



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

In reply, please refer to:
File:

Committee on Finance

SB 605, SD1, HD2, RELATING TO NOISE

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

April 6, 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.

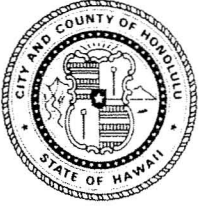
10 Implementation of this measure would require additional expenses during these difficult
11 financial times.

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.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

March 6, 2009

To: Rep. Marcus Oshiro, Chair, and Rep Marilyn Lee, Vice Chair
and members of House Finance Committee

From: Councilmember Duke Bainum, testifying individually *DB*
[Honolulu Councilmember and former State Representative, 1990 to 1994]

Subject: SB 605, Relating to Noise (House FIN, Mon, April 6, 2009, 2:00 pm)

Aloha, Members of House Finance and especially my former House colleagues,

Mahalo for the opportunity to testify in strong support of SB 605, relating to noise.

This bill is a major positive addition to noise regulation which currently does not adequately address the problem of deep, low frequency sounds from powerful speakers. These low frequency sounds do not register on the dBA decibel scale but can be most disturbing, even to the point of vibrating the steel reinforcement bars within poured concrete buildings.

Noise is a major problem for constituents, especially those living in apartment and mixed use areas. When commercial establishments such as bars and lounges with music are added, the problem is even greater since these establishments operate at night when sounds are more pronounced and when people want to sleep.

The Honolulu Liquor Commission recognizes the problem of low frequency sounds and is planning to purchase dBC sound meters in anticipation of SB 605 becoming law.

I hope you will support this important legislation that so affects quality of life, particularly for our urban residents.

Mahalo!



Hawaii Farm Bureau

F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819
PH: (808)848-2074; Fax: (808) 848-1921

April 6, 2009

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON SB 605, SD1, HD2

Chair Oshiro and Members of the Committee:

Hawaii Farm Bureau Federation on behalf of its farm families and organizations has concerns with SB605, SD1, HD2.

Although this bill has been proposed to address the public's concern about loud bass noise coming from bars and nightclubs, especially in downtown Honolulu, **the Hawaii Farm Bureau Federation is concerned about the inadvertent negative consequences to agriculture that may occur if this measure is passed.**

The application of a new (and apparently **not** widely used in other states) noise standard to agriculture may prohibit or severely limit farmers from conducting their necessary farming practices. We respectfully request that if this measure passes, it targets the problem it is meant to address without endangering Hawaii food production.

Thank you for this opportunity to provide testimony.

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GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

April 6, 2009

TO: THE HONORABLE REPRESENTATIVE MARCUS R. OSHIRO, CHAIR AND
MEMBERS OF THE COMMITTEE ON FINANCE

SUBJECT: S.B. 605, SD1, HD2, RELATING TO NOISE

NOTICE OF HEARING

DATE: Monday, April 06, 2009
TIME: 2:00 p.m.
PLACE: Conference Room 308

Dear Chairs Oshiro and Members of the Committee:

The General Contractors Association (GCA), an organization comprised of over five hundred and sixty (560) general contractors, subcontractors, and construction related firms, is **opposed** to the passage of S.B. 605, SD1, HD2, Relating To Noise.

The dBA sound level measurement system because of its simplicity and accuracy has become the method recommended for measuring noise exposure by the American Conference of Governmental Industrial Hygienists (ACGIH) and the U.S. Department of Labor as part of the Occupational Safety and Health Regulations.

Measurements taken in the "C" range frequencies may show significant decibel measurements in the lower frequencies. A requirement to remediate these low frequency readings would involve significant increases in costs with a doubtful benefit in reducing annoyance levels caused by noise.

The GCA believes that the current standard for measuring construction related noise is adequate and protects the public from unwarranted noise.

The GCA is **opposed** to the passage of S.B. 605, SD1, HD2, and recommends that the bill not be passed.

Thank you for the opportunity to provide our views on this issue.

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-Chair

Testimony IN SUPPORT of SB605, HD2

Steve Lohse
Chinatown Gateway Plaza Tenant Association (CGPTA)
1031 Nuuanu Ave., #2104, Honolulu HI 96817
(808) 499-5406

Emailed through <http://www.capitol.hawaii.gov/emailtestimony/>

Hearing Date & Time:

Monday, April 6, 2009
2:00 p.m., Conference Room 308

Dear Rep. Oshiro, Rep. Lee, & Members of the Committee on Finance:

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 draw upon an MS in Environmental Science as I submit this testimony in support of the appropriate measurement for a recognized environmental pollutant and threat to our Community Health, loud low-frequency noise.

Thank you for this opportunity to submit testimony IN SUPPORT of SB605, HD2, 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, HD2 for the following reasons:

(1) Loud low-frequency noise is a serious Community Health issue, not a Finance issue. SB605 is not an appropriation bill; it is a request for the DOH to fill an obvious void in state administrative standards for community noise control. We respectfully request that your Committee on Finance insist that the Department of Health honor its public mission "to protect and improve the health and environment for all people of Hawaii" *regardless of the variable state of the economy!* Modern digital sound-level meters measure either dBA or dBC with the push of a button; we *do not need to purchase new equipment for this!*

(2) Incredibly, state noise law does not require responsible authorities to measure low-frequency sound levels, even when local 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 appropriately measures general street activity or construction noise. 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 with loud bass, and which includes the dBA range. In other words, *we currently use the wrong measure* for low-frequency community noise control, and the DOH recognizes this!

(3) 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, stress, and especially 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 windows, walls, floors, and furniture, making it especially painful for our infirm or elderly neighbors. Loud low-frequency noise can make it impossible for local residents to sleep at night in our own homes, and we cannot revitalize our economy or protect our health by destroying the sleep of our working people, keiki, and kupuna!

(4) Loud low-frequency noise grows worse as we fail to 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. Promoting more high-density mixed-use neighborhoods without appropriate low-frequency noise control standards clearly diminishes the Livability of our urban communities for increasing numbers of frustrated residents.

(5) The Department of Health already recognizes loud noise as a serious environmental pollutant and threat to Community Health. Please allow me to offer the following passage from the DOH's *Noise Reference Manual, Oahu Edition*, 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."

(6) Requiring appropriate measurements for recognized serious pollutants and known threats to Community Health is the only responsible action!

When dBA measurement is appropriate, then we should use dBA. However, when dBC measurement is 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. Loud late-night noise has been a health and safety issue for years in our high-density urban communities, and the problem is getting worse!

IN CONCLUSION, loud low-frequency noise is a recognized Community Health issue that polarizes our neighborhoods when angry residents cannot sleep in our own homes at night. PLEASE, add dBC to the state noise standard, and give our responsible public authorities the appropriate administrative standards that they are asking for to *measure honestly the full range of loud noise* that unduly disturbs our resident communities. **Please PASS SB605, HD2!**

Mahalo for all that you do,
Steve Lohse
CGPTA

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2009 11:13 AM
To: FINTestimony
Cc: chinatown1@hawaiiintel.net
Subject: Testimony for SB605 on 4/6/2009 2:00:00 PM

Testimony for FIN 4/6/2009 2:00:00 PM SB605

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: ann
Organization: Individual
Address:
Phone:
E-mail: chinatown1@hawaiiintel.net
Submitted on: 4/4/2009

Comments:
COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice-Chair

Testimony IN SUPPORT of SB605, SD1, HD2
Ann Ravelo - Resident Manager
Chinatown Gateway Plaza
1031 Nuuanu Ave, Honolulu HI 96817. 524-3737

mailed through <http://www.capitol.hawaii.gov/emailtestimony/>

Hearing Date & Time:
Monday, April 6, 2009
2:00 p.m., Conference Room 308

Dear Rep. Oshiro, Rep. Lee, & Members of the Committee on Finance:

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
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J24-3737