

SB 1059

Measure Title:

RELATING TO FIREWORKS

Report Title:

Illegal Fireworks Task Force; Established; Illegal Explosives

Description:

Establishes an illegal fireworks task force to stop the importation of illegal fireworks and explosives. Requires the task force to report a preliminary plan to the legislature no later than January 10, 2010.



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

February 10, 2009

The Honorable Will Espero, Chair
Committee on Public Safety and Military Affairs
The State Senate
State Capitol, Room 207
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 1059 Relating to Fireworks

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support S.B. 1059, which proposes to establish an illegal fireworks task force administratively attached to the State of Hawaii, Department of Transportation.

The SFC and the HFD believe this bill will organize various agencies to work on solutions to better enforce the growing distribution and use of illegal fireworks in our communities. Each year, the use of illegal fireworks, namely aerals by unlicensed, nonprofessional persons, continues to increase. These illegal fireworks pose a fire and life-safety risk and danger to the public. Enhanced enforcement strategies and cooperation between county, state, and federal agencies are essential.

The SFC and the HFD respectfully suggest that the following federal agencies be added to the task force:

1. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
2. Consumer Product Safety Commission (CPSC)
3. Customs and Border Protection (CPB)
4. Department of Agriculture, Plant Quarantine (DOA)
5. Federal Aviation Administration (FAA)

The ATF has regulatory powers over fireworks classified as 1.3G or the larger aerial devices; the CPSC conducts testing of consumer fireworks; the CPB has jurisdiction

The Honorable Will Espero, Chair
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over foreign imports; the DOA has a broad inspection authority on imports from the mainland U.S.; and the FAA regulates air transportation.

The SFC and the HFD request your committee's support on the passage of S.B. 1059.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA
Chair

KGS/LR:bh

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
Lihue, Kauai, Hawaii 96766

February 9, 2009

The Honorable Will Espero, Chair
Committee on Public Safety and Military Affairs
The State Senate
State Capitol, Room 207
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 1059 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 S.B. 1059, which proposes to establish an illegal fireworks task force administratively attached to the State Department of Transportation.

The SFC believes this bill will bring various agencies together to work on solutions to better enforce the growing distribution and use of illegal fireworks in our communities. Each year illegal fireworks, namely aerals, in the hands of unlicensed, non-professional persons, continues to increase. These illegal fireworks pose a fire and life safety risk and danger to the public and better enforcement strategies and cooperation between federal, state and county agencies is needed.

The SFC would respectfully suggest three additional agencies are added to the task force as follows:

Federal Bureau of Alcohol, Tobacco and Firearms (ATF);
Federal Customs Service; and
Department of Agriculture

The ATF has regulatory powers over fireworks classified as 1.3G or the larger aerial devices, the Customs Service has jurisdiction over foreign imports, and the Department of Agriculture has greater inspection authority on imports from the mainland United States.

The SFC and the KFD request your committee's support on the passage of S.B. 1059.

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

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a large, sweeping flourish at the end.

Robert F. Westerman
Fire Chief

RFW/LR:cz



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February 12, 2009

Testimony to: Senate Committee on Public Safety & Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

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

Re: SB 1059 RELATING TO FIREWORKS

Chairs & Committee Members:

We support SB 1059, but do request that members of industry be included as we were during the last task force on the same subject matter.

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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: Senate Committee on Public Safety and Military Affairs

FOR: Hearing Scheduled for 1:15 pm, Thursday, February 12, 2009

**RE: TESTIMONY IN SUPPORT OF THE INTENT OF SB 1059
RELATING TO FIREWORKS**

Chair Espero, Vice Chair Bunda and Committee Members:

The American Lung Association in Hawaii is pleased that this measure seeks to explore ways to eliminate illegal fireworks by establishing a task force. **However with over 154,000 people in Hawaii, or nearly 13 percent of our population suffering from some type of lung disease, that is made worse by exposure to the particulate smoke from both legal and illegal fireworks, we believe a ban on all fireworks is the better approach.** Assuring the cleanest air for everyone in Hawaii is important, especially with the recent increase in volcanic activity which compounds the to the danger of 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 help 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.

Specific action to ban fireworks is what is called for rather than spending time and resources on a task force.

Respectfully, submitted,

Jean Evans, MPH
Executive Director
American Lung Association in Hawaii

Testimony to: **Senate Committee on Public Safety & Military Affairs**
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

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

Hearing Date: February 12, 2009
Hearing Time: 1:15pm

Subject: SB1059 (Establishes illegal fireworks task force)

Position: SUPPORT PASSAGE OF SB1059

We are in support of SB1059 that would establish an Illegal Fireworks Task Force.

One of the major concerns voiced by citizens in testimony on bills aiming to ban fireworks is the use of illegal fireworks. Currently, the respective County's Fire Department Fireworks Auditor is responsible for all fireworks related issues. The Fireworks Auditor has no enforcement authority in the event illegal fireworks are found.

There are three major problems dealing with illegal fireworks:

Problem #1: **MONITORING OF THE IMPORTATION OF ILLEGAL FIREWORKS.**

Problem #2: **ENFORCEMENT OF THE LAW.**

Problem #3: **REPERCUSSIONS TO THE INDIVIDUAL SELLING ILLEGAL FIREWORKS.**

SB1059 proposes involvement of key divisions of government: Department of Transportation (Harbors and Airports divisions), the Attorney General, State Fire Council, and County Police Departments. The collaboration of these key departments will result in creation of a realistic and workable plan of action. Currently, there is no involvement by all these departments collectively, no cohesive realistic plan of action and no clearly defined areas of responsibility and enforcement.

This is a pro-active first step to the elimination of illegal fireworks. We strongly support the passage of SB1059.

Thank-you for this opportunity to testify.