
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Hawaii has the highest rate of drowning in the
2 country at an annual average of almost two and one-half victims
3 for every one hundred thousand residents who drown in the
4 State's ocean waters, lakes, dams and reservoirs, rainwater
5 retention and detention ponds, flood waters, swimming pools,
6 spas, and private homes. The rate more than doubles when
7 including visitor statistics, making it the nation's riskiest
8 destination in terms of water safety.

9 Hawaii's keiki are the most vulnerable to drowning, which
10 in this State, and nine others, is the leading cause of death
11 among children aged fourteen and younger. Among children under
12 age five, drowning accidents in swimming pools are the leading
13 cause of injury and death, while Hawaii's older keiki are more
14 vulnerable to drowning in the ocean, lakes, ponds, dams and
15 reservoirs, rainwater catchments, as well as retention ponds.

16 Retention ponds are meant to hold storm water, and
17 rainwater catchments are similarly used to harvest runoff
18 rainwater. Unregulated and poorly maintained rainwater



1 retention ponds pose a serious health and safety risk,
2 particularly to Hawaii's children because these ponds are often
3 mistaken for recreational bodies of water. Risks may be lowered
4 by clearly marking these rainwater retention ponds with hazard
5 and warning signs that prohibit swimming and water sports. The
6 American Academy of Pediatrics and the Consumer Product Safety
7 Commission have recommended fencing to protect children from
8 circumventing adult supervision, and the State's injury
9 prevention panel have recommended four-sided isolation fencing
10 for residential pools to isolate them from the house or yard.

11 A statewide rainwater retention pond safety program,
12 including rules that balance the importance of regulating
13 rainwater retention ponds with proper safeguards to ensure
14 public safety, with the assurance of compliance by all public
15 agencies and private sector builders and developers may be
16 appropriate at this time.

17 The department of health is the logical agency to
18 incorporate a water safety program in its overall water safety
19 curriculum that:

- 20 (1) Encourages and assists developers or persons
21 responsible for constructing or maintaining a
22 retention pond or catchment area pond to adopt a



1 maintenance and inspection plan to ensure adequate
2 safety; and

3 (2) Encourages installation of chain link or see-through
4 fencing and signage and other appropriate safety
5 features to deter children from playing and
6 congregating around or near these ponds or drainage
7 areas.

8 The purpose of this Act is to establish a task force in the
9 department of health to investigate and examine the advisability
10 of expanding its water safety curriculum to include measure to
11 protect the public against the dangers of retention ponds.

12 SECTION 2. There is established in the department of
13 health a temporary water safety task force to be comprised of
14 the following officials or their designated representative:

- 15 (1) The director of health, as chair of the task force;
16 (2) The attorney general;
17 (3) The chairperson of the board of land and natural
18 resources;
19 (4) The president of the Hawaii State Association of
20 Counties;
21 (5) The mayor of the city and county of Honolulu;
22 (6) The mayor of the county of Maui;



- 1 (7) The mayor of the county of Kauai;
- 2 (8) The mayor of the county of Hawaii; and
- 3 (9) The executive director of the Consumer Lawyers of
- 4 Hawaii.
- 5 (b) The responsibilities of the task force shall be to:
- 6 (1) Collect data and determine the advisability of
- 7 limiting or defining liability to landowners from
- 8 persons injured on their land, where the land is made
- 9 available for the retention of flood waters and
- 10 runoff;
- 11 (2) Determine minimum safety requirements for the
- 12 development and maintenance of retention ponds,
- 13 including but not limited to proper borders, fencing,
- 14 landscaping, sloping, and warning signs;
- 15 (3) Determine the need for a periodic retention pond
- 16 inspection program in the department of health or the
- 17 department of land and natural resources and develop
- 18 budget projections for such a program; and
- 19 (4) Consider any other relevant matters pertaining to the
- 20 safety of retention ponds,



1 provided that retention ponds or other water hazards located on
2 golf courses shall not be included within the responsibility of
3 the task force.

4 (c) The task force shall submit its findings, including
5 any proposed legislation, to the legislature no later than
6 twenty days prior to the convening of the regular session of
7 2010.

8 (d) The task force shall cease to exist on June 30, 2010.

9 SECTION 3. This Act shall take effect upon its approval.

10

INTRODUCED BY:

Andy Evans
~~W. J. ...~~
Rep. ...

JAN 23 2009



Report Title:

Public Safety; Detention Ponds

Description:

Establishes a task force to collect data and examine advisability and effectiveness of a detention pond safety program.

