



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
State Fire Council
830 Punchbowl Street
Honolulu, Hawaii 96813

February 4, 2009

The Honorable Faye Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chair Hanohano:

Subject: H.B. 398 Relating to Fireworks

I am Kenneth Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and HFD support the intent of H.B. 398, which proposes a total ban on the use of consumer fireworks; however, an exception for religious or cultural purposes, including weddings, funerals, or special blessings, should be incorporated.

As written, this bill proposes to eliminate this exception. The vast majority of police, fire, and emergency medical incidents occur on New Year's Eve and Independence Day (Fourth of July), when the public is allowed to use consumer fireworks. Nationally and locally, a high percentage of injuries due to fireworks are to children ages 2-16 years. In addition, detrimental health effects to persons and pets due to fireworks are greatest on these dates.

The SFC and the HFD believe that modifying the definition of consumer fireworks will incorrectly eliminate federal regulations that classify consumer fireworks. Therefore, the definition should be retained as is.

The SFC and the HFD request your committee's support on the passage of H.B. 398, with an exception for the use of consumer fireworks for religious or cultural purposes.

Should you have any questions, please call HFD Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,

KENNETH G. SILVA
Chair

KGS/LR:cn

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE FAYE HANOHANO, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY

Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

February 5, 2009

RE: H.B. 397; RELATING TO FIREWORKS
H.B. 398; RELATING TO FIREWORKS

Chair Hanohano and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following comments in support of the intent of House Bills 397 and 398.

The purpose of H.B. 397 is to ban the sale, purchase, possession and use of any fireworks in counties with populations of more than 500,000 people. The purpose of H.B. 398 is to prohibit possession or use of any consumer fireworks throughout the state.

Although we understand that it has been customary in Hawaii to play fireworks at certain times of the year, notably on New Year's Eve, we believe that the public health and safety concerns surrounding consumer fireworks use, make a public discussion about some kind of ban on the use of firework timely.

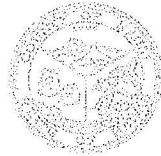
Each new year, heavy smoke from consumer fireworks has caused health and respiratory issues for many Hawaii residents. Fires caused by fireworks have frequently been a major problem for county fire departments. Emergency service personnel also have an additional workload each new year with firework related injuries. We believe the enjoyment fireworks bring some residents has to be balanced with the risk of injury and property damage fireworks use brings each year. We would support some kind of ban on fireworks use, but believe that a full discussion should be had to determine whether there should be a complete statewide ban or a ban in certain counties.

Thank you for this opportunity to testify.

Bernard P. Carvalho, Jr.
Mayor

Robert F. Westerman
Fire Chief

John T. Blalock
Deputy Fire Chief



COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihu'e, Kauai, Hawaii 96766

February 3, 2009

The Honorable Faye P. Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chair Hanohano:

Subject: H.B. 398 Relating to Fireworks

I am Robert F. Westerman, member of the State Fire Council and Fire Chief of the Kauai Fire Department (KFD). The SFC and KFD support intent of H.B. 398, which proposes a total ban on the use of consumer fireworks.

The SFC and the KFD believes a ban on consumer fireworks should have an allowance for religious or cultural purposes. These may include weddings, funerals or special blessings as a religious or cultural practice. This bill proposes to eliminate this exception. The vast majority of police, fire and emergency medical calls occur on the two designated holidays of New Year's Eve and the Fourth of July, when consumer fireworks are allowed to be used by the public. A high percentage of these injuries are to children between the ages of 2-16 years old. Also, the detrimental health effects to persons and pets are greatest on these dates.

The SFC and the KFD believes that the modification to the definition of consumer fireworks incorrectly eliminates federal regulations that classify consumer fireworks and should be retained.

The SFC and the KFD request your committee's support on the passage of H.B. 398, with an exception for the use of consumer fireworks for religious or cultural purposes.

Should you have any questions, please call me at 241-4980.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Westerman', written over a circular stamp or seal.

Robert F. Westerman
Fire Chief

RFW/crz

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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

FOR: Hearing scheduled for 9:15 am, Thursday, February 5, 2009

RE: TESTIMONY IN SUPPORT HB 398 RELATING TO FIREWORKS

Chair Hanohano, Vice Chair Aquino and Committee Members:

I am Jean Evans, the Executive Director of the American Lung Association in Hawaii.

Over 154,000 people in Hawaii, or nearly 13 percent of our population 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). Even people who do not have lung problems often report eye, throat and lung irritation on New Year's Eve.

With so many people experiencing breathing problems directly related to fireworks, the American Lung Association in Hawaii strongly supports any measure that will clear the air. Every year the American Lung Association publishes the State of the Air report for the nation and each state. Hawaii, with its generally clean air, receives high marks with the exception of a "D" for short-term air pollution as a result of one night – New Year's Eve.

We receive many calls for assistance related to fireworks. All we are able to do is suggest that those with lung problems stay indoors with the windows and doors closed, avoid physical exertion, get plenty of rest, keep medications available should they need them and seek immediate medical help should their condition worsen. Some people find a particle mask helps, while for others a mask makes it harder to breathe. We hear that some people flee to remote parts of the Neighbor Islands, or rent an air-conditioned hotel room for the duration. However, for most of the 154,000 people none of these options is practical or affordable.

We strongly support this measure to protect the health of everyone in Hawaii and assure us the clearest air possible. This is especially important as people are facing more breathing problems as a result of increasing volcanic activity and vog.

Thank you for allowing me to testify today especially on behalf of the 154,000 people who struggle to breathe.



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February 5, 2009

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

By: Richard C. Botti
Lauren Zirbel
LISH Represents both retailers and wholesalers of fireworks in Hawaii

Re: **HB 397 RELATING TO FIREWORKS**
HB 398 RELATING TO FIREWORKS

Chairs & Committee Members:

We oppose the passage of both HB 397 and **HB 398**. With that said, we would like to provide some history on fireworks in Hawaii.

Prior to 1995 each county had their own regulations on fireworks, with each being different. Because of variances in ordinances, fireworks would find their way from one island to another, creating an impossibility to control the situation. The situation was completely unacceptable for safety purposes. It was agreed that there must be one law statewide, that banned aerial fireworks, which was the major safety issue, since they can go over property lines, thereby creating unintended damage.

We asked a key council member in the Honolulu City Council if this would cause a problem, and the answer was that the Honolulu Council has no pride of authorship on the fireworks issue. A working group had been established with stakeholders to address the issue, and a state law was put together that would make it not only illegal for any consumer fireworks to be set off if it went higher or wider than twelve feet. The purpose was to keep fireworks within the property of the user. Further, in 2000, the law was amended to make it a crime of a Class C Felony was established to show that the law was serious.

Fast forward to today. While the law has worked well, the flaw now is enforcement from those that are not satisfied with consumer fireworks that are approved by the U.S. Products Safety Council because of the following reasons:

- By importing and selling illegal aerals, the black marketing of fireworks is very profitable. No laws to comply with, so long as you don't get caught, no taxes to pay, and you are selling excitement;
- Enforcement is minimal with law enforcement saying they can't enforce the law

because they catch the user in the act, or with the illegal product.

In summation, excluding those individuals that want to ban everything, the issue is not the legal fireworks that are causing the problem, but rather illegal aerals. If they are already illegal, banning them will create a situation that:

- Will promote the sale of all fireworks underground, where:
 - Government will have no control;
 - Government will receive no fees or taxes;
 - Current jobs that are related to fireworks sales will be eliminated creating a higher unemployment;
 - Create a legal issue of banning freedom of religion and/or culture events;
 - Costs of law enforcement will increase, and
 - Consumers will still have fireworks.

How can we predict the above? Simply put, look at what is happening with illegal drugs, liquor and tobacco use by minors.

So, what's the solution?

- Enforce the laws that we have; and
- Enhance existence laws with better enforcement tools.

How?

- Amend forfeiture laws to include the forfeiture of personal property involved in the importation, storage, and/or sale of illegal fireworks;
- Create a method for anonymous calls to government of violations where the person reporting will receive a reward; and
- Provide a means for law enforcement to issue citations to violators of any of the fireworks laws.

The law is not broken. It is enforcement of the law that is broke. A ban will create another set of problems that are sure to be far worse. Lets fix what's broken.

From: Daniel Warner [dkwarner@gmail.com]
Sent: Wednesday, February 04, 2009 11:49 AM
To: PBStestimony
Subject: testimony for HB 397 and 398

Categories: Purple Category

Public Safety Committee
Hearing 2/5/09

To Whom It May Concern,

I fully support bills HB397 and HB398. It's time we ban personal firework use and only allow it for bona fide cultural purposes to Chinese cultural groups on Chinese New Year. The rest of us can view public displays of fireworks on New Years and July Fourth.

Firework use this year began in my neighborhood sometime in late November, so it is obvious that people are totally disregarding the laws. The current laws regarding firework use are not obeyed and enforced. Maybe they can't be enforced. If people could restrict themselves to using fireworks during the allowed times only, I could put up with the mayhem, but since they have never been able to police themselves, I feel a total ban is necessary.

The Chinese are the only cultural group who have traditionally used fireworks - the rest of us (Hawaiians, Japanese, Caucasians, Filipinos, Samoans, Micronesians, etc) have not traditionally used them. Anyway, to me, the cultural argument doesn't fly. All of us have had traditions that are no longer practiced. For example, the Hawaiians no longer have to follow the kapu system, and the Japanese in Hawaii are not allowed to eat whales. Just because something is a cultural practice or a tradition doesn't make it right, i.e., subjugation of women in some Islamic countries. I can go on and on with examples, but I won't waste your time.

Thank you for your consideration.

Aloha,
Daniel Warner

Chair Hanohano, Vice Chair Aquino, and Members:

I am in full support of HB 397 and HB 398.

I am in favor of the ban of fireworks in the state of Hawaii. I am in favor of making the sale of fireworks illegal! I live in Pacific Palisades at 2080 Aamanu St. and I own 4 dogs.

In Pacific Palisades, bombs go off any time of day and week, often when there is no celebration or holiday. It is a nuisance and a danger to society.

For my pets' safety this year, I boarded 2 of them at North Shore for two days at the cost of \$80 to protect them from the loud disturbance of fireworks. Because the facility had no more space, I kept the other two dogs with me throughout the night, covering their ears and holding them close to me.

On New Year's Eve of 2008, my neighbors across the street set up a huge canopy tent for their fireworks as they did again this year. They threw fireworks into a huge trash bin (12 ft x 6 ft) which was hauled there for construction purposes from 4 p.m. to 1a.m.

The effects of the fireworks tripled and made my windows shake. My dogs stayed under the bed for one week and took a long time to recover from the shock. I tried to blast the firework noise away by turning the volume of a radio up to the maximum. I could not even hear my own television because the blasting sounds of the bombs were unbearable.

I feel strongly that fireworks should be set off in a controlled environment such as the stadium, football field, recreation park, etc. where it can be enjoyed at no danger to the public.

I know of no religion that advocates fireworks. No religion that I know of advocates harm and danger.

In California where I lived for 40 years, fireworks is banned because of the fires and injuries it has caused. Likewise, fireworks is banned in Oregon where my daughter lives. I feel that it is time for Hawaii to set the same policy and allow fireworks only in a controlled environment where it can be administered safely.

Fireworks has caused a lot of damage to properties and injury to individuals. The last fire near Kunia where about 16 became homeless was caused by a child playing with fireworks.

The heads of the police and fire departments are in favor of banning fireworks. It is time we listen to the law enforcers and comply.

We can celebrate Chinese New Year's and other cultural events by doing so safely. Let us ban fireworks to the public and let fireworks be displayed only in a controlled environment. Let us protect our children, elderly, and pets by controlling the use of fireworks.

Meryle Hirotsu
2080 Aamanu St
Pearl City, HI 96782
ph. 456-1915

From: Erich Reis Mitamura [mitamura@hawaii.edu]
Sent: Tuesday, February 03, 2009 8:50 PM
To: PBStestimony
Subject: Testimony H.B. 397 and H.B. 398

Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice-chair
Committee on Public Safety
909 Io Lane
Honolulu, HI 96817
Thursday, February 5, 2009

Support of HB 397 relating to Fireworks: Prohibition
Support of HB 398 relating to Fireworks: Prohibition

As a life-long resident of the State of Hawaii, I strongly support H.B. 397 and H. B. 398 relating to the prohibition of fireworks, which would ban fireworks in counties with a population of more than 500,000 persons and/or provides for a statewide ban of consumer fireworks (firecrackers).

The current fireworks law is unenforceable and simply does not work -- it does not limit the amount of fireworks used nor does the time constraints limit fireworks to only New Years Eve or July 4th. From my own experience, fireworks/bombs started from Thanksgiving and they continue to this day. My sleep has been disturbed and my family and I have been awoken in the middle of the night, even on work nights. My three dogs have been terrified for months and were scared to death during the New Year's fireworks. (My vet will not issue tranquilizers due to their short noses; as Shih Tzu's it is dangerous for them to receive tranquilizers as it may prevent them from breathing). This past New Year's was the worse in my memory especially the frequent use of bombs.

It is ridiculous that the residents of this State are forced to live like this and it is time to ban fireworks - for the sake of everyone's health, pets, and safety of lives and property. There is NO cultural reason for fireworks or bombs to be set off at all times of the day or night. The people who are doing it are not doing it for cultural reasons -- they simply don't care and know that the police can't do anything. I sincerely hope that this committee will not allow the residents of this state to suffer another New Year's Eve like the previous one and, therefore, I urge the committee to pass H.B. 397 and H.B. 398.

Thank you for this opportunity to submit my testimony.

From: waiau wally [waiauwally@hotmail.com]
Sent: Tuesday, February 03, 2009 8:33 PM
To: PBStestimony
Subject: Testimony in favor of bills HB397 & HB398

This testimony is in favor of passing bills HB397 & HB398.

There should be an all out ban on fireworks because the present law on aerial fireworks is unenforceable. The aerial fireworks and firecrackers start going off around October and increases as it gets closer to New Years day. At one point, the fireworks were going off every night with some going off after 11pm. My 7 year old daughter wakes up crying because some explosions are so loud that it shakes my house. My dogs also go crazy and try to run away to escape the noise. I can tranquilize my dogs every New Years Eve but I can't tranquilize them every night.

On New Years Eve, my neighbor shot aerial fireworks all night. Due to the direction of the wind, the embers were landing on my house and car. I was lucky it rained so I did not have to water down my roof this year.

If people cannot follow the rules then an all out ban must be implemented. Please pass bills HB397 & HB39.

Thank you for your time,
Stephen G. Chun

Windows Live™ Hotmail@...more than just e-mail. [See how it works.](#)

From: Jeanne Teleia [jteleia@yahoo.com]
Sent: Tuesday, February 03, 2009 6:53 PM
To: PBStestimony
Subject: testimony for HB 397 and **HB 398**

To the Committee on Public Safety
For the hearing on Thursday, Feb. 5 at 9:15 a.m.

To Whom It May Concern:

I am writing in support of HB 397 and especially **HB 398**. Me, my family members and my neighbors have had enough of the public nuisance and public health threats of fireworks that have become out of control over the years. Please consider the following points:

1) Cruelty to Animals: Most important is for you to understand how hurtful fireworks are to animals and pets to the point that we have to send our animals away to a quieter place (if we can find one and have to pay an unnecessary expense) or drug them. When they are too old to be drugged, they all suffer uncontrollable shaking or bark out of terror and pain. This is animal abuse plain and simple.

2) Social and Neighborhood Impact: We are driven from our homes because of the smoke and noise from the illegal fireworks that are set off for up to a month before or after July 4 and New Year's. Because so many people obtain too many fireworks without permits or are illegally compounding fireworks for bigger blasts, it is not possible to remain at home--even to protect it from fire that has caused property damage. No only is the noise from the fireworks too startling and upsetting but the big blasts set off car alarms constantly. The police will not come to the area to patrol unless they have an exact address of an offender.

People don't care who they are bothering and what they blow up or set on fire. Adolescents and kids have been seen lighting others' property on fire for amusement and blowing up glass bottles. Adults are not adequately supervising minors or are participating in it themselves.

3) Environmental Impact: People set off fireworks in the road which is illegal. They create and then leave rubbish everywhere which then flows into streams and waterways polluting the oceans and rivers, which is hurting sea and fresh water animals. That kind of litter everywhere contributes to the poor landscape here that is strewn with litter already.

4) Health Impact: The smoke is dangerous in many communities and especially affects children and adults with asthma. The smoke and chemicals for making fireworks is toxic to our air, water and 'aina.

Every year there are reports of injuries and fires. I even know of deaths and serious permanent injuries related to firework use. It is not worth the cost to our already overtaxed public safety and health providers. Every year the police and fire departments ask for lawmakers to put an end to this unnecessary practice. People are being sent to jail for the injuries they have caused innocents, causing even further pain to all connected friends and families. For what??!

5) Financial Impact: Having to go to a hotel for some days before and after fireworks days is cost prohibitive, if you could even find one that takes animals. Our friends found a hotel for their animals this past New Year's and it was 80% full with local people with their animals.

In addition, people are paying thousands of dollars for fireworks that they clearly cannot afford to participate in 'contests' with others in the area for the biggest displays or loudest booms. Some people cannot be trusted to behave maturely and with an eye toward the good of their own families and the community. Unfortunately, even if they are few, they are having a tremendous negative impact on the whole community. I would rather see

a state lotto for people to waste their money on for 'fun' than fireworks since at least a lotto would see some benefit to the state.

6) Community Mental Health Impact: As a mental health professional working with many active duty military and others who suffer from Post Traumatic Stress Disorder, I am very concerned about their reactivity during fireworks season. One soldier reported after a loud blast having a flashback and running for cover. This is dangerous to them and to our own community members on many levels. It is also incredibly disrespectful to those who we say we honor for their service but then cause them a lot of unnecessary pain and stress.

Saying fireworks is a religious or cultural tradition is really not a valid argument anymore since no one is really doing it for those reasons. It comes from the Chinese tradition which doesn't celebrate July 4th or the same New Year's everyone is blowing off fireworks for. I totally support having controlled fireworks by professionals for cultural display on July 4th, Chinese New Year and even traditional New Year's but that is all that is necessary.

I hope you will seriously consider this testimony and I know I speak for many in my community.

In nai'a spirit and aloha, Jeanne Teleia, Kaneohe, HI

In a culture that urges us to seek safety in ever bigger cars, houses, and opinions, we must find the courage to acknowledge our vulnerability, to admit how much we need one another's love and care if we are to forge a collective future. Rev. Bill Sinkford

"I think that people want peace so much that one of these days the government had better get out of their way and let them have it." Dwight D. Eisenhower

"Service is the rent you pay for room on this earth" U.S. Rep. Shirley Chisholm

Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair
Committee on Public Safety

Kathryn Shawhan, OTR
Occupational Therapist
(808) 547-4897

Thursday, February 05, 2009
Support of HB 397 and **HB398** Relating to Fireworks

Growing up in the Liliha area I greatly enjoyed the neighborhood firework celebrations; HOWEVER, 40 years later I find that this is no longer a safe and enjoyable activity for our neighborhoods. I support a ban on public access to fireworks based on the following:

-**As a health professional**, I have seen firsthand the negative effects of firework smoke on my patients' health. These residents are prisoners of their homes and are forced to take medications and stay indoors so other people can "celebrate"-where is their right to celebrate in clean air? Currently, I also work in mental health where I have heard anguishing stories from veterans who cannot step outside during these holidays in Honolulu due to the violent noises and stress it brings upon them.

-As person who also **experiences asthma**, bronchitis and allergy symptoms due to secondary effects of fireworks smoke; I am also forced to stay indoors for the New Year. I love to venture out to the professional firework displays; however the smoke on the road is too heavy to risk exposure (as I found out last year). Inevitably, I end up with a lung or sinus infection within 1 week of New Years. I am forced to stay in a sealed-tight room that I've prepared with an air filter for the night. Some party, Huh????!!

Common sense; if a major health insurance provider is passing out respiratory masks to a LONG line of people during the holidays... then something's not right in this picture! I've also had to make **numerous 911 calls reporting pipe bombs that shake our house and aerials that landed** on our very, very old roof; hoping I don't wake up to ashes.

-**As a pet owner**, I've had to afford a costly kennel or stay home with my animal to assure them the world is not exploding. Do you even get reports of animal deaths?? My daughter told me of a dog that was tied up on New Years Eve and began to panic with the fireworks. The dog jumped over a fence and hung itself to death ... later found by its very, very tearful owner. Some party, Huh????!!

We likely will not hear these shameful stories.... The burnt finger tips, the respiratory symptoms that linger for weeks, the runaway pets.

-Regarding cultural and religious practice; **even China has held a tight ban** over the past 13 years due to safety concerns. A wiser consideration is provisions for fireworks at designated locations at specific times.

-Honolulu has become a very populated area that cannot manage such loose oversight with such a highly dangerous pastime. In talking with my neighbors; we agree; the majority of people are doing it for the bang thrill-not the spiritual ritual.

Please support a ban and stand behind our public safety officials, healthcare providers and respectful residents.

From: Cynthia Timberlake [cytimberlake@webtv.net]
Sent: Tuesday, February 03, 2009 1:42 PM
To: PBStestimony
Subject: Bills HB 397 & 398 in re Fireworks ban

TO: House Committee on Public Safety

I am writing in support of HB 397 & 398.

Americans are taught to believe in equal rights for all. How then can it be in any way considered fair when one segment of the population is permitted to create an atmosphere of intolerable noise and smoke and fear in celebration of a universally accepted holiday, while others must stand by to protect their property and comfort their terrified animals and children in enduring that same holiday time-frame?

The cultural tradition that may have justified the original custom has long ago been perverted into outrageous excesses and the rights of all the people should be considered.

Thank you for considering my remarks.

Aloha, Cynthia Timberlake
98-933 Kahapili St.
Aiea, Hi 96701

To: Representative Faye Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair
PUBLIC SAFETY COMMITTEE

From: Colleen Y. Aina, Owner
PINKY'S 5 EIGHT (retail, convenience store)
Papaikou, HI 96781
(808) 640-4745

Hearing Date: February 5, 2009
Hearing Time: 9:15am

Subject: HB398 (provides for a statewide ban on consumer fireworks (firecracker))

Position: OPPOSITION TO HB398

Pinky's 5 Eight is a retail business located on the outskirts of Hilo, Hawaii. We are opposed to HB398 that would provide a statewide ban on consumer fireworks and firecracker.

CULTURAL REASONS: Growing up in Hawaii, the New Year's celebration has been a pivotal part of local culture. New Year's is when family and friends gather to renew the bonds of friendship and strengthen family ties. Central to the New Year's celebration is the tradition of lighting fireworks novelties (fountains), culminating with the igniting of firecrackers at midnight. It is our cultural belief that fireworks ward off bad luck and call attention of the gods to bring in good luck for the upcoming year.

On the neighbor islands, the traditions are even more accentuated. We are still a "plantation" based community where traditions play a key role in our daily lives. The New Year's tradition is the most widely celebrated. Rich or poor, we all follow the tradition.

For those of Chinese ancestry, the ritual of firecrackers and the New Year is paramount to Chinese heritage. In addition to traditional New Year's, Chinese New Year is celebrated with just as much fan fare in Chinatown. Firecrackers are the catalytic element to this celebration.

SAFETY AND HEALTH CONCERNS: It is understandable the concerns of many about the safety of fireworks use. If one looks at the accidents related to fireworks, you will discover that many of the injuries are results from improper adult supervision (of minors) to altering the original format of the fireworks (creation of special bombs and fountains).

ILLEGAL FIREWORKS CONCERNS: Those of us who have retail businesses are the brunt of fireworks legislation. We follow the rules and regulations from paying \$500 for a retail fireworks license to having our premises inspected prior to the issuing of our retail license to complying with proper fire code requirements and submission of required paperwork. Those who are in the illicit trade have a field day. They do not comply with any of the rules and regulations. If one of the goals of HB398 is stopping this illicit trade, it is a fallacy. HB398 will make the illicit trade more lucrative.

A blanket one-size fits all solution to the fireworks issue will not work. A statewide ban of fireworks and firecracker will not work. A closer examination of the problem needs to be addressed. Fireworks legislation needs to be created factoring in population density, profile of building types and materials, climactic conditions, the uniqueness of each County and specifically involve and create a cohesive task force of Fire Departments, Police Departments and the Department of Transportation. ***Legislation needs to be realistic and enforceable.***

We urge the Public Safety Committee to oppose the passage of HB398.

Thank-you for this opportunity to testify.

From: Cheri Michel [cherimichel@earthlink.net]
Sent: Wednesday, February 04, 2009 3:39 PM
To: PBStestimony
Subject: In support of bills HB397 and HB398

To Whom It May Concern:

My family and I strongly support bills HB397 and **HB398**. Our family and so many of our friends and neighbors on the island feel that our communities are no longer safe with the fireworks beginning before Thanksgiving and continuing in spurts throughout February.

As you know, the fall-out from these exhibitions includes a variety of toxic pollution that rain down on the neighborhoods across the island and must take a heavy toll on the environment and contribute to water contamination. Also, their use deposits physical litter on the ground and into water bodies for miles around.

We also have two dogs frightened of fireworks - dogs are especially vulnerable because of their very sensitive hearing and, obviously, fireworks can cause them extreme distress. What is more disconcerting is that, after three years of living through the weeks surrounding New Years and July 4th, our dogs have now become fearful all year round of going for walks when it is dark. This year, we decided to pack up our dogs and found a hotel in Wakiki that would take large dogs. We weren't surprised to see how many other concerned owners from across the island were holed up there as well. When we came home, we found that our mailbox (which we had made specially for us in Bali) had been burned and irreparably damaged from our neighbors fireworks show.

Please seriously consider this bill.

Aloha,

Cheri Brazwell

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