

ILLEGAL FIREWORKS WHITE PAPER

ISSUE: Illicit Importation of Illegal Fireworks from Nevada to California

BACKGROUND:

For days leading up to the last 4th of July and other holidays, Californians experienced an unprecedented surge in illegal aerial fireworks displays. Local fire and law enforcement agencies were overwhelmed, responding to nightly complaints about intense and prolonged illegal displays, particularly in communities where fireworks are prohibited.

The ongoing issue of illegal fireworks entering California from Nevada, particularly from stores in Southern Nevada, poses a significant threat to public safety and has led to severe incidents, including explosions and injuries as well as severe and substantial strain on state and local budgets.

Most informed estimates suggest that these thirteen stores account for at least 65 to 75 percent of the illegal fireworks used in California.

DISCUSSION:

Despite efforts to enhance enforcement strategies for illegal fireworks, the influx from Nevada continues. Thirteen stores in Southern Nevada, including six in Pahrump and seven northeast of Reno, sell federally-approved fireworks that are illegal in California. These stores, notably Area 51 Fireworks, were implicated in major incidents in Ontario and Los Angeles in 2021. The California Department of Justice and the State Fire Marshal acknowledge the need for a proactive strategy beyond local enforcement.

It is the universal general policy of most, if not all, of these stores to:

- Require the purchaser to show their driver's license which the store scans and downloads.
- Require the purchaser to buy a "Shooter's Permit" and say they are going to take these fireworks to a place out in the middle of nowhere to use them, or sign a form that states they will not use these fireworks in the town where they were purchased and will only take them somewhere where their possession and use are legal.... and
- Require the purchaser to state that they are buying these fireworks for personal use only.

ALTERNATIVES:

1. Strengthen collaboration between California and Nevada fire and law enforcement agencies.

2. Increase penalties for individuals and stores involved in facilitating this illegal fireworks trade.
3. Implement stricter regulations on the sale and transportation of fireworks across state lines.
4. Explore an Interstate Compact or Agreement between California and Nevada to address the illegal fireworks supply chain issue.

RECOMMENDATIONS:

RECOMMENDATION #1:

Enhance Cooperation and Information Sharing

Establish a task force comprising fire and law enforcement agencies from California and Nevada to collaboratively address the issue. Improve communication channels for timely sharing of information on potential illegal activities.

IMPACTS:

- Fiscal: Requires funding for the task force and enhanced surveillance.
- Operational: Streamlines coordination and improves efficiency.
- Legal: May necessitate amendments to interagency agreements.
- Labor: Increased workload for fire and law enforcement personnel.
- Sociopolitical: Demonstrates a commitment to public safety.
- Policy: May require changes to existing cross-border enforcement policies.
- Health and safety: Improves safety measures through proactive intervention.
- Environmental: Addresses potential environmental hazards associated with illegal fireworks.

RECOMMENDATION #2:

Amend Legislation to Increase Penalties

Propose legislative amendments to enhance penalties for individuals and businesses involved in the illegal sale, transportation, or use of fireworks, with a focus on those crossing state lines.

IMPACTS:

- Fiscal: Requires budget allocation for legal review and legislative processes.
- Operational: May lead to increased legal proceedings.
- Legal: Requires thorough review of existing legislation.
- Labor: Potential increase in legal proceedings.
- Sociopolitical: Demonstrates legislative commitment to public safety.
- Policy: May lead to revisions in existing laws.
- Health and safety: Acts as a deterrent through stricter penalties.
- Environmental: May contribute to reducing environmental risks associated with illegal fireworks.

RECOMMENDATION #3:

Explore an Interstate Compact

Initiate discussions between California and Nevada officials to explore an Interstate Compact or an Interstate Agreement between California and Nevada requiring all brick and mortar Nevada fireworks retail store locations to contemporaneously download their records, into a secure website controlled by the State of Nevada, of all sales made to and the items purchase by any individual presenting a valid state ID with a resident address location where the products purchased are not allowed to be possessed or used. The compact or agreement between the two states would make the State of Nevada' website accessible to any fire and/or law enforcement agency in the State of Nevada or California and ATF and US DOT.

IMPACTS:

- Fiscal: May require initial funding for the development of the secure website.
- Operational: Enhances monitoring and control of out-of-state fireworks sales.
- Legal: Requires legal review for compact creation.
- Sociopolitical: Demonstrates a commitment to regional cooperation.
- Policy: Establishes a new framework for addressing cross-border issues.
- Health and safety: Proactively addresses the supply chain, reducing illegal fireworks in California.

- Environmental: Contributes to reducing environmental risks associated with illegal fireworks.

Attachments: Exhibit A – What Happens in Nevada – Should Stay in Nevada!!

Exhibit B – Listing of Nevada Brick and Mortar Fireworks Stores

Exhibit C – Pictures of Fireworks Stores in Pahrump, Nevada

Exhibit D – Articles on Ontario Incident in 2021

Exhibit E – Articles on LAPD Bomb Containment Unit Disaster

Exhibit F – Prosecutorial Records of Mr. Arturo Ceja

Exhibit G – Letter to the Chair and Members of the Nevada Senate Committee on Government Affairs dated 3/28/2021 from Douglas Burda, CEO of Red Apple Fireworks, Pahrump, Nevada

END OF REPORT