



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

**Committee on Consumer Protection and Commerce
Committee on Judiciary**

SB 605, SD1, HD1, RELATING TO NOISE

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

March 23, 2009

2:00 p.m.

1 **Department's Position:** The Department of Health appreciates the intent, however, opposes the
2 measure as written.

3 **Fiscal Implications:** Implementation would require additional funding to promulgate administrative
4 rules for the use of the dBC scale and vibration, and to procure sound level meters that utilize the dBC
5 scale.

6 **Purpose and Justification:** The bill proposes to amend Chapter 342F, Hawaii Revised Statutes, to
7 require the Department of Health to add the dBC weighting system with the current dBA weighting
8 system for the purpose of community noise control, and specifies a maximum nighttime maximum noise
9 level between 50 dBC and 60 dBC.

10 Implementation of this measure would require additional expenses during these difficult
11 financial times.

12 We understand that low frequency sound has disturbed residents. We are pleased that the draft
13 recognizes that the dBA scale is the standard measuring system to assess hearing conservation and
14 community noise measurements because it is most similar with sensitivities to the human ear. The dBC

1 scale is specifically used when measuring high sound levels or lower frequency noise such as music.
2 The dBC weighting system for the type of noise (e.g., steady state noise from exhaust fans, noise from
3 commercial, industrial, agricultural activities) the department correctly regulates is inappropriate, and its
4 use for other noise sources is new to us and may be new nationally.

5 The specification in the draft for a nighttime maximum noise level between 50 dBC and 60 dBC
6 is premature. We are not aware of a technical basis for these levels and think research is necessary and
7 that rulemaking is a better approach. Unfortunately, because of resource limitations, we are challenged
8 to conduct the research, especially if we must go beyond searching for codes or standards in other
9 jurisdictions.

10 Thank you for the opportunity to testify on this measure.



DOWNTOWN NEIGHBORHOOD BOARD NO. 13

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>

**Testimony of
Thomas Smyth, Board Member**

**Before the
House Committee on Consumer Protection & Commerce
And**

**House Committee on Judiciary
Monday March 23, 2009
2:00 pm Room 325**

**On
SB 605 SD1 HD1 Relating to Noise**

**Chairs Herkes and Karamatsu, Vice Chairs Wakai and Ito
and Members of the Committees:**

The Downtown Neighborhood Board strongly supports SB 605, SD1 HD1, as amended, that requires DOH to adopt noise standards for the dBC decibel weighting system. The bill sets maximum sound levels for this type of noise in addition to those standards now in place.

The Downtown and Chinatown areas have many bars, restaurants and nightclubs that play amplified music. The noise from some of those establishments has become very annoying to nearby residents. Much of that music has very heavy bass components which may cause vibratory impacts. This relatively low sound frequency cannot be accurately measured under the DOH noise standards now in place and with the noise meters currently in use by both DOH and the county liquor commissions.

This measure, as amended, would set additional standards for this type of noise and allow liquor commission investigators to more effectively enforce the type of noise coming from licensed establishments.

We understand the concerns expressed by DOH in regard to their own use of these noise meters since most of their enforcement relates to commercial or construction work, not from amplified music. However DOH has the responsibility for setting the allowable noise levels so that they can be enforced by the county liquor commissions.

Thank you for the opportunity to provide this testimony.



LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 967 SD2 HD1
BILL FOR AN ACT RELATING TO
CONTROLLED SUBSTANCES
Clayton A. Frank, Director
Department of Public Safety

Committee on Consumer Protection & Commerce
Representative Robert N. Herkes, Chair
Representative Glenn Wakai, Vice Chair

Committee on Judiciary
Representative Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair

Monday, March 23, 2009, 2:00 PM
State Capitol, Room 325

Representatives Herkes, Karamatsu and Members of the Committees:

The Department of Public Safety supports Senate Bill 967 SD2 HD1 that is the department's vehicle to update Hawaii's controlled substance laws to be consistent with amendments made in Federal law that is mandated by Section 329-11. The amendments being proposed by Senate Bill 967 SD2 HD1 would add new drugs to schedules II and III of Hawaii's controlled substance laws sections 329-16(b), 329-16(e) and 329-18(g) to be consistent with additions made by Federal law. The addition of these controlled substances is required by section 329-11(d) Hawaii Revised statutes which states that if a substance is added, deleted or rescheduled under federal law then the Department shall

recommend to the legislature that a corresponding change in Hawaii law be made.

Senate Bill 967 SD2 HD1 also proposes to amend sections 329-33 and 329-34 to add language to indicate that if a registrant is required to surrender his Federal controlled substance registration then that registrant must also surrender his State of Hawaii controlled substance registration.

Senate Bill 967 SD2 HD1 also proposes to amend section 329-38 relating to controlled substances prescriptions to allow pharmacies to transfer refills of Schedule III through V controlled substance prescriptions between islands. Senate Bill 967 SD2 also proposes to allow pharmacies that are electronically sharing a real-time, online database to transfer controlled substance prescriptions between their pharmacies up to the maximum refills permitted by law and designate procedures for these transfers.

Senate Bill 967 SD2 HD1 proposes to amend section 329-41(a) (6) that requires all distributors of controlled substances to maintain a logbook to document the signature and identification number of the customer obtaining the controlled substance prescription. The Department is proposing that the dispensing registrant also print the patients full name and list the type of identification presented in the logbook.

Senate Bill 967 SD1 HD1 also amends section 329-52 relating to Administrative Inspections and Warrants of controlled substance registrants. The Department is requesting to delete language in section 329-52 relating to administrative inspection warrants due to the fact that the Department utilizes search warrants for the seizure of records and property and has not utilized

administrative inspection warrants for well over twenty-three years. The Department is also adding language to section 329-52 relating to inspection procedures that is similar to that used by State Food and Drug inspectors and would better allow the Department to safeguard the public.

In summary the Department of Public Safety strongly supports passage of Senate Bill 967 SD2 HD1 and would like to thank you for the opportunity to testify on this matter.



Mililani Town Association

95-303 Kaloapau Street
Mililani Town, HI 96789
Phone (808) 623-7300

March 22, 2009

Representative Robert Herkes, Chair
Representative Glenn Wakai Vice-Chair
Committee on consumer Protection and
Commerce

VIA EMAIL: CPCtestimony@Capitol.hawaii.gov

Representative Jon Karamatsu, chair
Representative Ken Ito, Vice-Chair
Committee on Judiciary
State Capitol
Honolulu, HI 96813

Re: S.B. No. 605 SD 1, HD 1 – Relating to Noise

Hearing: Monday, March 23, 2009, 2:00 pm, Conf Room 325

Dear Chairs Herkes and Karamatsu, Vice-Chairs Wakai and Ito and members of the Committees:

My name is Will Kane, Vice-President of the Mililani Town Association (MTA). As you may know, MTA encompasses 16,000 plus units involving both single family units and townhouse projects.

We support passage of this amended bill to use the dBC scale for low frequency community noise control along with the current dBA scale for high frequency noise levels.

While we agree with the amended bill's content, there is lacking necessary specifics on the standards to be used in time weighting of the measured noise levels. Specifically, the sound damping characteristics for Slow, Fast and Impulse characteristics are not covered for the dBC scale application. This is more of a concern since the rule making requirement was removed by HD 1.

We accordingly recommend passage of this bill with consideration of the comments above+.

Sincerely yours,

William T. Kane II

Will Kane
Vice-President, Board of Directors

Cc: Senator Kidani, Senator Bunda
Representative Lee, Representative Yamane

Sharon Sagayadoro

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 8:50 PM
To: CPCtestimony
Cc: nb13lavoie@yahoo.com
Subject: Testimony for SB605 on 3/23/2009 2:00:00 PM

Testimony for CPC/JUD 3/23/2009 2:00:00 PM SB605

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Frank Lavoie
Organization: Individual
Address: 1031 Nuuanu Ave Honolulu
Phone: 8085215571
E-mail: nb13lavoie@yahoo.com
Submitted on: 3/20/2009

Comments:
Testimony IN SUPPORT of SB605, SD1, HD1

Dear Rep. Herkes, Rep. Wakai, and Members of the Committee on CPC:

Dear Rep. Karamatsu, Rep. Ito, and Members of the Committee on JUD:

I am chair of the Downtown Neighborhood Board and while the Board has not voted on this particular issue, I can give you some individual testimony.
Noise is in the top three issues for our board, up there with crime and homelessness.
There is the obvious loud "regular" noise that we suffer under, but there is also the very disturbing loud low-frequency noise that penetrates and vibrates entire objects, like walls, windows, floors, and furniture.
There is currently nothing that can be done to protect our residents.
We need help. This bill is our help. Please consider passing this bill to help save our community's peace and quiet.

Sharon Sagayadoro

From: CGP Tenant Association [cgp.tenant.association@gmail.com]
Sent: Sunday, March 22, 2009 10:11 AM
To: CPCtestimony
Subject: Testimony IN SUPPORT of SB605 -- Monday, 3/23, 2:00p

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

Testimony IN SUPPORT of SB605, SD1, HD1

Steve Lohse
Chinatown Gateway Plaza Tenant Association
1031 Nuuanu Ave., #2104, Honolulu HI 96817
499-5406

Emailed to: CPCtestimony@capitol.hawaii.gov

Hearing Date & Time:

Monday, March 23, 2009
2:00 p.m., Conference Room 325

**Dear Rep. Herkes, Rep. Wakai, Members of the Committee on CPC:
Dear Rep. Karamatsu, Rep. Ito, Members of the Committee on JUD:**

My name is Steve Lohse, I am a resident of Chinatown Gateway Plaza, and I represent the Chinatown Gateway Plaza Tenant Association (CGPTA). I also have an MS in Environmental Science, which I draw upon as I submit this testimony in support of the appropriate measurement for a serious environmental pollutant.

Thank you for this opportunity to submit testimony IN SUPPORT of SB605, SD1, HD1, Relating to Noise, requiring the Department of Health to add the dBC decibel weighting system to the current dBA decibel weighting system for community noise control.

The CGPTA supports SB605, SD1, HD1 for the following reasons:

(1) Loud low-frequency noise is extremely damaging to human health and to the health and safety of our communities. Loud low-frequency noise produces adverse physical and mental effects like headaches, dizziness, nausea, undue stress, and loss of sleep. It interferes with our work, rest, recreation, and communication. It unduly disturbs the peace and quiet of our neighborhoods. Loud low-frequency noise penetrates and vibrates entire objects, like walls, windows, floors, and furniture, making

it especially painful for the elderly, infirm, and children in our resident populations. Late-night loud low-frequency noise makes it impossible for working people to sleep at night in our own homes, and we cannot revitalize the economy of Hawaii by destroying the sleep of our working people!

(2) Loud low-frequency noise will only grow worse if we do not act. Two trends, the first toward higher-density mixed-use neighborhoods, the second toward more late-night bars in these neighborhoods, are combining to make late-night low-frequency noise an increasing problem in Hawaii's urban areas. Loud low-frequency noise has especially invasive properties that mid-range and treble noise do not share. Low-frequency noise travels farther and remains loud long after mid-range and treble have weakened and died out. Low-frequency noise spreads uniformly in all directions from its source, unlike mid-range and treble that go where they are aimed. Increasingly higher-density neighborhoods mean that increasingly more citizens suffer from loud late-night low-frequency noise.

(3) Incredibly, state noise law does not require responsible authorities to measure low-frequency sound levels, even when residents complain specifically about loud low-frequency noise! In fact, the current A-weighting system responds to sound levels (dBA) only in the 500 to 10,000 Hz range, which measures general activity or construction noise in the human ear's typical range. However, the C-weighting system responds to sound levels (dBC) in the 32 to 10,000 Hz range, which the human ear also hears, which appropriately measures sound levels of music material, and which includes the dBA range.

(4) "The mission of the Department of Health is to protect and improve the health and environment for all people in Hawaii." WHY are we being told that the DOH budget precludes appropriate measurement of a recognized serious environmental pollutant, when protecting the health of Hawaii's communities is the DOH's stated mission? Please allow me to offer the following passage **from the Department of Health's Noise Reference Manual for Oahu**, pages 4-5, from the section titled "Noise As A Public Health Issue":

"The quality of the environment has continued to be a major concern of the general population. Along with air and water contaminants, noise has been recognized as a serious pollutant. As environmental noise levels have increased, the effects of noise have been more pervasive and more apparent....Noise annoys, awakens, angers, and frustrates people. It disrupts communication and individual thoughts, and affects performance capabilities....The numerous effects of noise combine to detract from the quality of people's lives and the environment....The number of people who file complaints is only a very small percentage of those annoyed."

(5) Requiring appropriate measures for environmental noise levels is the right thing to do! When dBA measures are appropriate, then by all means let us use dBA. However, when dBC measures are appropriate, as for loud late-night music in high-density urban settings, then PLEASE allow us to use the appropriate dBC measure for community noise control. Modern digital sound-level meters measure either dBA or dBC with the push of a button; we do not need new equipment for this!

IN CONCLUSION, loud late-night low-frequency noise is a serious health problem that polarizes our communities when stressed and angry residents cannot sleep in their own homes at night. And this problem is getting worse! PLEASE, add dBC to the state noise standard, and give our responsible public authorities the appropriate mandate to measure the full range of loud late-night noise that unduly disturbs our resident communities. **Please PASS SB605, SD1, HD1!**

Thank you all for the difficult work that you do,
Steve Lohse
CGPTA

Sharon Sagayadoro

From: ann [chinatown1@hawaiiantel.net]
Sent: Saturday, March 21, 2009 10:46 AM
To: CPCtestimony
Subject: Testimony IN SUPPORT of SB605, SD1, HD1

To: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

Testimony IN SUPPORT of SB 605, Relating to Noise. Hearing date March 23.

Dear Senator Gabbard, Senator English, and Members of the Committee on Energy and Environment:

Thank you for taking the time and effort to review this important bill SB 605.

As a resident of the Chinatown Gateway Plaza we are besieged by noise that emanates from the bars around the Chinatown Gateway Plaza along Nuuanu and Hotel Streets. And as a resident we are entitled to the right for "Peaceful Accommodations." Why the noise is still allowed to continue and directly affect the health and welfare of Residents in the area is perplexing.

We have tried many different means to stop the bar noise from penetrating into our peaceful night. The liquor commission has been out here numerous times to take decibel readings and each time they say inform us that the noise level is not being violated. This is frustrating as I recall many moments when I'm sitting on my bathtub, with the bathroom door closed and earplugs in and I can still hear the loud booming infiltrating my apartment which has all the windows closed.

By allowing SB 605 to pass, the liquor commission will be able to have more accurate readings of the actual noise levels that occur in the Chinatown area and will be able to bring back peace and good health to the Residents of the Chinatown Gateway Plaza and the surrounding neighborhood.

My gratitude in advance for reviewing and accepting my testimony.

Mahalo Nui Loa,

Ann Ravelo
Chinatown Gateway Plaza Manager and Resident
1031 Nuuanu Avenue

Honolulu, HI 96817

524-3737