

William P. Kenoi
Mayor



Darryl J. Oliveira
Fire Chief

Glen P. I. Honda
Deputy Fire Chief

County of Hawai'i

FIRE DEPARTMENT

25 Auunui Street • Suite 2501 • Hilo, Hawai'i 96720
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February 19, 2010

TO : REPRESENTATIVE JON RIKI KARAMATSU, CHAIR, COMMITTEE ON JUDICIARY
FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT
SUBJECT: SB 1059, SD2, HD 1 RELATING TO FIREWORKS
DATE/TIME OF HEARING: THURSDAY, FEBRUARY 23, 2010, 2:00 P.M.
COPIES REQUESTED: 1


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,

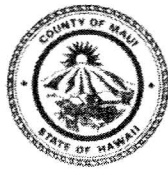

DARRYL OLIVEIRA
Fire Chief

DO:lk

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CHARMAINE TAVARES
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919

February 22, 2010

The Honorable Jon Riki Karamatsu, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Karamatsu:

Subject: S.B. 1059, S.D. 2, H.D. 1 Relating to Fireworks

I am Jeffrey A. Murray, Fire Chief of the County of Maui Department of Fire and Public Safety (MFD) and a Member of the State Fire Council (SFC). The MFD and the SFC support S.B. 1059, S.D. 2, H.D. 1 and offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. We believe each county should determine the potential hazards of fireworks and the benefit to their community by 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. We support measures that make the arrest and prosecution for illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray".

FR JEFFREY A. MURRAY
Fire Chief



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

February 22, 2010

The Honorable Jon Riki Karamatsu, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Karamatsu:

Subject: S.B. 1059, S.D. 2, H.D. 1 Relating to Fireworks

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD support S.B. 1059, S.D. 2, H.D. 1 and offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. We believe each county should determine the potential hazards of fireworks and the benefit to their community by 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. We support measures that make the arrest and prosecution for illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman".

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld



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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 Judiciary

FOR: Hearing Scheduled for 2:00 pm Tuesday, February 23, 2010

RE: TESTIMONY IN SUPPORT OF SB 1059, SD2, HD1 RELATING TO FIREWORKS

Chair Karamatsu, Vice Chair Ito and Committee Members,

The American Lung Association in Hawaii strongly supports SB 1059, SD2, HD1 that allows the counties to enact or adopt more restrictive fireworks ordinances or rules than the state law. We also are not opposed to the creation of a task force which could assist in the implementation and enforcement of new county regulations. However, a task force alone would not protect the health and well-being of those living in Hawaii.

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.

With so many people experiencing breathing problems directly related to fireworks, the American Lung Association in Hawaii strongly supports this measure that will allow each county to clear the air. We receive many calls for assistance related to fireworks and some who have had to seek emergency medical treatment because of the exposure. 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 worsens. Some people find that 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 175,000 people these options are neither practical nor affordable.

We support this measure as an alternative to a statewide ban because we believe county leadership understand the dangers posed by fireworks in their municipalities.

Respectfully submitted,
Jean Evans, MPH, Executive Director

Testimony to: **HOUSE COMMITTEE ON JUDICIARY**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

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

Hearing Date: February 23, 2010
Hearing Time: 2:00 pm

Subject: SB1059 SD2, HD1 (Establishes illegal fireworks task force)

Position: SUPPORT PASSAGE OF SB1059 SD2, HD1 with suggestion

We are in support of SB1059 SD2, HD1 that would establish an Illegal Fireworks Task Force. Including representatives from the Hawaii, Maui and Kauai County police departments and shipping and trucking industry is a great addition to the task force.

We would like to request that representatives from the retail industry be included in the task force.

Thank-you for this opportunity to testify.



LEGISLATIVE INFORMATION SERVICES OF HAWAII

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Tuesday, February 23, 2010

Testimony to: House Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

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

Re: SB 1059, HD1 RELATING TO FIREWORKS

Chairs & Committee Members:

We oppose SECTION 2 of the bill because it will eliminate consistency throughout the state, re-creating problems that necessitated the statewide law in the first place.

SECTION 1 is a good idea, but this should be a Working Group or Think Tank. It should not be required to submit reports, but to address issues that are common to public safety. Also, the prosecuting attorney of each county, as well as fireworks wholesalers should be included as a part of the Working Group or Think Tank group, since they are both involved in the elimination or at least reduction of illegal aerial fireworks.

We suggest that one or two meetings a year would be adequate, and that they should be between July 4th and January 1st, and that they be held at the Capitol with an appropriate State Agency chairing the group and providing a group memory that would be made available to the Legislature each year to provide updates on progress.

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 5:52 PM
To: JUDtestimony
Cc: reiziss@hawaiiantel.net
Subject: Testimony for SB1059 on 2/23/2010 2:00:00 PM

Testimony for JUD 2/23/2010 2:00:00 PM SB1059

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: stann W. Reiziss, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: reiziss@hawaiiantel.net
Submitted on: 2/22/2010

Comments:
PLEASE SUPPORT SB1059

A recent NPR program concerning I.E.Ds. (improvised explosive devices), used effectively by the Taliban forces against our troops in Iraq and Afghanistan, cited casualty statistics as "alarming".

I'd like to point out to you that those casualty statistics were fewer in number to the casualty (injuries specifically) statistics resulting from fireworks reported by Hawaii doctors and hospitals this past New Year's season during the same period of time.

Therefore I must conclude that the term "fireworks" is merely a euphemism for I.E.Ds..

They are clearly terroristic, not celebratory devices and must be controlled and preferably outlawed.

Significant amounts, and various forms of contraband continuously flow into The State of Hawaii un-inspected by appropriate government authorities.

This presents an extremely dangerous potential and actual danger to all the inhabitants of our islands; human, animal, vegetable and mineral.

Fireworks and armaments, invasive species, drugs and possibly even human trafficking to name just a few of the obvious imports.

When the shipping companies are responsible for inspecting containers, they are looking out solely for their own financial interests. Not for the public's welfare.

Containers, in fact all cargo, needs scrutiny to insure homeland security as well as the protection of the health, safety and environmental quality of life citizens are expecting from governmental agencies; be they local, State or National.

• Between December 31 through January 2, 2010, one hundred and twelve persons were injured by fireworks; seven admitted a hospital. These numbers only account for reported injuries.

• The ages of those injured by fireworks ranged from two years old to eighty two.

• More children under sixteen years old were hurt from fireworks during this time frame than the entire month of injuries from auto accidents, poisonings, and assaults combined.

- No accurate account was even attempted to account for pets and wildlife emotionally traumatized or injured as a result of fireworks.
- Forty million, two hundred fifty thousand (8050 permits X 5000 firecrackers) were discharged. This number only accounts for fireworks requiring a permit. It obviously excludes all illegal discharges.
- According to the American Lung Association, there are at least 175,000 people in Hawaii with some type of lung disease.
- On a typical day in Honolulu, particulate matter ranges from 4 to 15 micrograms per cubic meter.
- On January 1st, 2010 the particulate matter from the fireworks explosions was measured by the Health Department as high as 632 micrograms per cubic meter. Far in excess of Federal standards.
- Surely even those living beings with healthy lungs were in jeopardy. Where does the EPA stand on this matter?
- Add to all this, the property damage from fireworks caused fires, the compression impact damage to property, and hearing damage caused by the numerous bottle bomb devices that punctuated the night.
- The Secret Service was put on alert in order to protect our vacationing President Obama and his family in case they were in danger of harm from fireworks, intentionally or inadvertently
-
- At a recent Neighborhood Board meeting we are told by our State Representative, Pono Chong, that all these fireworks, legal and otherwise, freely enter our port un-inspected, and they are helpless to stop it.
- * What else of potential damage to our health and safety is streaming in via these un-inspected container? Drugs, human trafficking and a huge variety of contraband to name just a few.
- * If this isn't terrorism, a clear State and National security risk, please explain to me what is.
Plainly, all the ingredients and opportunities are omnipresent under the guise of "celebrating" the New Year and scaring away "evil" spirits through fireworks.
What could be more "evil" than the devastating effects of fireworks as outlined above?
- In my opinion, and in the opinion of the majority of the Hawaiian Island residents, this is clearly a Home Land Security issue.
- I implore you to immediately take every action you are empowered to use in order to mitigate, and preferably eradicate this clear, present, and continuing danger.

VOTE YES ON SB1059

Respectfully submitted,

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
House Committee on Judiciary

Ann S. Freed
95-227 Waikalani Dr. A403
Mililani, HI 96789
annfreed@hotmail.com
808-623-5676

I am in **strong support** of SB1059 SD2 HD1 RELATING TO FIREWORKS.

This bill establishing a task force to stop the problem at its source and allow counties the authority to enact stricter laws goes a long way towards addressing this island scourge.

In the past five years Oahu has become a war zone for the months of December and January and to a certain extent July. Illegal fireworks are set off early in December and Continue past New Year's. In July the same thing happens.

Pyrotechnics are dangerous, produce horrendous noise and toxic smoke. They should be left to the experts and confined to public displays sanctioned by the counties.

The consequences of lax policies with respect to fireworks are grave. Those with allergies must stay indoors. Pets are terrified. Children are burned and/or killed. Houses burn down and property is damaged every year that this goes on. Not to mention the fact that most people can't even enjoy the peace of their own homes and are kept awake for many days before and after the holiday in question. The police can't seem to stop illegal displays that occur under the current law.

This past New Year's Eve I traveled to a party that was only a mile away and I couldn't read the street signs it was so smoky. There were numerous large types of fireworks in the middle of the roads, all the more dangerous because I couldn't see them to avoid running over them.

I don't agree with those who believe that their "culture" demands a fireworks free-for-all at certain times of the year. Those who are proponents of this point of view should have compassion for the majority of the people who are tired of suffering from this selfish practice. The fire department is sick of having to deal with the consequences and we should help by putting a stop to it.

Please pass this bill out of committee.

Regards,

Ann S. Freed
95-227 Waikalani Dr. A403
Mililani, HI 96789