



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
State Fire Council
830 Punchbowl Street
Honolulu, Hawaii 96813

March 11, 2008

The Honorable Will Espero, Chair
Committee on Public Safety
The State Senate
State Capitol, Room 207
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: H.B. 2436, H.D. 2 Relating to Fireworks

I am Kenneth Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support H.B. 2436, H.D. 2, which amends the definition and language under general prohibitions and clarifies the minimum age to sell fireworks. The SFC and the HFD recommend the following revisions to Section 132D-5 General prohibitions:

“(a) It shall be unlawful for any person without a permit issued under section 132D-10 by a county fire department to:

- (3) Set off, ignite, discharge, or otherwise cause to explode any fireworks:
 - (A) Above the first floor of any building;
 - (B) In any vehicle;
 - (C) At any time not within the periods for use prescribed in section 132D-3[, unless permitted pursuant to section 132D-10];
 - (D) Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;

The Honorable Will Espero, Chair
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- (E) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;
- (F) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forests or wildlife preserves; within fifty feet of a canefield; or within one thousand feet of any building used for public worship during the periods when services are held; [except as may be permitted pursuant to section 132D-10;] and
- (G) Within five hundred feet of any hotel."

The SFC and the HFD believe that the reference to Section 132D-10 is generally stated in paragraph (a) and does not need to be repeated in paragraphs (C) and (F).

The revision in Section 132D-10 is necessary to add a permit for consumer fireworks at times other than the three designated holiday periods because individuals who want to ignite consumer fireworks, which should include paperless firecrackers or any other type of novelty fireworks and firecrackers, would need to obtain a permit from the fire department. The present language is not clear on this issue and indicates that only firecrackers require a permit during the other 362 days of the year.

H.B. 2436, H.D. 2, as revised, would greatly assist in the enforcement and regulation of the fireworks control law.

The SFC and the HFD request your committee's support on the passage of H.B. 2436, H.D. 2 with the recommended revisions.

Should you have any questions, please call SFC Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn

**CHARMAINE TAVARES
MAYOR**



**NEAL A. BAL
Interim Chief**

**COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY**

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919

March 11, 2008

The Honorable Will Espero, Chair
Committee on Public Safety
The State Senate
State Capitol, Room 207
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: H.B. 2436, H.D. 2 Relating to Fireworks

I am Neal A. Bal, Fire Chief of the County of Maui, Department of Fire and Public Safety and a member of the State Fire Council (SFC). Our Department and the SFC support H.B. 2436, H.D. 2, which corrects definitions, correct language under general prohibitions, and clarifies the minimum age to sell fireworks. The SFC recommends the following revisions to clarify the general prohibition section:

"Section 132D-5 General prohibitions.

(a) It shall be unlawful for any person without a permit issued under 132D-10 by a county fire department to:

- (3) Set off, ignite, discharge, or otherwise cause to explode any fireworks:
 - (A) Above the first floor of any building;
 - (B) In any vehicle;
 - (C) At any time not within the periods for use prescribed in section 132D-3[, unless permitted pursuant to section 132D-10]
 - (D) Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;
 - (E) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;

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(G) Within five hundred feet of any hotel."

The SFC believes this is generally stated in (a) and does not need to be repeated in (C) and (F).

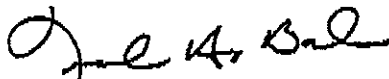
The revision in Section 132D-10 is necessary to add a permit for all consumer fireworks at times other than the three designated holiday periods because individuals who want to set off consumer fireworks, which should include paperless firecrackers or any other type of novelty fireworks, as well as firecrackers, would need to obtain a permit from the fire department. The present language is not clear on this issue and indicates that only firecrackers require a permit on the other 362 days of the year.

H.B. 2436, H.D. 2, as revised would greatly assist in the enforcement and regulation of the fireworks control law.

Our Department and the SFC request your committee's support on the passage of H.B. 2436, H.D. 2 with the recommended revisions.

Should you have any questions, please call SFC Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,



NEAL A. BAL
Fire Chief

NAB:rgkm



LEGISLATIVE INFORMATION SERVICES OF HAWAII

820 Miiilani St., Suite 810

HONOLULU, HI 96813

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March 13, 2008

To: Senate Committee on Public Safety
Senator Will Espero, Chair / Senator Clarence K. Nishihara, Vice Chair

By: Richard C. Botti, President or Lauren Zirbel, Gov't Relations

Re: HB 2436 HD2 RELATING TO FIREWORKS.

We support HB 2436, HD2 as the result of collaborative discussions and agreements through our meetings with the State Fire Council in efforts to tighten logical and common sense restrictions on the use of consumer fireworks.

March 10, 2008

TO: Senator Will Espero, Chairman
And members of the Public Safety and Water and Land Committee

FROM: Cherie Heu

RE: HB 2436 HD 2 Relating to Fireworks

Chairman Espero and members of the Public Safety and Water and Land Committee, my name is Cherie Heu and I am a student at Honolulu Community College. I am a concerned citizen, testifying in SUPPORT of HB 2436 HD 2 Relating to Fireworks.

HB 2436 HD 2 explains the safety regulations that ought to be enforced. I believe that by enforcing these laws, the number of injuries involving fireworks will be lowered on the holidays that fireworks are permitted. The regulations may also help to prevent from creating more air pollution and excess trash for the environment. Innocent lives such as tourists, children, seniors and so forth may be protected by the regulations to help people live in a safer environment.

In the Honolulu Advertiser on January 3, 2008 an article called "Fireworks Law Needs Help From Community," talked about how fireworks have such an impact on people. A man was arrested after the police raided his home and found nearly 4,500 pounds of banned aeriels that they confiscated. The newspaper stated that the amount of fireworks the police confiscated could have endangered the entire neighborhood. Innocent lives were put in danger for something that could have been prevented. By enforcing the safety laws in HB 2436 HD 2 there would be regulations to limit the amount of fireworks a person can purchase. Limiting the amount of fireworks, I believe will help to improve with monitoring the amount of fireworks sold, the amount of permits sold and to whom the permits are sold to.

According to statistics, in 2008 the number of injuries reported from firework incidents on New Years had increased from last year by 14 percent. A total of 105 injuries were reported this year compared to last year a total of 92 injuries were reported. Health clinics reported that patients who were cared for suffered with burns on all parts of the body but most commonly on hands and fingers.

Without enforcing safety laws, deaths can occur and the percentage of injury reports may continue to increase dramatically. Fireworks may continue to be a problem in Hawaii if laws are not enforced to help and control the safety of every individual.

I urge you to support the HB 2436 HD 2. Thank you for the opportunity to testify on HB 2436 HD 2.

Cherie Heu
P.O. Box 29203
Honolulu, HI 96820

Strong Support for HB2436-HD2

Relating To Fireworks

Thursday, March 13, 2008

TO: Senator Will Espero, Chair
Senator Clarence K. Nishihara, Vice Chair
And Members of Senate Committee on
Public Safety

Dear Chair Espero, Vice Chair Nishihara and
Members of Committee On Public Safety

My name is Fetu Kolio and on behalf of my wife and myself and the rest of my neighbors, who are elderly Senior Citizens with medical conditions, who are terrified with the noise that goes on with the use of high shooting rockets, that are being set off day or night during the whole month of December at our housing complex, our place of residence, please help us enforce the laws, because we need peaceful enjoyment so we can have a good nights sleep.

1235 Pua Lane 34-D
Honolulu, HI 96817

October 18, 2007

HAWAII PUBLIC HOUSING AUTHORITY
1002 N. SCHOOL STREET
HONOLULU, HAWAII 96817

TELEPHONE: (808)832-6003
FAX: (808)832-6030
chad.taniguchi@hcdch.hawaii.gov

Dear: Chad K. Taniguchi
(Executive Director)

SUBJECT: Fireworks: Mayor Wright Homes

My name is Fetu T. Kolio. I am a resident of Mayor Wright Homes since 2004. I serve as a board member of the Kalihi-Palama Neighborhood Board.

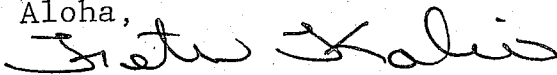
I am writing to ask for your assistance to put into action the guidelines contained in the HAWAII PUBLIC HOUSING AUTHORITY (HPHA) fireworks fliers (copy) attached. The yearly annual flyer clearly states that neither fireworks nor firework displays are not allowed at any time at Mayor Wright Housing. However, it is my experience that fireworks are being sold by unit residents, also used by unit residents without regard to the time of day or night. (HPHA) prohibits the use of fireworks to ensure the the safety of residents.

In the recent past, I have ask the question? to manager office how we can work together to enforce the guidelines contained in the flyer. I was told security of Mayor Wright Housing does the enforcement.

Residents, like me, who are considerate of neighborhood rules and public safety, are not receiving the support necessary to maintain rules and safety. I want to live in a safe environment for me and my family and my neighbors. So let's enforce the rules we have and if necessary penalize those who choose not to comply.

Thank you for your consideration,

Aloha,



Fetu Taua Kolio
1235 Pua Lane, Apt. 34-D
Honolulu, Hi 96817 Phone: 778-3158 or 842-7879

cc

TO: Michael S. Flores
(Director)

Fax: (808) 522-8127
TTY: (808) 522-8193
(808) 522-8175, Ext. 226
michael_s.flores@hud.gov

U.S. Department of Housing
and Urban Development
Office of Public Housing
500 Ala Moana Boulevard, Suite-3A
Honolulu, HI 96813
www.hud.gov

HAWAII PUBLIC HOUSING,
MAYOR WRIGHT HOMES.

RESIDENTS SAFETY CONCERNS:

1) FIREARMS, AS IN GUNS, AND HOMEMADE BOMBS ?

- a) ARE USED AS NOISE MAKERS.
- b) PUTTING RESIDENTS SAFETY, AND THEIR LIVES AT RISK.
- c) AS RESIDENTS, DO WE NEED TO REGISTER FIREARMS FOR PROTECTION.
- d) IN THE PAST A RESIDENT POLICE OFFICER SHOT IN SELF-DEFENSE, A (MALE GANG MEMBER) BECAUSE HE WAS SHOOTING A (GUN).

2) TRASH BINS, BUILDING WALLS, VACANT UNITS ?

- a) TRASH BINS ARE BEEN SET ON FIRE BY FIREWORK USE.
- b) BUILDING WALLS ARE BURN BY FIREWORKS.
- c) VACANT UNITS ARE BEEN VANDELIZED BY FIREWORK USE.

3) RESIDENTS CARS, UNIT AREA, AND YARDS ?

- a) RESIDENTS CARS ARE VANDELIZED BY FIREWORK USE, THROWN ONTO THEM.
- b) UNIT AREAS, AND YARDS ARE BEING USE FOR TRASH, AS FIREWORKS ARE THROWN ON THEIR PROPERTYS.

4) SIDEWALKS, PARKING LOTS, ON MAYOR WRIGHT HOMES PROPERTY ?

- a) ARE TURN INTO FIRE HAZARD ZONES, FROM THE SPARKS AND SMOKE FROM FIREWORKS.
- b) THE SMOKE FROM FIREWORKS GETS SO VOGN, THAT IT BECOMES A SAFETY AND HEALTH ISSUE.
- c) RESIDENTS HAVE HARD TIME SEEING AS THEY ARE WALKING OR DRIVING TO REACH THERE DESTINATION.

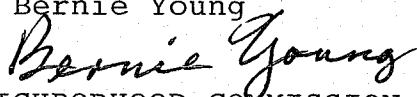
CONTINUE..

- 5) NOISE FROM FIREWORKS, ON MAYOR WRIGHT HOMES PROPERTY ?
- a) RESIDENTS SAY THAT FIREWORK USE ON MAYOR WRIGHT HOMES PROPERTY, IT DISTURBS THERE SLEEP.
 - b) UNDER THE RENTAL LEASE ARGEMENT, TENANT'S HAVE RIGHT TO PEACEFUL ENJOYMENT.
 - c) FIREWORKS, IT GOES ON DAY OR NIGHT.
- 6) ACCORDING TO THE DECEMBER 1,2006. YEARLY MEMO TO RESIDENTS OF MAYOR WRIGHT HOMES, SUBJECT: FIREWORKS.

THE CITY AND COUNTY OF HONOLULU FIREWORKS ORDINANCE (FORBIDS) THE USE OF FIREWORKS IN OUR COMMUNITIES BECAUSE IT FALLS WITHIN THE RESTRICTE AREA. (HPHA) ALSO PROHIBITS THE USE OF FIREWORKS AS IT ENSURES YOUR SAFET AND THE(SAFETY)OF YOUR NEIGHBORS.

KALIHI-PALAMA NEIGHBORHOOD BOARD NO. 15

CHAIR: Bernie Young



c/o NEIGHBORHOOD COMMISSION
530 SOUTH KING STREET ROOM 400.
HONOLULU, HAWAII, 96813
PHONE (808)527-5749 FAX(808)527-5760
INTERNET:<http://www.honolulu.gov>

TO BE SUBMITTED TO(HAWAII PUBLIC HOUSING AUTHORITY), U.S DEPARTMENT OF HOUSING AND URBN DEVELOPMENT(HUD), GOVERNOR Linda Lingle, MAYOR Mufi Hannemann, CHIEF OF POLICE Boisse Correa, CHIEF OF HONOLULU FIRE DEPARTMENT Kenneth Silva.

Hawaii Public Housing Authority

December 1, 2006

To: Residents of Mayor Wright, Kaahumanu & Kamehameha Homes
From: Management Unit III
Subject: Christmas Decorations and Use of Fireworks

On behalf of HPHA and the MU III Staff, I would like to take this opportunity to wish you and your family a very Merry Xmas and a Happy and safe New Year.

During this Holiday Season, many of you will be decorating your unit to get into the Christmas spirit. The following is a guideline that we would like you to follow as you put up your decorations.

1. Exterior and Interior Decorations are to be secured with Clear Tape - **No Duct or Strapping Tape**. **No Nails/Tacks/Staples** are allowed to hold down any types of decorations. Residents are responsible for any damages, that may occur when setting up or removing of decorations.
2. No Christmas displays are to be placed on the **roof tops & ledges**.
3. Due to fire & electrical hazards, please do not string up lights on exterior lanai & railings, which are exposed to the rain/weather.
4. For safety reasons, uses of rain gutters/eaves/roof tops to hold up decorations are not allowed. This is to ensure the safety of the person trying to put it up as well as it falling on someone walking by.
5. **DO NOT THROW YOUR CHRISTMAS TREE INTO THE TRASH BINS.** Leave them next to the trash stations.
6. All decorations must be removed by January 12, 2007.

The City & County of Honolulu fireworks ordinance **forbids** the use of fireworks in our communities because it falls within the restricted area. HPHA also prohibits the use of fireworks as it ensures your safety and the safety of your neighbors.

If you have any questions please call the office at 832-3153.

W. Chu, Manager