

SB 563

Measure Title:

RELATING TO FIREWORKS

Report Title:

Inconsistent County Ordinances; Fireworks

Description:

Prohibits a county from enacting any ordinances or adopting any rules regulating fireworks or articles pyrotechnic that are less restrictive than state law.

Linda Lingle
Governor



Darwin L.D. Ching
Director

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

February 10, 2009

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

Dear Chair Espero:

Subject: S.B. 563 Relating to Fireworks

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support S.B. 563, which proposes to allow the various counties to enact more stringent laws than those imposed by Chapter 132D of the Hawaii Revised Statutes (HRS).

Chapter 132D-17, HRS states that no county may enact stricter laws or rules relating to the present fireworks law. Fires, injuries, and property damage from fireworks have increased during New Year's Eve and Independence Day celebrations, thereby creating health and safety concerns for the public and straining the resources of fire, police, and emergency medical services.

Each county should be allowed to determine the potential hazards fireworks present and the benefit to their community by further restricting fireworks use based on each county's needs and resources. This bill maintains the present statewide fireworks law and will not affect display fireworks, which are conducted by licensed pyrotechnic professionals.

The SFC and the HFD strongly urge your committee's support on the passage of S.B. 563.

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

Sincerely,

A handwritten signature in cursive script that reads "Kenneth G. Silva".

KENNETH G. SILVA
Chair

KGS/LR:bh

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

John T. Blalock
Deputy Fire Chief

COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihu'e, Kaua'i, Hawaii 96766

February 9, 2008

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

Dear Chair Espero:

Subject: S.B. 563 Relating to Fireworks

I am Robert F. Westerman, member of the State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support S.B. 563, which proposes to allow the various counties to enact more stringent laws than those imposed by Chapter 132D of the Hawaii Revised Statutes (HRS).

Chapter 132D-17, HRS, states that no county may enact stricter laws or rules relating to the present fireworks law. Fires, injuries, and property damage from fireworks have increased during New Year's Eve and Independence Day celebrations, thereby creating health and safety concerns for the public and straining the resources of fire, police, and emergency medical services.

Each county should be allowed to determine the potential hazards fireworks present and the benefit to their community by further restricting fireworks use based on each county's needs and resources. This bill maintains the present statewide fireworks law and will also not affect display fireworks which are conducted by licensed pyrotechnic professionals.

The SFC and the KFD strongly urge your committee's support on the passage of S.B. 563.

Should you have any questions, please call me at 241-4980.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman".

Robert F. Westerman
Fire Chief

RFW/LR:cz



LEGISLATIVE INFORMATION SERVICES OF HAWAII

820 Mililani St., Ste. 810
Honolulu, HI 96813

PH: 533-6750 FAX: 599-2606
www.lish.info Email: lishawaii@aol.com

February 12, 2009

Testimony to: Senate Committee on Public Safety & Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

By: Richard C. Botti
Lauren Zirbel
LISH Represents both retailers and wholesalers of fireworks in Hawaii

Re: SB 563 RELATING TO FIREWORKS

Chairs & Committee Members:

We oppose SB 563.

The facts are that we were there and it didn't work. Fireworks from county found their way to all counties. This is one issue where home rule does not work in the best interest of any one county.

Oahu
680 Iwilei Road, Suite 575
Honolulu, HI 96817
Tel: (808) 537-5966
Fax: (808) 537-5971
lung@ala-hawaii.org

Kauai
2992 Umi Street
Lihue, HI 96766
Tel: (808) 245-4142
Fax: (808) 245-8488
alahkauai@ala-hawaii.org

Maui
95 Mahalani Street,
Suite # 28-1A
Wailuku, HI 96793
Tel: (808) 244-5110
Fax: (808) 242-9041
alahmaui@ala-hawaii.org

Hawaii
39 Ululani Street
Hilo, HI 96720
Tel: (808) 935-1206
Fax: (808) 935-7474
alahhi@ala-hawaii.org

Website:
www.ala-hawaii.org

E-mail:
lung@ala-hawaii.org

Lung HelpLine
1-800- LUNG-USA
(586-4872)

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Improving Life
One Breath at a Time

Founded in 1904, the
American Lung Association
includes affiliated associations
throughout the U.S.



TO: Senate Committee on Public Safety and Military Affairs

FOR: Hearing scheduled for 1:15 pm, Thursday, February 12, 2009

**RE: TESTIMONY WITH COMMENTS ON SB 563 RELATING TO
FIREWORKS**

Chair Espero, Vice Chair Bunda and Committee Members:

The American Lung Association in Hawaii would support this measure that prohibits any county from enacting any fireworks regulations that are less restrictive than state law.

Over 154,000 people in Hawaii, or nearly 13 percent of our population suffer from some type of lung disease, which is made worse by exposure to the particulate smoke from fireworks. Hawaii has the second highest rate in the nation for childhood asthma and many adults, especially the elderly, suffer from chronic lung disease including emphysema and COPD (Chronic Obstructive Pulmonary Disease). Even people who do not have lung problems often report eye, throat and lung irritation on New Year's Eve.

With so many people experiencing breathing problems directly related to fireworks, the American Lung Association in Hawaii strongly supports any measure that will help clear the air. Every year the American Lung Association publishes the State of the Air report for the nation and each state. Hawaii, with its generally clean air, receives high marks with the exception of a "D" for short-term air pollution as a result of one night – New Year's Eve.

While this measure does not seek to ban fireworks in Hawaii, which we believe is the best way to assure the cleanest air possible for everyone in Hawaii, it does allow each county to do so. Such bans are becoming even more important in light of the recent increase in volcanic activity and vog that compound the danger of fireworks to our lungs.

Respectfully, submitted,

Jean Evans, MPH
Executive Director
American Lung Association in Hawaii