

CHARMAINE TAVARES
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

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February 18, 2010

The Honorable Donna Mercado Kim, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 210
Honolulu, Hawaii 96813

Dear Chair Kim:

Subject: S.B. 2052, S.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 the intent of measures in S.B. 2052, S.D. 1, which proposes to increase the fee to purchase consumer fireworks and the penalty for fireworks violations; transfers proceeds collected from fireworks violations to the state; and include religious events in the definition of "cultural". We believe the proposed graduated fireworks fee system will have practical difficulties in its application. We recommend one fee to purchase 5,000 firecrackers or up to \$50 worth of other consumer fireworks.

Fireworks permit and import license fees have not increased for ten years, however, the cost of services provided by fire, police, and emergency medical services personnel continues to increase. Statewide, fire departments responded to 33 and 83 fireworks-related incidents for the same periods, and fireworks-related injuries totaled 79 for 2008-2009 and 112 for 2009-2010. In addition, the counties bear the cost and responsibility of cleaning the streets and parks that are littered with fireworks debris. Along with the fire departments' responsibility to ensure the public's safety, the amount of fireworks display permits and accounting of the pyrotechnic inventory items have increased.

Chapter 132D-17, Hawaii Revised Statutes states that no county may enact stricter laws or rules relating to the present fireworks law. The SFC believes each county should be allowed to determine the potential hazards that fireworks present and the benefit to their community by further restricting fireworks use based on each county's needs and resources.

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The MFD and the SFC request your committee's support on the passage of S.B. 2052, S.D. 1, with a revision to the graduated fee schedule.

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", with a large, stylized flourish extending from the end of the signature.

JEFFREY A. MURRAY
Fire Chief



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

February 19, 2010

The Honorable Donna Mercado Kim, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 210
Honolulu, Hawaii 96813

Dear Chair Kim:

Subject: S.B. 2052, S.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 the intent of measures in S.B. 2052, S.D. 1, which proposes to increase the fee to purchase consumer fireworks and the penalty for fireworks violations; transfers proceeds collected from fireworks violations to the state; and include religious events in the definition of "cultural". We believe the proposed graduated fireworks fee system will have practical difficulties in its application. We recommend one fee to purchase 5,000 firecrackers or up to \$50 worth of other consumer fireworks.

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should be allowed to determine the potential hazards that fireworks present and the benefit to their community by further restricting fireworks use based on each county's needs and resources.

The SFC and the KFD request your committee's support on the passage of S.B. 2052, S.D. 1, with a revision to the graduated fee schedule.

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". The signature is written in a cursive style with a prominent flourish at the end.

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: Senate Committee Ways and Means

**FOR: Hearing Scheduled for 10:00 am
Wednesday, February 24, 2010**

**RE: TESTIMONY IN SUPPORT OF THE INTENT OF SB 2052, SD1
RELATING TO FIREWORKS**

Chair Kim, Vice Chair Tsutsui, and Committee Members:

The American Lung Association in Hawaii supports any that measure seeks to reduce the impact of fireworks. However with over 175,000 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 fireworks, **we believe a ban on consumer fireworks would do far more to protect our collective health** than would a surcharge and increased fees. Assuring the cleanest air for everyone in Hawaii is important, especially with the recent increase in volcanic activity that compounds 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.

It is time to act responsibly and stop this willful disregard for the health of our fellow citizens, especially those who might be unable to speak for themselves – our children and the elderly. **We support a statewide ban or legislation that allows counties to have the authority to regulate fireworks.**

Respectfully, submitted,

Jean Evans, MPH
Executive Director
American Lung Association in Hawaii



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Monday, February 22, 2010 @ 10:20 a.m. in CR 211

Testimony to: Senate Committee on Ways & Means
Senator Donna Mercado Kim, Chair
Senator Shan S. Tsutsui, Vice Chair

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

Re: SB 2052 PROPOSED SD2 RELATING TO FIREWORKS

Chairs & Committee Members:

We oppose SB 2052, SD1 because it is essentially a ban on fireworks. If the measure were to become law, in the form that we believe this bill is intended to take, once blanks are filled in, the costs of what is now legal would be so high that no wholesaler or retailer could or would stay in the fireworks business. No consumer would pay the price that would have to be charged for fireworks under the fee schedule. Additionally, if enacted into law SB 2052 Proposed SD2 would encourage those who want to continue to celebrate with some kind of fireworks, to create their own fireworks and only pay for the supplies needed to construct their devices.

Current law already prohibits anything that can fly higher or wider than twelve feet from the ground, calling them aerial fireworks. The police complain that they can't enforce the law because they don't see the act being committed. If that be the case under existing law where they are already illegal, a new law essentially banning everything legal by pricing everything out of the market, is not going to reduce the challenge, but rather create chaos and an enforcement nightmare.

Further, the state would collect less revenues than they currently collect, which we estimate to be above 2 million dollars a year in license fees, permit fees and the GET taxes at all levels.

Attempts to generate money from those that abide by the law to use for enforcement against those that violate the law by importing, selling, and/ or using illegal aerial devices will put the legal fireworks industry out of business. We support using fees to fund county law enforcement, but we do not support increasing fees or expanding the definition for the types of fireworks which require a permit. The fireworks industry has very small profit margins. We can't bear the brunt of enforcing products we do not import or sell.

Eliminating what is currently legal for a maximum time period of twelve hours a year will not stop what is already illegal, but will instead promote the sale of all fireworks underground, where:

- **Government will have no control, receive no fees or taxes;**
- **Current jobs that are related to fireworks sales will be eliminated creating unemployment;**
- **Fireworks sales will be eliminated, creating unemployment;**
- **Create a legal issue of banning freedom of religion and/ or culture events;**
- **Increase costs of law enforcement; and**
- **Consumers will build their own IED's (Improvised Explosive Devices).**

The solution is to enforce the laws we already have.