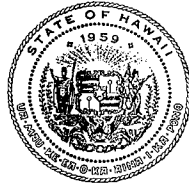


**SB 605**



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

In reply, please refer to:  
File:

## Committee on Energy and Environment

### SB 605, RELATING TO NOISE

Testimony of Chiyome Leinaala Fukino, M.D.

Director of Health

February 26, 2009

1 **Department's Position:** We respectfully oppose the bill.

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

5 **Purpose and Justification:** The bill proposes to amend Chapter 342F, Hawaii Revised Statutes, to  
6 require the Department of Health to substitute the dBC weighting system for the current dBA weighting  
7 system for the purpose of community noise control.

8 Implementation of this measure would adversely impact the priorities set forth in the Executive  
9 Biennium Budget for Fiscal Years 2009-2010.

10 We understand that low frequency sound has disturbed residents, however, the dBA scale is the  
11 standard measuring system to assess hearing conservation and community noise measurements because  
12 it is most similar with sensitivities to the human ear. The dBC scale is specifically used when measuring  
13 high sound levels or lower frequency noise such as music. Therefore, changing the measuring scales for  
14 the type of noise (e.g., steady state noise from exhaust fans, noise from commercial, industrial,  
15 agricultural activities) the department regulates is inappropriate.

1           The Department opposes this measure because the dBC scale is not the standard measuring scale  
2 for community noise.

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

Honolulu Liquor Commission  
February 24, 2009

**Testimony on SB 605, Relating to Noise**

Date: Thursday, February 26, 2009  
Time: 2:45 p.m.  
Place: Conference Room 225  
State Capitol  
415 South Beretania Street

To: Chairman Mike Gabbard  
Vice Chairman J. Kalani English

The Honolulu Liquor Commission (“HLC”), City and County of Honolulu takes this opportunity to support SB 605, if certain clarifications are made.

The HLC investigators are all certified to take sound readings with the sound meters. Our agency has been taking hundreds of calls from the public complaining about loud noises coming from liquor licensees especially late at night. Currently, Hawaii Revised Statutes empowers the Liquor Commissions to investigate *“violations of the applicable department of health’s allowable noise levels, through its investigators.”*

The HLC follows the Department of Health’s Rule Section 11-46-4 entitled “Maximum permissible levels in dBA”. The rules set out the maximum sound levels in different zoning districts at different times.

From our experience, the high treble sounds that have limits in the current rules are enforceable in the manner set out in the procedures. However, we find that it is the heavy bass noises that are particularly worrisome to the public. This low bass sound has become a problem with its use in hip/hop and other forms of music. The bass sounds apparently penetrate buildings and get into the building structure, which shakes the residents, who are trying to sleep. We have requested that the Department of Health consider amendments to its “Community Noise Control” Rules to include a weighting measurement that will capture the low bass noise.

## Testimony on SB 605

The Honolulu Liquor Commission does not have the sound policy expertise to set the proper standards needed to control the low bass sounds coming from licensed clubs, restaurants and lounges.

We would also caution that the proposed legislation not eliminate the current treble standards until new rules are *actually* adopted. It would not be beneficial to eliminate the current standards without replacing them.



Mililani Town Association

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

February 22, 2009

Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice-Chair  
Committee on Energy and Environment  
State Capitol  
Honolulu, HI 96813

VIA EMAIL: [ENETestimony@Capitol.hawaii.gov](mailto:ENETestimony@Capitol.hawaii.gov)

Re: S.B. No. 605 – Relating to Noise

Hearing: Thursday, February 26, 2009, 2:45 pm, Conf Room 225

Dear Chair Gabbard, Vice-Chair English and Committee Members:

My name is Eric Matsumoto, Vice-President of the Mililani Town Association (MTA). I have served in MTA leadership capacities for 24 of the last 30 years serving on the board. MTA encompasses 16,000 plus units involving both single family units and townhouse projects.

We support passage of this bill to use the C scale for community noise control with additions to address the following:

While the A scale is most sensitive at the higher frequencies, the C scale is most sensitive at the lower frequencies. NIOSH Document No. 98-126 Table 4-1 reflects the sensitivity comparisons between the A, B, and C scales. Given the relative sensitivities shown, the use of the C scale to also measure lower frequencies is a good alternative to using the A scale which shows a very low level of sensitivity to lower frequencies. However, the bill does not reflect the standards to be used in determining what sound levels would constitute a violation, since low frequency vibration transmissions affect buildings (walls, floors, etc. depending construction materials and type of construction) and people differently from higher frequencies. And Section 2 of the bill, adds a new Section 342F which only specifies that the "... department shall adopt rules in accordance with chapter 91 to exclusively employ a dBC sound level instrument system..." Should the rules not include standards for acceptable levels at certain times of the day to accommodate varying ambient noise levels, time weighting, etc.?

We accordingly recommend passage of this bill with addition of resolution to the concerns raised.

Sincerely yours,

Eric M. Matsumoto  
Vice-President, Board of Directors

Cc: Sen Kidani, Sen Bunda  
Rep Lee, Rep Yamane

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**From:** CGP Tenant Association [cgp.tenant.association@gmail.com]  
**Sent:** Wednesday, February 25, 2009 1:40 PM  
**To:** ENETestimony  
**Subject:** IN SUPPORT of SB 605 -- 2/26/09

COMMITTEE ON ENERGY AND ENVIRONMENT  
Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair

Testimony IN SUPPORT of SB 605 from:  
Steve Lohse  
Chinatown Gateway Plaza Tenant Association  
1031 Nuuanu Ave., #2104, Honolulu HI 96817  
499-5406

Emailed to [ENETestimony@capitol.hawaii.gov](mailto:ENETestimony@capitol.hawaii.gov)

Hearing Day & Date:  
Thursday, February 26, 2009  
2:45 p.m., Conference Room 225

### **Testimony IN SUPPORT of SB 605, Relating to Noise**

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

My name is Steve Lohse, I am a resident of Chinatown Gateway Plaza, and I represent the Chinatown Gateway Plaza Tenant Association (CGPTA). Thank you for this opportunity to submit written testimony IN SUPPORT of SB 605, Relating to Noise, to require the Department of Health to change its decibel weighting system from dBA to dBC for community noise control.

The CGPTA supports SB 605 for the following three 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 dizziness, nausea, 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, furniture, and even skulls, which makes it especially painful for the elderly, infirm, and children in our resident populations. Loud low-frequency noise makes it impossible for working people to sleep at night in our own homes, and there is *no excuse* for this wrongful damage.

(2) Loud low-frequency noise will only grow worse if we do not act. Two trends, one toward higher-density mixed-use neighborhoods, the other toward more late-night bars in these neighborhoods, are combining to make late-night low-frequency noise an increasing problem throughout Honolulu, if not in urban areas throughout Hawaii. Loud

low-frequency noise has especially invasive properties that mid-range and treble noise do not share. Low-frequency noise travels farther, it 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 people will suffer from loud late-night low-frequency noise.

(3) Incredibly, state noise law does not require the Honolulu Liquor Commission to measure low-frequencies, even when we residents complain specifically about loud low-frequency noise! In fact, the A-weighting that the Honolulu Liquor Commission currently uses measures sound levels (dBA) in the 500 to 10,000 Hz range, which is the human ear's favored range and the appropriate range for general street noise or construction. However, the C-weighting that the Liquor Commission *should* use measures sound levels (dBC) in the 32 to 10,000 Hz range, which humans can also hear, which is the appropriate range to measure sound levels of music material, and which includes the dBA range.

Please, make dBC the state standard, and give our responsible authorities the proper legal mandate to measure the full range of loud late-night noise that unduly disturbs our communities – the loud low-frequency noise, as well as the loud mid-range and high frequency noise. Please PASS SB 605!

Thank you,  
Steve Lohse  
CGPTA



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**From:** bugs51@hawaii.rr.com  
**Sent:** Wednesday, February 25, 2009 3:07 PM  
**To:** ENETestimony  
**Subject:** Support of SB605, Relating to Noise

COMMITTEE ON ENERGY AND ENVIRONMENT  
Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair

Testimony IN SUPPORT of SB 605 from:  
James A. Kellogg  
Chinatown Gateway Plaza Tenant Association  
1031 Nuuanu Ave., #1305, Honolulu HI 96817  
Telephone: 256-1466

Emailed to [ENETestimony@capitol.hawaii.gov](mailto:ENETestimony@capitol.hawaii.gov)

Hearing Day & Date:  
Thursday, February 26, 2009  
2:45 p.m., Conference Room 225

**Testimony IN SUPPORT of SB 605, Relating to Noise**

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

As a resident I hereby submit written testimony IN SUPPORT of SB 605, Relating to Noise. Said Bill is to require the State of Hawaii's Department of Health to change its decibel weighting system from dBA to dBC for community noise control.

Late night noise from various bars and establishments interrupt and interfere with sleep. As such, I suffer from sleep deprivation and decrease alertness at work. Being a nurse, decreased alertness may impair my judgment and can have severe repercussions to patients under my care.

The loud bass I am currently subjected to is not relieved by any ear plugs I used. I often try to sleep with a combination of ear plugs and headphones to drown out the exceptionally loud music and noise. Sometimes it works, but often it does not.

I ask that favorable consideration to this Bill. Passage can and will help preserve the health and welfare of all who are subjected to the excessive noise from bars. It will help curtail the terrorism of sleep deprivation from loud bass.

I thank you for giving me the opportunity to submit my support for this Bill.

Sincerely,

James A. Kellogg

From the Desk of

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 25, 2009 10:02 PM  
**To:** ENETestimony  
**Cc:** nb13lavoie@yahoo.com  
**Subject:** Testimony for SB605 on 2/26/2009 2:45:00 PM

Testimony for ENE 2/26/2009 2:45:00 PM SB605

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Frank Lavoie  
Organization: Individual  
Address: 1031 nuuanu Ave #1703 Honolulu  
Phone: 8085215571  
E-mail: [nb13lavoie@yahoo.com](mailto:nb13lavoie@yahoo.com)  
Submitted on: 2/25/2009

Comments:  
Testimony IN SUPPORT of SB 605, Relating to Noise

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

My name is Frank Lavoie, I am a Chair of the Downtown Neighborhood Board. While the Board has not voted specifically on this issue, I can state that we have discussed the problems with noise in our district at length. Thank you for this opportunity to submit written testimony IN SUPPORT of SB 605, Relating to Noise, to require the Department of Health to change its decibel weighting system from dBA to dBC for community noise control.

We have had numerous complaints about noise in Downtown and Chinatown. It is the main problem behind crime. The noise issue is not just simply loudness but also low-frequency noise that penetrates and vibrates entire objects, like walls, windows, floors, furniture.

Please move on this bill and help residents in built up neighborhoods that need additional protections.

Thank you for your work.

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**From:** ann [chinatown1@hawaiiantel.net]  
**Sent:** Thursday, February 26, 2009 10:19 AM  
**To:** ENETestimony  
**Subject:** Testimony IN SUPPORT of SB 605 -2/26/09

**Importance:** High

Hearing Day & Date:  
Thursday, February 26, 2009  
2:45 p.m., Conference Room 225

### **Testimony IN SUPPORT of SB 605, Relating to Noise**

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