape to contain the ignition of the sparklers, providing for a loud "whoomp" sound with a flash of light.</p> 		



**FIRE PROTECTION BUREAU - PREVENTION DIVISION**  
(360) 596-3946 FAX: (360) 596-3934  
E-Mail: [Fireworks@wsp.wa.gov](mailto:Fireworks@wsp.wa.gov)



## Sample Code Language

Below are links or excerpts from other municipalities codes that ban personal fireworks:

### **King County Code and Penalty**

**17.11.040 Limitation on retail sale, use, discharge or display of fireworks - public display permits, applications, fees, additional state license -public display traffic control, notices, compensation - pyrotechnic operator required for public display - public display bond or certificate of insurance - public display deposit for cleanup costs, forfeiture, return.**

**A. The retail sale of fireworks in unincorporated King County is prohibited.**

B. The use, discharge or display of fireworks in unincorporated King County is prohibited absent a permit issued by the county pursuant to RCW 70.77.260(2) and this section.

C. Any person desiring to give a public display of fireworks shall submit to the fire marshal an application for a permit to operate the public display. This is in addition to any permits required by Section 105 of the International Fire Code for pyrotechnic special effects material and use of hazardous materials. Public displays of fireworks shall not be permitted more than two days per calendar year on any site as defined in K.C.C. 21A.06.1170.

D. A complete permit application for a public display of fireworks shall be made at least twenty days in advance of the date set for the public display. Applications received after that date or incomplete applications shall be denied.

E. The fee for the permit shall be as established in K.C.C. Title 27. The permit required by this section shall be in addition to any license required by the state fire marshal under chapter 70.77 RCW. Permits for displays of fireworks for religious purposes shall not be subject to a fee, in accordance with RCW 70.77.311.

F.1. For any scheduled public display, applicants shall submit such information as deemed appropriate by the department and the sheriff's office to ensure that adequate traffic control and crowd protection policing has either been arranged through private security agencies or has been contracted for with the sheriff.

2. A written notice that the applicant has complied with this requirement shall be issued by the sheriff to the fire marshal before a public display permit is issued.

3. If the applicant contracts for traffic control and crowd protection policing with King County, the sum agreed upon in payment for the policing shall not be less than the actual expense incurred by the county in providing that service. The compensation for a contract for traffic control and crowd protection policing with King County shall be calculated for personnel resources in the hourly rate for overtime under the current collective bargaining agreement, plus the percentage being paid for fringe benefits, and all sums paid under the contract shall be paid in accordance with procedures specified by the county treasurer.

G. Every public display of fireworks shall be conducted with a pyrotechnic operator licensed by the state of Washington under RCW 70.77.255 supervising the handling and discharge of the fireworks.

H. A bond or certificate of insurance must be furnished to the department before a permit is issued. The bond shall be in the amount of one million dollars and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by the public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. The certificate of insurance shall evidence a comprehensive general liability insurance policy providing limits of one million dollars combined single limit, per occurrence and annual aggregate, and naming King County as an additional insured. Any such a bond or insurance policy must be approved by the fire marshal.

I. A cash deposit in the amount of one hundred fifty dollars must be posted with the department at least twenty days in advance of the public display date to provide for costs of site cleanup. The deposit shall be forfeited to King County if the operator fails to perform such cleanup within six days after the public display. If the operator properly performs the cleanup, the deposit shall be returned to the operator. (Ord. 19276 § 7, 2021).

**17.11.060 Violations - penalties - separate offenses - delayed enforcement of K.C.C. 17.11.040.D. and 17.11.040.B (takes effect January 1, 2023\*).**

A. A violation of this chapter is a misdemeanor and is punishable as prescribed by law.

B. Notwithstanding any criminal penalty provided in this chapter, a person who violates this chapter or chapter 70.77 RCW is subject to the maximum civil penalty in an amount not to exceed two hundred fifty dollars per violation. In addition, a person in violation of this chapter is responsible for any costs incurred to enforce this chapter, including bringing a civil action, court

**costs and reasonable attorneys' fees.** All civil penalties assessed shall be enforced under K.C.C. Title 23.

C. A person commits a separate offense for each day during which the person commits, continues or permits a violation of this chapter.

D. The civil and criminal penalties described in subsections A. through C. of this section shall not be enforced for violations of K.C.C. 17.11.040.B. as it pertains to the use or discharge of consumer fireworks, as defined in RCW 70.77.136, until one year after Ordinance 19276 takes effect under RCW 70.77.250. During the period in which these penalties are not being enforced, the King County sheriff's office and the fire marshal shall only issue warnings to violators of K.C.C. 17.11.040.B. and shall provide information to violators on the county's laws governing fireworks. (Ord. 19485 § 204, 2022; Ord. 19276 § 9, 2021).

## Langley Code and Penalty

### .05.010 Fireworks defined.

As used in this chapter, the term “fireworks” means all fireworks, special fireworks, common fireworks and pyrotechnics, as defined in Chapter [70.77](#) RCW. (Ord. 1068 § 2, 2020)

### 9.05.015 Sale, use and discharge of fireworks unlawful.

**It is unlawful for any person to sell, use, transfer, discharge, ignite or explode any fireworks within the city of Langley; provided, that this prohibition shall not apply to the following activities, when authorized by a state license and city permit:**

- A. Duly authorized public displays, as provided in RCW [70.77.260](#); and
- B. Duly authorized use by religious organizations or private organizations or persons for religious or other specific purposes on an approved date and in an approved location, as provided in RCW [70.77.311](#)(2); and
- C. Special effects for entertainment media pursuant to RCW [70.77.535](#). (Ord. 1068 § 2, 2020)

### 9.05.020 Sky lantern defined.

As used in this chapter, the term “sky lantern” means an airborne lantern typically made of paper or other combustible material containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. “Sky candles,” “fire balloons” and “airborne paper lanterns” are included as sky lanterns. (Ord. 1068 § 2, 2020)

### 9.05.025 Sale and use of sky lanterns unlawful.

It is unlawful for any person to sell, use, transfer, discharge or ignite any sky lantern within the city of Langley. (Ord. 1068 § 2, 2020)

### 9.05.030 Permit required for public display.

It is unlawful for any person to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter. This chapter is intended to implement Chapter [70.77](#) RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto. The annual fee for a public display permit for the public display of fireworks shall be established by resolution and be payable to the city of Langley. (Ord. 1068 § 2, 2020)

### 9.05.035 Application for public display permit.

Applications for a permit to hold, conduct or operate a public display of fireworks shall be made to the fire chief at least 30 days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display. (Ord. 1068 § 2, 2020)

#### 9.05.040 Inspection.

After the discharge site has been completely set up, and prior to the display, the discharge site shall be inspected and approved by the fire chief or his designee. (Ord. 1068 § 2, 2020)

#### 9.05.045 Issuance – Nontransferable – Voiding.

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this code. (Ord. 1068 § 2, 2020)

#### 9.05.050 Penalties for violation.

Any person violating or failing to comply with the provisions of this chapter which does not also constitute a violation of state law shall be guilty of a civil infraction and upon conviction thereof shall be punished by a fine of \$50.00 for the first offense and \$200.00 for second offense and for each offense within a three-year period. Any violation of this chapter which also constitutes a violation of state law shall be punishable under state law penalties. In addition, any fireworks that are involved in the violation may be confiscated. (Ord. 1068 § 2, 2020)

### Other Washington Ordinances that Prohibit Fireworks

Below are links to other ordinances from various Washington state municipalities that ban fireworks. In addition, these ordinances provide details for penalties and standards for public displays.

[Chelan Municipal Code Ch. 8.10](#)

[Franklin County Code Ch. 8.04](#)

[Kirkland Municipal Code Ch. 11.60](#)

[Tukwila Ordinance No. 2672](#)

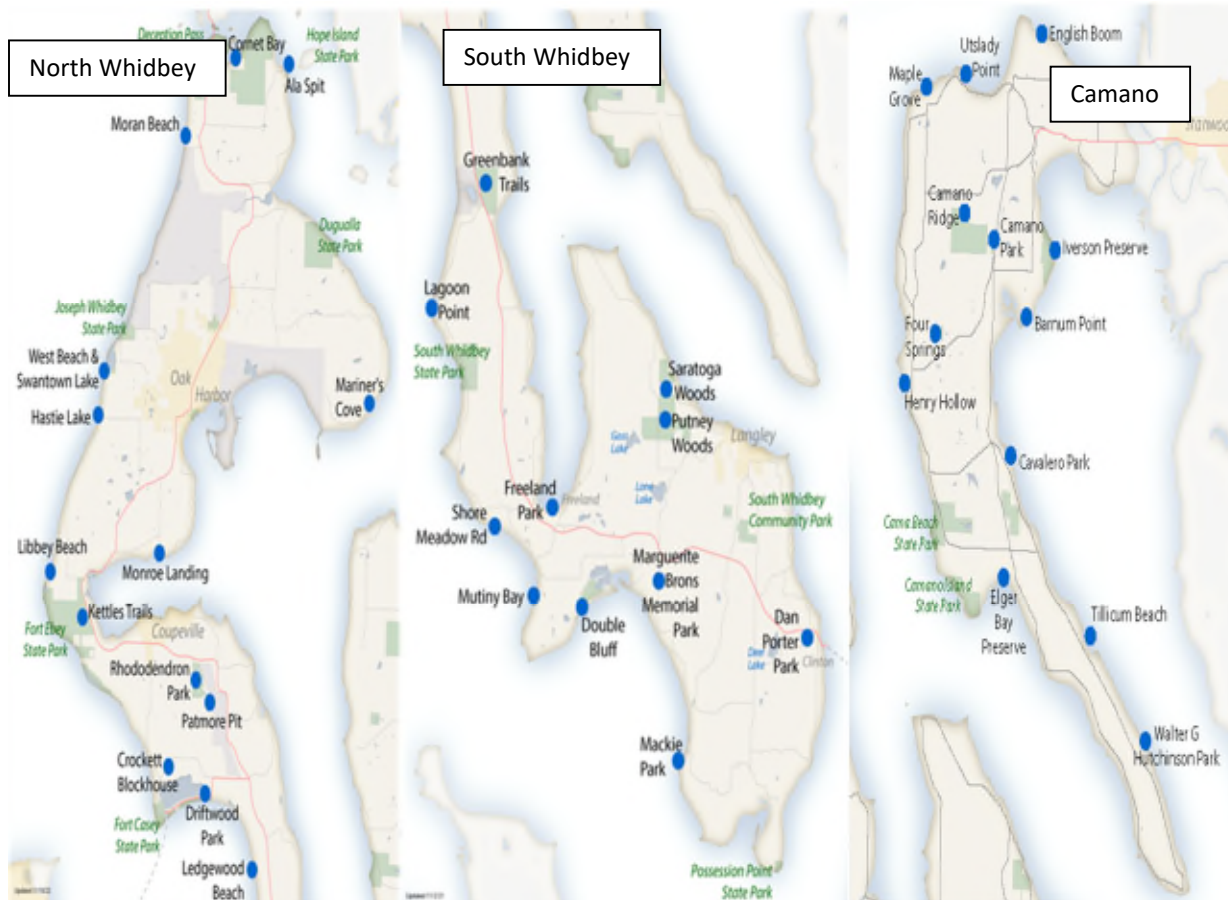
### Code in State and County Parks–ICC 9-40-420

Island County code ICC 9-40-420 states No person shall possess, discharge, set off, or cause to be discharged, any firecracker, torpedo, rocket, firework, or other explosive on or into any Island County park area, unless authorized by the director in writing.

There are 54 owned and managed Island County Parks, many in Critical Areas (wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas)

[www.islandcountywa.gov/PublicWorks/Parks/Pages/Home.aspx](http://www.islandcountywa.gov/PublicWorks/Parks/Pages/Home.aspx) [Parks & Trails](#)  
[islandcountywa.gov](http://islandcountywa.gov)





## Enforcement in Parks -- ICC 9-40-440

### *Park Penalty*

- Class 1 Penalty--\$250 per offense
- Misdemeanors. Any person committing a third or subsequent violation of provisions of this chapter within a five-year period is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
- Administrative sanction. In addition to any of the prescribed penalties, any person failing to comply with any provision of this chapter shall be subject to the loss of county park and recreation facility use privileges and ejection from the county park area and associated marine park area.

### *Park Enforcement Responsibilities*

Sheriff	Parks and Recreation Department
Primary method of enforcement—request voluntary compliance or administrative sanctions	Implementing public educational awareness regarding the rules of the facility
Issuance of Civil Infraction	Encouraging voluntary compliance
Misdemeanor Sanction	Training staff on administrative sanctions
	Notifying law enforcement of violations

### **Immediate Enforcement of Current Park Code**

We believe that the county must step up enforcement

- Create permanent signage for all county owned and managed parks and other public areas (ferry, main roads, etc) including penalty and contact information for reporting violations
- Implement staffing plan to enforce fireworks bans at county parks

### **Current Enforcement Complications for Current Code**

#### *Not enough staff*

There is not enough staff to enforce the current code, the Sheriff must triage calls and hold some capacity back for serious or life/threatening calls which means there are very few citations for illegal fireworks use, giving the false impression that there is not an issue. If a ban is not imposed there would need to be a significant increase in the staff necessary to enforce the current code.

#### *Off Island Users*

As more and more counties are banning fireworks, more people are coming to Whidbey and Camano to light them. This increases the burden of enforcement without any way to determine the magnitude of needed capacity. And since there is not neighborly concern from those coming off island, there is less that can be done by individual citizens.

### *Cannot discern what is an illegal firework*

As noted in the illustration above, Washington State currently categorizes legal and illegal fireworks, however law enforcement officials have a difficult time discerning what is legal or illegal. If all fireworks are banned, enforcement will be much clearer.

## Enforcement Options for Fireworks Ban

Although enforcement is outside of the scope of our public advocacy group, we have given enforcement significant thought, specifically as it relates to the enforcement complications mentioned above. That said, we provide a number of recommendations/options below for consideration.

- Enforcement starts with educating local citizens and visitors about the fireworks ban. Because education could vastly reduce having to engage law enforcement.
- Establish non-emergency phone number to report violations so that warnings or citations can be issued after the fact
- Empowerment of local citizens; educate citizens on how to talk to people that are setting up for, or engaging in, setting off fireworks.
- If the County has short term rental owners' addresses, mail out notices to the owners of vacation rental houses, as well as to vacation rental management agencies, notifying them that their clients (homeowners) could be held liable or lose their operating permit if their guests are caught shooting off fireworks. (This option will have more impact after the County adopts short term rental regulations)
- Erect signs that call out the fireworks ban at all the public beaches and County and State parks on South Whidbey (as well as all State and County parks in Island County) that includes non-emergency phone number to report violations and penalty.
- Erect signs calling out the ban, on the ferries, on Hwy 525 as you leave the ferry terminal in Clinton, and as you are entering South Whidbey from the North.
- Publish reminders calling out the ban in the Whidbey Record and Whidbey Times a few days before the 4<sup>th</sup> of July holiday.
- Utilizing law enforcement or fire department volunteers to go out on fireworks related calls during the 4<sup>th</sup> of July holiday week. If their orders to 'cease and desist' go unheeded, authorize them to write citations.

- Increase the citation fee substantially to deter violations.

Enforcement does not start with law enforcement, it starts with much less expensive interventions such as education, citizen empowerment, signage, property management agency involvement, published reminders in local news sources, and utilizing volunteer staff. However, at some point in the process, an actual law enforcement response may be needed.

## Common Resistance Points and Counterpoints

The following are the common resistance points to banning of personal fireworks and the counterpoint.

### *Constitutional Rights:*

It is my constitutional right to light fireworks; you are taking away one more freedom of mine.

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*Freedom works both ways: Freedom to \_\_\_ and freedom from \_\_\_. I wish people would think more about others' experience as well as [domestic animals and] wildlife. (Anonymous, Next Door, July 17, 2022)*

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### ***In the court case Ace Fireworks Co. v. City of Tacoma "The power of government to***

***regulate and restrain the use of fireworks cannot be denied. Indeed, considering the nature of the product, that power is better described as a duty when we think of the destructive nature of explosives and the danger to life and property attendant upon its use". It is not the intent of the ban to take away a freedom, we simply see no other way to ensure that the loud and destructive fireworks do not infringe on other freedoms.***

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*"As for freedom... I see it as my RIGHT to enjoy my home, neighborhood and community FREE of FIRE DANGER, our right to enjoy air FREE of pollutants and waste debris, and our RIGHT to be free of terrifying peace-destroying noises that frighten domestic and wild animals, and disrupt our sleep late at night. Is it too much to ask citizens to enjoy safe & sane fireworks that don't violate MY RIGHTS?" (Sharen Heath, SHF fb, February 13, 2012)*

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### *Family Tradition:*

My family has been gathering for years to celebrate and we love to light fireworks.

***Many of us can relate, we remember the days when the loud and destructive fireworks were the exception, but unfortunately they are now the norm. It is no longer one family enjoying the show, it impacts people (some who are vulnerable) for miles around whether they want it to or not.***

*I Always Clean Up my Mess:*

Whenever I light fireworks, I make it a point to clean up the debris.

***Unfortunately that is not always the case, but even if it was the pollution from the smoke cannot be cleaned and the debris that gets into waterways is also impossible to clean up.***

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*Fireworks are out of control - my yard becomes littered with spent debris and stains from smoldering, half-spent casings. I fear the effects on my dog, our wildlife, and our environment. I hope Island residents can appreciate the greater good in reining in the uncontrolled use of these explosives.*  
-Change.org signer

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*If You Don't Like It, Leave.*

I have property rights and I should not be prevented from doing what I want. If you don't like it, then leave.

***Sadly, many people who do not enjoy fireworks do have to leave which is an unfair cost burden to them and an infringement on their property rights. In addition to cost, it means their home is left unmonitored which can be risky if a stray firework hits their home. In addition, people with multiple or large animals simply CANNOT leave.***

*My pet doesn't mind.*

It is too bad that other animals are distressed, but it is just for a couple of days.

***Unfortunately, it is no longer just a one-day event, the booms go on for days and are unpredictable. It is unreasonable for people to have to drug or isolate their animals for days and it is an unfair cost burden for low-income families to have to purchase expensive medications for their pets.***

*My organization sells fireworks as a fundraiser.*

My charitable organization needs the money we get from selling fireworks.

***We understand that this will require a change, but there are many other ways to raise funds that are not so destructive.***

*The current code just needs to be enforced.*

We have a code that just needs to be enforced better.

***The current code is simply unenforceable with the law enforcement staffing budget—a significant tax increase would be required to fund the necessary staff. Further, it is simply not possible for law enforcement to discern what is a “legal” vs “illegal” firework.***

*Public should vote.*

The county commissioners are shoving too much down our throats without my input, an island county wide ban should be based on public opinion.

***Our research indicates that policy matters of public health and safety should NOT be up for a general vote. The BOCC are charged with overseeing unincorporated county operations;***

***financial and budgetary matters; and the adoption of laws that regulate county growth, health, safety and welfare of its citizens.***

***The ban should only be in communities that want it.***

Every community should have the right to decide for themselves if they want to ban fireworks.

***Our objective is to eliminate the risk of wildfire and the threat to public health and safety for all of unincorporated island county. A patchwork of communities with different codes would create an unnecessary enforcement challenge and would not solve the pollution or wildlife issues as sound and air pollution does not recognize property boundaries. If the commissioners cannot agree that all of our citizens should be protected, then we would support a South Whidbey ban as an incremental step.***

## **Conclusion**

It's imperative that we stop the use of personal fireworks in the unincorporated areas of Island County. If we must enjoy fireworks, let's limit our viewing to the municipal displays. They are safer, more structured and more confined to a specific area, thereby reducing the amount of damage to domestic pets and farm animals, wildlife, people, the environment and the community as a whole.

In addition to preserving the beauty of our Islands for generations to come, banning personal fireworks in the unincorporated areas of Island County will result in fiscal benefit to the County. There will be reduced need for emergency services (EMT's, hospitals, fire) during the 4<sup>th</sup> of July and New Years' Eve celebrations. The Sheriff's Department's role in enforcement will be more defined, and make it easier to enforce County ordinances related to fireworks displays. No distinction between illegal and legal fireworks will be necessary, any personal fireworks use will result in consequences set forth by the County Commissioners.

## **Links to Other Sources**

[Safe and Humane Fireworks](#)

[Change.Org Petition](#)

[The Eco-Unfriendly Truths About Fireworks](#)

[Why Fireworks, Drought and Climate Change are a Dangerous Combination](#)

[Do Fireworks Cause Bird Deaths](#)

[Sounding the Alarm: How Noise Hurts the Heart](#)

[King County Fireworks Ban](#)



[Langley Fireworks Code](#)

[Municipal Research and Service Center of WA Fireworks Regulations](#)

[Justia—Ace Fireworks Co v City of Tacoma](#)

[2021 Fire in Washington](#)