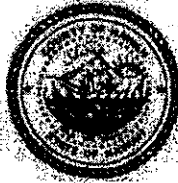


William P. Kenoi  
Mayor



Darryl J. Oliveira  
Fire Chief

Glenn P. I. Honda  
Deputy Fire Chief

## County of Hawai'i

### FIRE DEPARTMENT

25 Aupuni Street • Suite 2501 • Hilo, Hawaii 96720  
(808) 932-2900 • Fax (808) 932-2928

February 2, 2010

TO : REPRESENTATIVE FAYE P. HANOHANO, CHAIR, COMMITTEE ON PUBLIC SAFETY  
REPRESENTATIVE RYAN I. YAMANE, CHAIR, COMMITTEE ON HEALTH

FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT

SUBJECT: HB 2114 RELATING TO FIREWORKS  
DATE/TIME OF HEARING: THURSDAY, FEBRUARY 4, 2010, 8:30 A.M.  
COPIES REQUESTED: 3 COPIES

I would like to thank you for taking up the issue of fireworks and the impact fireworks related activities have on our various island communities. Over the years, the Hawaii State Fire Council has strived to encourage and promote legislation that would support the effective enforcement, controls, and regulation of fireworks.

As one member of the State Fire Council and the Fire Chief for the County of Hawaii, I would like to ask for your support of legislation that may provide for any of the following:

1. Support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. Support a "home rule" concept that would allow each county to determine the potential hazards of fireworks and the benefit to their community and permit further restricting fireworks use based on each county's needs and resources. Chapter 132D-17, Hawaii Revised Statutes states that no county may enact stricter laws or rules relating to the present fireworks law.
3. Support measures that make the arrest and prosecution for the illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.
4. Support gradually increasing random container inspections by the various federal, state and private agencies to help control the illegal importation of fireworks.

I realize and appreciate the cultural significance fireworks have and continue to play in our community; however, I feel it is imperative that we balance those values and beliefs with responsible and safe practices. The aforementioned measures would provide for the opportunity to better regulate and effectively control the use of fireworks and support the enforcement efforts of the fire departments and law enforcement agencies across our state.

Sincerely,

DARRYL OLIVEIRA

Fire Chief

DO:lk

Hawaii County is an Equal Opportunity Provider and Employer.





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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: House Committee on Public Safety  
House Committee on Health**

**FOR: Hearing Scheduled for 8:30 am, Thursday, February 4, 2010**

**RE: TESTIMONY IN SUPPORT THE INTENT OF HB 2114 RELATING  
TO FIREWORKS**

Chairs Hanohano & Yamane, Vice Chairs Aquino & Yamane, and and  
Committee Members:

The American Lung Association in Hawaii supports any measure that allows  
the counties to enact or adopt more restrictive fireworks ordinances or rules  
than the state law, however opposes that it be only temporary.

Over 175,000 people in Hawaii - or nearly 13 percent of our population –  
that's more than all those on Maui and Kauai combined - 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). For those who struggle to breathe one night can be  
deadly – even people who do not have lung problems often report eye, throat  
and lung irritation on New Year's Eve. The situation is made even worse as  
people are facing more breathing problems as a result of increasing volcanic  
activity and vog.

While we support county rule, as an alternative to a statewide ban, we see  
no reason that this measure should not be permanent. Assuring the  
healthiest and cleanest air possible is of utmost importance and must  
continue on an on-going basis.

Respectfully submitted,

Jean Evans, MPH, Executive Director



**LEGISLATIVE INFORMATION SERVICES OF HAWAII**

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February 4, 2010

To: Committee on Public Safety  
Rep. Faye P. Hanohano, Chair  
Rep. Henry J.C. Aquino, Vice Chair

By: Richard C. Botti, President  
Lauren Zirbel, Government Relations

**HB 2114 RELATING TO FIREWORKS**

**Chairs & Committee Members:**

We are opposed to HB 2114.

In 1994, we helped write the current fireworks law that banned the use of aerial fireworks except when a permit had been issued by the county. The law was written to establish a single, state-wide standard for all legal importation, sale and use of all fireworks. Why was the law written to establish that single state-wide standard? Because, the four counties had different ordinances that allowed different kinds of fireworks and, obviously, banned different kinds of fireworks. So, what was happening in 1993 and all the years before that new law was enacted in 1994? Aerial fireworks were being legally imported into one county and then shipped by air and sea to the other 3 counties and sold there. So, the Legislature passed and the Governor signed into law a bill that set the same standard state-wide and banned all aerial fireworks throughout the state.

Each year since 1994, we have been a part of efforts to address the continuing problem of importation, sale and use of aerial fireworks. We worked continuously and carefully in 2000 and in subsequent years to further improve the enforcement tools. We do not import, store, sell or use aerial fireworks. We do not condone their illegal use. In 2010 as in years past, we want to be part of the solution, which is to allow a reasonably short period of time for our citizens to meet their cultural and religious beliefs, while providing our police with proper enforcement tools so they can't say that they can't enforce the law because they didn't see the crime being committed.

Enacting HB 2114 will bring us backwards in our efforts to force moderation in the cultural and traditional use of fireworks by controlling what can be legally sold and by allowing for the legal and controlled use of fireworks by the vast majority of our citizens

Enacting HB 2114 will ensure that Hawaii loses control of fireworks, encourage those who already import and sell aerial fireworks illegally to do more of the same. Creating a situation where different counties have different ordinances will create an even bigger opportunity for an already healthy and thriving black market for all fireworks.

If HB 2114 is enacted, Hawaii will lose control of fireworks for at least 2 years. What is worse, the companies that now legally import and sell legal consumer fireworks will cease doing business in Hawaii. All that will be left will be those who are right now illegally importing and selling aerial fireworks and display fireworks and illegal explosive devices. And, in 2012, no company that is now doing business in Hawaii will undertake the substantial investment needed to re-establish a retail customer base. All that will be left forevermore from the enactment of HB 2114 will be a continually growing and thriving illegal fireworks business.

## aquino1-Ruffalyne

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**From:** sstnsugita1313@netzero.net  
**Sent:** Tuesday, February 02, 2010 4:49 PM  
**To:** PBStestimony

Dear Committee Members:

I would like to see this Legislative Session be one that took the courage to ban fireworks for both 4th of July and New Years other than those that are authorized for Public Display by organizations.

If you consider that "Health & Safety" and it is your judiciary duty, is of utmost priority to the Public, then by all means fireworks of any means should be "banned". As a reminder, let us not forget that during the past several years, there has been two fatalities related to illegal fireworks.

Raising the fee for the use of fireworks does no good as those that have excess to the illegal aerials that explodes like a bomb or those spectacular and colorful aerials, these people do not pay any fee at all as these are not purchased from licensed retailers.

Unfortunately, Government has a tendency to "react" rather than be "pro-active" to prevent the use of illegal fireworks and when there is injury or death, that is when government "acts". Take the tough stand and as a reminder, this is not a Hawaiian, Japanese, Filipino and other ethnic culture.

My younger brother, many, many years ago lost one of his sights due to illegal fireworks and it was a painful lesson for all concerned. When both the Chiefs of Police and Fire Department, year after year requests the ban of fireworks, it is about time for the legislators to listen to these people who year after year have to put their men and women in harms way.

I urge you all to not wait until another person loses his fingers, arm, legs, eye(s) or dies from the use of fireworks, whether legal or illegal. Those who favor and those who do not favor is not 50-50. "IF" the Legislators whom we count on to protect the health and safety of our community cannot enact the banning of fireworks, the, next best solution is to put this issue to the voters.

There are hundreds of sane and meaningful ways to celebrate the 4th of July or New Years. I applaud Representative Mark Takai for being one of the few who sees the right way to deal with this issue that gets bypassed year after year.

"IF" you should have any of your family members, relatives or friends become injured or become a statistic, would you still allow the use of fireworks to continue under the present rules and guidelines?

We all know that the Honolulu Police Department does very little to enforce whatever law is on the books. Saying that they need to see the person actually violating the law is a "cop out". They really don't make much of an effort. Once in a public speech, a former Chief of Police mentioned to the media, "Do we want to make a community hostage to this issue".

Change the law to say that any fireworks, legal, illegal, aerials, that originates from a person's property is a violation and the owner of the property will be cited so there is no need for HPD to see who the guilty person(s) are. Or here is another easy solution to catch the hundreds of violators. Deputize the Hawaii National Guard and walk the streets of each community and they should be able to cite hundreds of violators and add to the General Fund of the State that is strapped for cash. HPD can use the extra manpower to be effective.

TESTIMONY FROM

JENNIFER CHIWA

COMMITTEES ON PUBLIC SAFETY AND HEALTH

THURSDAY, FEBRUARY 4, 2010, 8:30 A.M.

CONFERENCE ROOM 309, STATE CAPITOL, 415 BERETANIA STREET

HOUSE BILL 2114

THREE COPIES

COMMITTEES ON PUBLIC SAFETY AND HEALTH  
THURSDAY, FEBRUARY 4, 2010  
8:30 A.M.  
CONFERENCE ROOM 309, STATE CAPITOL

ALOHA CHAIRPERSONS HANOHANO AND YAMANE, VICE CHAIRPERSONS AQUINO AND NISHIMOTO,  
AND COMMITTEE MEMBERS. MY NAME IS JENNIFER CHIWA. I SUPPORT HOUSE BILL 2114,  
RELATING TO FIREWORKS. WHILE A STATEWIDE BAN ON CONSUMER FIREWORKS IS  
IDEAL FOR THE HEALTH AND SAFETY OF THE PEOPLE AND ANIMALS WHO LIVE HERE,  
AND THIS BAN IS SUPPORTED BY THE POLICE AND FIRE DEPARTMENTS AND THE EMERGENCY  
MEDICAL SERVICES, TEMPORARILY ALLOWING COUNTIES TO ENACT ORDINANCES OR  
ADOPT RULES REGULATING FIREWORKS THAT ARE MORE RESTRICTIVE THAN STATE LAW  
MAY BE TEMPORARILY HELPFUL. WHILE I AM REQUESTING YOUR SUPPORT OF  
HOUSE BILL 2114, I AM STRONGLY URGING YOU TO SUPPORT A STATEWIDE BAN ON  
CONSUMER FIREWORKS WHICH WOULD BE FAR MORE BENEFICIAL TO THE HEALTH AND  
SAFETY OF THE PEOPLE AND ANIMALS WHO LIVE HERE. THANK YOU FOR THIS OPPORTUNITY  
TO TESTIFY.

JENNIFER CHIWA

## **aquino1-Ruffalyne**

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**From:** Meryle Hirotsu [mhiro2006@yahoo.com]  
**Sent:** Wednesday, February 03, 2010 7:46 AM  
**To:** PBStestimony  
**Subject:** Ban of Fireworks

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am writing in favor of stricter laws pertaining to fireworks. The police and fire departments have recommended the ban of fireworks. It is dangerous to the safety of children, the elderly, pets, military veterans, and the public. I feel that fireworks should be completely banned and allowed only at public parks where it can be controlled.

In 2008 I had to place 2 of my dogs in a Northshore Boarding facility to house them away from fireworks. My neighbors on Aamanu Street in Pearl City would dump fireworks in a trash bin, magnifying the noise so much that my walls and windows in my house would vibrate. One of my dogs hid under the bed and never came out for 3 days.

In 2009 I moved to Wahiawa from Pearl City to get away from fireworks. However, I still found that some of my neighbors made homemade bombs that go off even now at all hours of the day on Nichols Street.

Fireworks are banned in Portland, Oregon; Duarte, CA and other parts of the nation. Fireworks should be banned in HI for public safety.

Meryle Hirotsu  
1626 Royal Palm Dr.  
Wahiawa, HI 96786  
ph. 456-1915

## **aquino1-Ruffalyne**

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**From:** Chris Blanchard [blanchardce@earthlink.net]  
**Sent:** Wednesday, February 03, 2010 9:06 AM  
**To:** PBStestimony  
**Cc:** Rich Witek; Lisa Valle Lange; takai2-Desiree; John Hansen  
**Subject:** TESTIMONY FOR HB 2909, Dangerous Weapons; 2271, Explosives; 2068 Fireworks; 2114, Fireworks

The following testimony is submitted in support HB 2909, Dangerous Weapons; 2271, Explosives; 2068 Fireworks; 2114, Fireworks, hearing on Relating to Consumer Fireworks, hearing on February 4, 2010 at 8:30 a.m. .

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On January 31, 2010, a neighbor reinforced the need for the State of Hawaii to act to restrict the use of fireworks by setting off a series of explosions on what was otherwise a quiet Sunday evening in Kailua.

If you reside anywhere near my Ohana Street home, you would agree that from Thanksgiving and into the first week of each New Year, the noise, negative impact on the environment, and potential emotional and physical hazards of both legally and illegally obtained and used fireworks far exceed an acceptable level. As a veteran of 26 years of active duty military service including three combat deployments, I can assure you that the noise generated by homemade and modified fireworks used in our Kalama Tract neighborhood routinely exceeds that produced by many of the weapons systems employed by the military; the same can be said for the attendant smoke.

This past year a New Year's Eve, I experienced the window shaking noise well past midnight. Such noise began in early December and extended until even the night of January 6, 2010. That explosions not only stirred me from my sleep but were heard and felt by friends on the far end of Kuulei Tract and in Akahi Park.

I have neighbors who leave their Kalama Tract home each New Year's Eve, the night the month of noise reaches its crescendo. Others give their pets sedatives. My wife and I took the precaution of asking friends who reside on the Marine Corps Base to care for our pets, rather than expose them to the noise which makes them cower and seek refuge in dark closets or under beds. A friend in Hauula vowed to never again subject her daughter to the noise and smoke and will stay in a hotel on New Year's Eve in the future. To be driven from our homes is simply unacceptable.

I provided the Director of the Legislative Research Bureau information regarding one particularly simple explosive device popular in our neighborhood: the dry ice bomb. The dry ice bomb is an extremely simple homemade device and comes in a variety of sizes. All that is required is a container, a plastic water bottle or empty five gallon paint drum both work fine. Fill the container with water, add the dry ice, seal the container and wait for the gas to expand inside the container. Depending upon a variety of factors, temperature outside, the size of the container are low, the container will explode, sometimes merely blowing the top of the container or in other cases burst the container and generating shrapnel. There is no attendant flash with the dry ice bombs.

Modifications to legally obtained fireworks enable the generation of the same explosive force and noise as dry ice bombs, but with increased smoke and risk of fire. The Senate legislation to ban fireworks will help eliminate this dangerous practice but will not stop the Thanksgiving to New Year's explosions hear throughout Hawaii. I encourage the House to work with members of the Senate to pass legislation that includes prohibition on the use of dry ice and other homemade bombs.

In closing I must state that the seeming absence of state agencies in addressing this matter startles me. Within the Department of Health alone, the Office of Environmental Quality Control and the Indoor and Radiological Health Branch, each have responsibilities which pertain to the effects of fireworks and other explosive devices that degrade our environment and impact the health of Hawaii's citizens. Perhaps it is time the agencies responsible for protecting the environment and the health of the people of Hawaii get involved in this discussion.

It is not enough to pass legislation outlawing fireworks or the detonation of them outside the allowed hours. The State must make a more concerted effort to pressure the City and County to enforce the laws already on the books.

Very respectfully,



Christopher E. Blanchard  
156 Ohana Street  
Kailua, Hawaii

**aquino1-Ruffalyne**

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**From:** Jody Waltz [SilnGol33@hawaii.rr.com]  
**Sent:** Wednesday, February 03, 2010 9:42 AM  
**To:** PBStestimony  
**Subject:** testing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We have lived in Kailua, Oahu for over 35 years and we have never before been subjected to the **bomb blasts** that occurred this year on New Year's Eve.

We feel that it is impossible for law enforcement to stop these kinds of fireworks under the current laws.

There should be a complete ban on individual fireworks on our island.

Jody Waltz  
Kailua, Hawaii

Date: February 3, 2010

To: Member of the House Committee on Public Safety

To: Members of the House Committee on Health

Subj: TESTIMONY IN SUPPORT OF HB2114

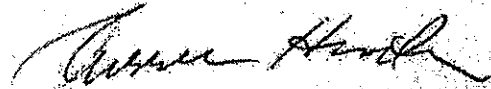
I have personally witnessed the setting off of aerial bomb-type fireworks by others within my Pearl City community. The resulting explosions and smoke are an overkill of the original intent for the use of fireworks for traditional ceremonial purposes.

Via the TV and newspaper media, I have heard and read comments by those who advocate personal fireworks usage. The following are some examples:

- "it occurs only once a year so it should be enjoyed proudly and be part of Hawaii's celebrations"
- "it is part of Hawaii's proud tradition that is unique to the rest of the Country or the world"
- "it is part of Hawaii's ethnic and cultural diversity that should proudly remain"

These advocates, however, refer only to their experiences at a time which setting off fireworks instilled a sense of cultural pride and was therefore encouraged or tolerated by a larger part of the population. Though I have no facts or figures, the fireworks back in their time was just as noisy and polluting as it is today. However, I also state that Hawaii has recognized for a number of years now, that the hazards of allowing personal use of fireworks far outweigh its proud use and Hawaii has become more cognizant of the health and safety issues and the destructiveness of its uncontrolled use which has been restricted somewhat by law recently. HB2114 may not lead to a total ban but it does allow individual Counties to receive input from and respond to its respective taxpayers about this issue. It is a good start.

I support HB2114, and any such bill that is intended to effectively restrict the selling or private use of fireworks within areas of the City & County of Honolulu.



Russell Hirata  
Pearl City, HI 96782  
Email: rshpc1893@gmail.com