

SB 2365

Measure Title:
RELATING TO CONSUMER FIREWORKS

Report Title:
Fireworks; Banned



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

February 2, 2010

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. 2365 Relating to Consumer 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 offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays. We believe the terms "religious" or "cultural" allows for the continued use of consumer fireworks during New Year's and Independence Day celebrations.
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 the 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,

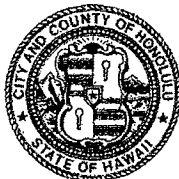
A handwritten signature in cursive script, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA
Chair

KGS/LR:bh

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



MUFI HANNEMANN
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE

February 4, 2010

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

Dear Chair Espero and Members:

Subject: Senate Bill 2365, Relating to Consumer Fireworks

I am Michael Moses, Major of the Kapolei Station, District 8, Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill 2365, which imposes a total ban on consumer fireworks except for permitted religious and cultural purposes.

The HPD, Honolulu Fire Department and Emergency Medical Services respond to numerous calls for service involving fireworks related incidents. These calls for service put a tremendous strain on the resources of all emergency service providers. Injuries and or death due to fireworks related incidents are a major concern along with the hazards they present to individuals with respiratory problems. The use of fireworks also is a cause of many brushfires along the Leeward Coast and other areas with dry vegetation.

The HPD requests that your committee support the passage of Senate Bill 2365.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Moses", with a long horizontal flourish extending to the right.

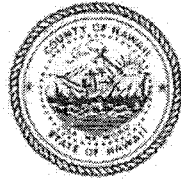
MICHAEL MOSES, Major
District 8

APPROVED BY:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa", written over a horizontal line.
LOUIS M. KEALOHA
Chief of Police

Serving and Protecting With Aloha

William P. Kenoi
Mayor



Darryl J. Oliveira
Fire Chief

Glen P. I. Honda
Deputy Fire Chief

County of Hawai'i

FIRE DEPARTMENT

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

February 2, 2010

TO : SENATOR WILL ESPERO, CHAIR
COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT

SUBJECT: SB 2365 RELATING TO CONSUMER FIREWORKS
DATE/TIME OF HEARING: THURSDAY, FEBRUARY 4, 2010, 2:00 P.M.

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

Hawai'i County is an Equal Opportunity Provider and Employer.



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, Kaua'i, Hawaii 96766

February 1, 2010

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. 2365 Relating to Consumer 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 offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays. We believe the use of the terms "religious" or "cultural" opens the door for the continued use of consumer fireworks during New Year's and the Fourth of July.
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 the illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

The SFC and the KFD request your committee's support on the passage of S.B. 1060.

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



LEGISLATIVE INFORMATION SERVICES OF HAWAII

1188 Bishop St., Ste. 608
Honolulu, HI 96813

PH: 533-6750 FAX: 599-2606
www.lish.info Email: lishawaii@aol.com

February 4, 2010 @ 2:00 p.m. in CR 229

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

By: Richard C. Botti, President
Lauren Zirbel, Government Relations
(LISH represents fireworks retailers and a supplier)

Re: SB 2365 RELATING TO CONSUMER FIREWORKS

Chairs and Committee Members:

We are opposed to SB 2365 for the following reasons:

While the measure allows fireworks to be set off at any time based on acquiring a county permit, it is not realistic, since each county may create a different fee and different rules. The existing law restricts fireworks usage to four hours on New Year's Eve, and 8 hours on July 4th and is equally applicable statewide. Too many of our citizens want them, and if we do not have equal application statewide, product will be moving from island to island creating an impediment to enforcement, and a danger to our transportation system.

Aerial fireworks are already illegal, yet they manage to find their way into consumers' hands, even with the current stiff penalties in our law. Creating a total ban will create an even bigger opportunity for an already healthy and thriving black market for all fireworks. A ban 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.

We have already seen new creative ideas by those that want more excitement than is allowed by law, such as with the introduction of IED's (improvised explosive devices). We need to focus all of our efforts on effective enforcement of the current provisions in the law that already exist and seriously attack the importation, sale, purchase and use of what is already illegal.

Fireworks in Hawaii have always been a strong tradition. The current law may need cleaning up, but to go the distance that this measure goes will be counter-productive. It will destroy the balance that is found in the current law.

Current law states that any person caught with between 300 pounds and 10,000 pounds of illegal fireworks commits a class C felony. Over 10,000 pounds is a class B felony.

The current Hawaii fireworks law at 132D-14 specifies penalties for all other offenses. Prohibited acts include:

1. importing any aerial or display fireworks or articles pyrotechnic without a license--a class C felony;
2. purchasing, possessing, setting off, igniting, or discharging aerial or display fireworks or articles pyrotechnic without the required permit for the specific event--25 pounds or less is a misdemeanor; over 25 pounds is a class C felony;
3. transferring or selling aerial or display fireworks or articles pyrotechnic to a person who does not have the required permit--a class C felony;
4. removing or extracting the pyrotechnic content from any fireworks or articles pyrotechnic and using it to construct other fireworks, article pyrotechnic or similar device--a misdemeanor; and
5. any other violation of this chapter is a \$ 2,000 fine.

So, we can see that the current Hawaii fireworks law has a very specific set of prohibitions.

Nevertheless, we believe that with some careful refinements and more focused penalties, we can create an important part of a more effective set of enforcement tools that we all need and that all of us want to be able to address the current unacceptable situation. In short, we are saying that the current law needs some improvements such as to narrow the range of circumstances in which seizures may occur; to re-balance other enforcement provisions; and to create a more streamlined process for police officers to issue citations to any individual that uses legal or illegal fireworks when not allowed by law.

In 1994, we helped write the current fireworks law that banned use of aerial fireworks except when a permit had been issued by the county. Each year since, we have been a part of efforts to address this continuing problem. We worked continuously and carefully in 2000 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.

Oahu
680 Iwilei Road, Suite 575
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Tel: (808) 537-5966
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lung@ala-hawaii.org

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alahmaui@ala-hawaii.org

Hawaii
39 Ululani Street
Hilo, HI 96720
Tel: (808) 935-1206
Fax: (808) 935-7474
alahbi@ala-hawaii.org

Website:
www.ala-hawaii.org

E-mail:
lung@ala-hawaii.org

Lung HelpLine
1-800- LUNG-USA
(586-4872)

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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 S cheduled for 2:00 pm, Thursday, February 4, 2010

RE: TESTIMONY IN STRONG SUPPORT OF SB 2365 RELATING TO FIREWORKS

Chair Espero, Vice Chair Bunda and Committee Members:

The American Lung Association in Hawaii strongly supports SB 2365 that bans consumer fireworks 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.

With so many people experiencing breathing problems directly related to fireworks, the American Lung Association in Hawaii strongly supports this measure that will 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 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.

Respectfully submitted,

Jean Evans, MPH, Executive Director
The American Lung Association in Hawaii

February 2, 2010

To: The Honorable Senator Will Espero, Chair
The Honorable Senator Robert Bunda, Vice Chair and
Members of the Committee on Public Safety and Military
Affairs

From: C. Mitchell Hart

RE: SB 2365 Relating to Consumer Fireworks
Hearing: February 4, 2010 2:00 pm Room 229

This past New Year's Eve we were virtually held hostage in our home due to the fireworks and disruptive partying in the street in front of our home. The incessant loud explosions all around our home went on until 2:30 in the morning. Roaming gangs of toughs and drunken adults blasting their boom boxes with foul and pornographic lyrics and music along with the constant explosions was more than we could stand. Alcohol and who knows what else, combined with fireworks became a catalyst for angry threatening neighbors.

Our dog and the neighbor's animals were terrorized by all this noise. We had to pay for a Veterinarian visit to obtain tranquilizers for our dog. Our next door neighbor told us of her brother's dog being so terrorized that the dog ran into the street, was hit by a car and the Vet bills are already \$6000.

Page two

February 2, 2010

Committee on Public Safety and Military Affairs

The report from the Veterans program at Barbers Point is that 911 had to be called because Veterans were freaking out and had to be taken in for treatment. One was huddled in the corner under a blanket weeping as he was reliving his awful Vietnam days.

We can hardly see the value of the Wild West attitude that prevails among our neighbors when the fireworks come out. They seem to use New Years and the Fourth of July as a weak excuse to go out of control with wild partying, incredible noise, fireworks, and serious neighborhood disruption.

The police were called three times and were apparently powerless to do anything. They came, talked to everyone, drove away and the partying continued until the wee hours of the morning.

We had guests from Seattle staying in our home. They have a 7 month old child who was very disturbed. When I asked the neighborhood boys to please move away from their proximity to our property with their fireworks it made them mad. They went home, gathered up more fireworks and reinforcements, returned to our property and began lobbing fireworks into the yard. Following an ineffective visit by the police the onslaught of noise and partying continued. I am not blaming the police but they seem powerless to stop the chaos that they are faced with.

In the morning the grass covered walkway in front of our home was covered by a two inch deep collection of fireworks debris.

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February 2, 2010

Committee on Public Safety and Military Affairs

The neighbors had removed the mess from their drive but left a sickening mess on my property. This of course precipitated another police visit and some very hard feelings. Relationships in our neighborhood are seriously damaged and an elimination of easy access to fireworks may go a long way to restoring neighborhoods to reasonably sane and peaceful places to raise children.

My wife and I respectfully request that you take whatever action is necessary to draft legislation that will eliminate this blight on our community.

Respectfully,

C. Mitchell Hart
91-277 Ewa Beach Road
Ewa Beach HI 96706
(808) 954-7222

94-183 Kupuna Loop
Waipahu, Hawaii 96797-1117

3 February 2010

SUBJECT: Written Testimony Regarding Senate Bill 2365

Reference: Hearing Notice for SB 2365 Relating To Consumer Fireworks.
Fireworks; Banned.

Hearing Date: Thursday, February 4, 2010

TIME: 2:00 p.m.

PLACE: Conference Room 229

State Capitol, 415 South Beretania Street, Honolulu, HI

To Members of the Senate Committee for Public Safety and Military Affairs,

Thank you for this opportunity to provide testimony regarding SB 2365, legislation to ban consumer fireworks in the State of Hawaii. I am a staunch advocate of this Bill and ask that it be passed with a minimum of changes and with all due speed. All of you have heard from me on this subject before via email.

I have lived in Hawaii for twenty-five years, am a registered voter, I am both a military retiree and a current U.S. Army civilian employee. I served in Vietnam, Desert Storm, and Operation Enduring Freedom and have experienced a good deal of combat as a Bomb Disposal Officer during thirty-six years of military service. I consider myself very knowledgeable regarding explosives, unexploded munitions and improvised explosive devices. I commanded the Army Bomb Disposal unit at Schofield Barracks from 1985 – 1989 and regularly supported the Honolulu Police Department (SSD) and public safety agencies throughout the Hawaiian Islands.

In recent years, and especially in the last two years, fireworks have gone from being entertainment to something much different. Neighbors used to light strings of firecrackers to usher in the New Year, but this has been replaced by large numbers of illegal and highly dangerous aerial and improvised explosives. Where in the past, 4th of July and New Years Eve saw moderate fireworks displays, this has been replaced by extended periods of dangerous misuse on a massive scale. Thoughtless people now start the detonations before Thanksgiving and continue the mayhem well into January. Summer evenings are increasingly punctuated by flashes and deep responding booms that shake my home and make Waipahu sound like Beirut.

This activity by a few people is unacceptable and widely unpopular, but neighbors are reluctant to call Police. The current law requires Police Officers to witness misuse of

fireworks, or to have a neighbor willing to testify in court. The number of people ticketed and prosecuted versus the numbers openly misusing fireworks tells the tale. Law enforcement is not the answer.

As an explosives professional, I can say without reservation that fireworks are some of the most dangerous of explosive devices. The low-explosive components and pyrotechnic mixtures of fireworks make them extremely susceptible to heat, shock, and friction. Poor storage practices and moisture make them likely to react in unpredictable ways, often detonating or burning rather than performing as expected. Storage of large stocks of illegal aerial fireworks endangers not only the families of those hiding these items, but their neighbors and first responding Police or Fire Department members who may be killed in accidental explosions trying to save lives or property. Neighborhoods are endangered by large stockpiles held for sale or misuse because a detonation of these explosives can literally level homes in close proximity.

In 1981, three of my Army Bomb Disposal friends and colleagues were killed by illegal fireworks in Central California. They were disposing of a large number of illegal fireworks confiscated by the U.S. Border Patrol when an accident occurred killing three and injuring two more EOD soldiers. Fireworks are not toys and they are anything but harmless amusement.

Every year in Hawaii, the toll of injuries and fires started by misuse of fireworks seems to grow. A few years ago a child was badly hurt and permanently disabled. This year, we saw the tragic explosion and fire that critically burned three children in Maui. Over one hundred people on Oahu had to be treated just this year for injuries caused by fireworks. There were countless fires started by fireworks, making our firefighters work extra hard, and stretching our fire protection thin. This simply makes no sense anymore.

I won't comment on the "religious or cultural practices" aspect of this except to say that I think that is simply a huge loophole. No religion requires fireworks as part of its doctrine or liturgy. Most modern Asian nations have now recognized the dangers and banned consumer fireworks. Vietnam did it in one year and now there are only public fireworks displays by professionals. We can do this too! If you must leave in this provision, please make it very stringent and require professional supervision.

Lastly, I want to address the supply side of fireworks. Consumer fireworks are imported through our ports. Given the massive numbers of easily available illegal aerial fireworks, we must assume these are being smuggled into Hawaii as part of these "legal" shipments. I can't believe all the illegal stuff is being sold out the back door by

licensed professional fireworks dealers. Stop the consumer fireworks shipments and you stop the bulk of the illegal fireworks. Law enforcement wants to do a better job at controlling this problem, but they are overwhelmed.

Fireworks add nothing that cannot be gained by professional public fireworks displays on traditional holidays. Fireworks endanger our children, traumatize pets, sicken thousands of our citizens with respiratory problems, and add nothing except profits to a few greedy individuals. Costs for Police, Fire and Public Health responses far outweigh the small amounts collected in permit fees and taxes.

It is time Hawaii joined the rest of the civilized world who long ago recognized that too many people are irresponsible and incapable of handling explosives without supervision. Please support a complete ban of consumer fireworks in Hawaii.

Respectfully submitted,

[Original signed]

Allan R. Vosburgh
Waipahu, Hawaii

Sent: Wednesday, February 03, 2010 12:40 PM
To: PSM Testimony
Subject: Support of SB 2365

Dear Chair Espero and Vice-Chair Bunda,

My name is Audrey Fuchino and I am writing in support of SB 2365. This bill will be heard at 2:00 pm on February 4, 2010.

For at least the last 5 years our neighbors have played legal and illegal aerial fireworks on New Year's Eve. I feel I need to stay home to make sure my house does not burn down from the aerial fireworks debris falling on my roof and on my property. When I spoke with Police Officers about this, I was told that they have to witness someone actually lighting the illegal fireworks in order for them to issue a citation. Officers have gone over to talk with these neighbors. But it seems to no avail, as they continue to do their illegal activity the next New Year's Eve. The only way to stop people like them is with a total statewide ban on fireworks except for permitted religious or cultural purposes. And there must be harsher penalties for those who insist on breaking the law by bringing in fireworks or by purchasing and playing with fireworks. The laws should also make it easier for Police Officers to issue citations to these individuals.

The last Fireworks Legislation was 10 years ago. If the intent of the Permit Law at that time was to eliminate the amount of fireworks played and to deter illegal fireworks, I don't think it has achieved its objective. People have abused the privilege they were given, as the number of fireworks set off has increased and more and more illegal aerals are seen each year. Adding to that are the loud explosive bombs that have shook neighborhoods. Fireworks both legal and illegal cause air pollution and noise pollution which are detrimental to humans and animals. Fireworks can also cause personal injury, damage to homes and property as well as wildlife. The current law is not working. It is time for a change. And that change is a total statewide ban on fireworks except for permitted religious or cultural purposes.

By passing SB 2365 you are saying to the residents of Hawaii - We care about your health and well being. We care about your personal safety, as well as the safety of your property.

Here's hoping for a peaceful, healthy and safe beginning to 2011 with the passing of this bill.

Audrey Fuchino

—ORIGINAL MESSAGE—

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV [MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: TUESDAY, FEBRUARY 02, 2010 12:40 PM
TO: PSM TESTIMONY
CC: REIZISS@HAWAIIANTEL.NET
SUBJECT: TESTIMONY FOR SB2365 ON 2/4/2010 2:00:00 PM

TESTIMONY FOR PSM 2/4/2010 2:00:00 PM SB2365

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: STANN W. REIZISS, PH.D.
ORGANIZATION: INDIVIDUAL
ADDRESS: OAHU-HAWAII
PHONE:
E-MAIL: REIZISS@HAWAIIANTEL.NET
SUBMITTED ON: 2/2/2010

COMMENTS:

PLEASE SUPPORT SB 2365 HEARING ON FEBRUARY 4, 2010 @ 2 PM
CONFERENCE ROOM 229

JUSTIFICATION FOR SUPPORTING SB 2365

- 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.

- 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 .

* IF THIS ISN'T TERRORISM, A CLEAR STATE 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, FIREWORKS MUST BE BANNED FOR USE BY AMATEURS, AND STRINGENT LAWS OF ENFORCEMENT MUST BE IMPLEMENTED.

- 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 DANGEROUS PROBLEM.

PLEASE SUPPORT SB 2365, AND ADDITIONAL LEGISLATION DESIGNED TO KEEP FIREWORKS OUT OF THE HANDS OF AMATEURS, AND PROVIDE LAW ENFORCEMENT

RESPECTFULLY SUBMITTED

TESTIMONY FOR PSM 2/4/2010 2:00:00 PM SB2365

CONFERENCE ROOM: 229

TESTIFIER POSITION: SUPPORT

TESTIFIER WILL BE PRESENT: NO

SUBMITTED BY: JEANNINE JOHNSON

ORGANIZATION: INDIVIDUAL

ADDRESS: 5648 PIA STREET HONOLULU, HI

PHONE: 373-2874

E-MAIL: JEANNINE@HAWAII.RR.COM

SUBMITTED ON: 2/1/2010

COMMENTS:

ORIGINAL MESSAGE-----

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: TUESDAY, FEBRUARY 02, 2010 3:38 PM
TO: PSM TESTIMONY
CC: ARCATE@MSN.COM
SUBJECT: TESTIMONY FOR SB2365 ON 2/4/2010 2:00:00 PM

TESTIMONY FOR PSM 2/4/2010 2:00:00 PM SB2365

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: JAMES ARCATE
ORGANIZATION: INDIVIDUAL
ADDRESS: 3447 PIPA PLACE HONOLULU, HAWAII
PHONE: 808 988 9713
E-MAIL: ARCATE@MSN.COM
SUBMITTED ON: 2/2/2010

COMMENTS:

MY WIFE AND I GET UPSET AND ANGRY AT OUR NEIGHBORS SETTING OFF FIREWORKS AS EARLY AS 7 PM ON NEW YEARS EVE. BUT OUR TWO LITTLE DOGS ARE TERRIFIED BY THE NOISE, PARTICULARLY BY THE BLASTS OVERHEAD FROM THE BIG "ILLEGAL"; AERIAL CONCUSSION BOMBS.

I SUPPORT SB2365 IMPOSING A TOTAL BAN ON CONSUMER FIREWORKS EXCEPT FOR RELIGIOUS OR CULTURAL PURPOSES.

From: Manuel Helguero
Sent: Tuesday, February 02, 2010 7:16 PM
To: PSM Testimony
Subject: Support Ban Fireworks

I live in Kalihi Valley and support the Ban Fireworks. I had sick after breathe all the sulfur I think I have some kind of asthma I had also terrible headache next day and my nervous are shot after all that noise I though I was leaving in a war zone. Next day my car was cover in ashes and pieces of red paper from firecrackers.

My dogs was terrified of all the noise as well.

Aloha

Manuel Hleguero Molina
2963 Numana Rd.
Honolulu HI
96819

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
THURSDAY, FEBRUARY 4, 2010
2:00 P.M.
CONFERENCE ROOM 229, STATE CAPITOL
SENATE BILL 2365 - TESTIMONY IN SUPPORT

ALOHA CHAIRPERSON ESPERO, VICE CHAIRPERSON BUNDA AND COMMITTEE MEMBERS.
MY NAME IS JENNIFER CHIWA. I STRONGLY SUPPORT SENATE BILL 2365, RELATING
TO CONSUMER FIREWORKS. (1) THE POLICE AND FIRE DEPARTMENTS AND THE
EMERGENCY MEDICAL SERVICES SUPPORT A BAN ON CONSUMER FIREWORKS. CONSUMER
FIREWORKS CLEARLY POSE A DANGER TO PEOPLE, ANIMALS AND PROPERTY. I URGE
YOU TO SUPPORT AND STAND WITH THE PEOPLE WHO ARE WILLING TO RISK THEIR
LIVES FOR OUR HEALTH AND SAFETY. (2) CONSUMER FIREWORKS ARE NOT ALLOWED
IN WAIKIKI UNLESS A PERMIT IS ISSUED FOR SPECIAL OCCASIONS. SUPPORTING
SENATE BILL 2365 WOULD DEMONSTRATE THAT YOU CONSIDER THE HEALTH AND SAFETY
OF THOSE OF US, PEOPLE AND ANIMALS, WHO LIVE HERE TO BE JUST AS IMPORTANT
AS THE HEALTH AND SAFETY OF TOURISTS. PLEASE SUPPORT SENATE BILL 2365.
THANK YOU FOR THIS OPPORTUNITY TO TESTIFY.

JENNIFER CHIWA

Bill S.B. 2365 - RELATING TO CONSUMER FIREWORKS.

DATE: Thursday, February 4, 2010

TIME: 2:00 p.m.

PLACE: Conference Room 229
State Capitol
415 South Beretania Street

To: Hawaii State Representatives

Re: Fireworks

I am outraged that this state and its lawmakers cannot come to terms with the issue of banning fireworks completely. This is a serious public safety issue that affects the health and well-being of many of the state's citizens, especially on the island of Oahu.

My husband has asthma and my mother has COPD, both could not leave their bedrooms, the only areas of the house with air-conditioning, on New Year's Eve. I have friends that rent a room in Waikiki to get their children out of the smoke every New Year's Eve. Why should anyone have to do this?

The smoke from the legal fireworks would be bad enough for those with health issues but adding the illegals to the mix seriously increases the problem. The news reported that 8,055 fireworks permits were issued by the City and County of Honolulu. Oahu has a population pushing 1,000,000 people -- does the term minority mean anything to you? Those with health issues are held hostage in their homes for what benefit?

My neighborhood in Pearl City has had illegal aerals and many massive booming explosions since before Thanksgiving. Why do this state's citizens have to deal with this?

If the issue is that it is cultural, I just don't buy it. My family has been here since 1881 and we don't find it necessary to discomfort our neighbors. Let's legalize cockfighting too -- isn't that argued as being cultural?

Law-abiding citizens think nothing of shooting off illegal aerals and the other bombs. Does it even occur to these people that they are teaching their children and grandchildren that it is alright to break the law if you don't like the law or, so what, it doesn't apply to me?

The police themselves say they are about powerless to enforce the existing weak ban on illegal fireworks. I tried to call 911 twice on New Year's Eve at 630 and 700 p.m. to report a house about 6 doors down that was setting off illegal aerals from the middle of the street, my total wait time was about 20 minutes -- I gave up.

Yearly the police department and fire department call for a complete ban on all fireworks and yearly our lawmakers do not deal with the problem. There will be no solution to this

problem until there is a total ban, with stiffer penalties and stricter enforcement. Baring a total ban on all fireworks, culpability should begin with possession of the illegal fireworks, not the current 'caught in the act' scenario.

There is no 'if' to the fact that a serious tragedy will occur due to illegal fireworks, just a 'when'. When it does occur, the citizens of the state can hold accountable their legislators who chose to not effectively address the problem.

Charlene M. Arjona
1839 Hoolehua St.
Pearl City, Hawaii 96782-1737
(808) 456-9453

From: Chris Blanchard
Sent: Wednesday, February 03, 2010 8:58 AM
To: PSM Testimony
Cc: John Hansen; Rich Witek; Lisa Valle Lange; takai2-Desiree
Subject: TESTIMONY FOR SB 2365

The following testimony is submitted in support SB 2365, Relating to Consumer Fireworks, hearing on February 4, 2010 at 2:00 p.m.

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 tow, 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 heard throughout Hawaii. I encourage the Senate to work with members of the House 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

TESTIMONY FOR PSM 2/4/2010 2:00:00 PM SB2365

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: LISA HIRANO
ORGANIZATION: INDIVIDUAL
ADDRESS: P.O. Box 10357 HONOLULU, HI
PHONE: 808-946-8840
E-MAIL: HAPA@HAWAIIANISP.COM
SUBMITTED ON: 2/3/2010

COMMENTS:

MY FAMILY AND I ARE TESTIFYING IN SUPPORT OF SENATE BILL 2365 FOR A TOTAL BAN ON FIREWORKS FOR THE FOLLOWING, PREVIOUSLY IGNORED, REASONS:

1. THE POPULATION HAS TRIPLED SINCE FIREWORKS WERE RELEVANT TO OUR NEW YEARS' CELEBRATIONS OF THE PAST. IT IS NO LONGER SAFE TO CELEBRATE IN THIS WAY WITH THIS POPULATION DENSITY.

2. THIS IS NOT A CULTURAL ISSUE, IT IS AN ENVIRONMENTAL AND GENDER ISSUE. NOT ONCE HAS ANYONE TALKED ABOUT THE GROUND WATER CONTAMINATION, THE OCEAN WATER CONTAMINATION IN ADDITION TO THE WELL KNOW AIR POLLUTION. THE AMOUNT OF LEAD AND ENVIRONMENTALLY UNSAFE PARTICULATES FALLING YEAR AFTER YEAR AND AFFECTING OUR LANDS AND SEAS IS A VERY REAL CONCERN BUT HAS BEEN IGNORED. THE CITY OF SAN DIEGO BANNED ALL CELEBRATIONS USING FIREWORKS THIS YEAR BECAUSE OF VERY REAL CONCERNS ABOUT THE DAMAGE THE FIREWORKS DO TO THE BAY AND SEA LIFE AND THAT IS JUST ONE SHOW AND ONE VENT. IMAGINE WHAT DAMAGE OUR NON STOP ILLEGAL AERIALS HAVE BEEN DOING.

3. LAST, THIS IS A GENDER ISSUE. ADOLESCENT MALES AND STUNTED ADOLESCENT MALES MAKE UP MORE THAN 90% OF THE FIREWORK USERS AND FIREWORKS ABUSERS. THEY DO NOT VOTE. THEY ARE RECKLESS, INCONSIDERATE AND TESTOSTERONE DRIVEN. AGAIN, THEY DO NOT VOTE. SO OUR QUESTION IS, IS WHY DO YOU CONTINUE TO SUPPORT ILLEGAL ACTIVITY BY A SMALL SEGMENT OF THE POPULATION THAT DOES NOT EVEN VOTE? IT MAKES NO SENSE.

FINALLY, THERE APPEARS TO BE AN UPTAKE IN SENIOR DEATHS IN JAN., FEB, AND MARCH AND I AM CERTAIN AN EPIDEMIOLOGICAL STUDY WOULD PROVE THAT MANY OF THOSE DEATHS ARE DIRECTLY RELATED TO THE AIRWAY EXPOSURE TO THE MICROSCOPIC PARTICULATES FROM THE AIR POLLUTION TRIGGERED BY THE SHEER MASS OF FIREWORKS. FIREWORKS SIMPLY KILL THE MOST VULNERABLE WITH PNEUMONIA SECONDARY TO FIREWORKS EXPOSURE AND THE LODGING IN THE LUNGS OF THESE SPORES.

PLEASE STOP THIS MADNESS, PLEASE LISTEN TO THE SILENT MAJORITY, PLEASE STOP FAVORING THE ADOLESCENT MALES AND STUNTED ADOLESCENT MALES IN HAWAII WHO DO NOT VOTE.

PLEASE PUT HAWAII INTO FIRST WORLD CIVILIZATION AND OUT OF THE DARK AGES. THANK YOU.

FROM: DANNY CLARK
SENT: WEDNESDAY, FEBRUARY 03, 2010 8:31 AM
TO: PSM TESTIMONY
SUBJECT: S.B. 2365-RELATING TO CONSUMER FIREWORKS, H.B 2909-
RELATING TO DANGEROUS WEAPONS, H.B. 2271-RELATING TO EXPLOSIVES,
H.B. 2068-RELATING TO FIREWORKS, H.B. 2114-RELATING TO FIREWORKS

DEAR COMMITTEE MEMBERS:

THE PROLIFERATION OF AERIAL FIREWORKS AND "BOMBS" IS OUTRAGEOUS. THE PEOPLE SHOOTING OFF THESE THINGS ARE NOT DOING IT FOR RELIGIOUS OR CULTURAL REASONS; THESE TYPES OF FIREWORKS HAVE NEVER BEEN PART OF RELIGIOUS OR CULTURAL RITES. THEY START SHOOTING THEM OFF AROUND THANKSGIVING, AND SINCE WHEN ARE FIREWORKS A PART OF CHRISTMAS? IT'S HARD TO ASSIST THE POLICE IN IDENTIFYING THE CULPRITS BECAUSE THE AERIALS ARE FLYING ALL OVER THE PLACE, AND THE LOUD "BOMBS" ECHO ALL AROUND. IT'S LIKE BEING IN THE MIDDLE OF A BATTLEFIELD; I DON'T BELIEVE MOST CITIZENS LIKE HAVING THIS CACOPHONY IMPOSED ON THEM YEAR IN AND YEAR OUT—IT RUINS THE HOLIDAYS FOR THE MAJORITY OF RESIDENTS. IF PEOPLE WANT TO SEE THOSE KINDS OF PYROTECHNICS, THEY SHOULD GO TO A DISPLAY CONDUCTED BY PROFESSIONALS AWAY FROM RESIDENTIAL AREAS; IT WOULD BE MORE SENSIBLE AND SAFER. HOW MANY FIRES AND INJURIES WILL IT TAKE TO GET ACTION? WHEN WILL THERE BE SOME ALOHA FOR THOSE WITH RESPIRATORY PROBLEMS? WHY SHOULD THEY HAVE TO LOCK THEMSELVES IN AN AIR-CONDITIONED ROOMS DURING THE HOLIDAYS? BOTH THE FIRE DEPARTMENT AND THE POLICE DEPARTMENT SUPPORT A TOTAL BAN ON FIREWORKS; WE SHOULD BACK THEM UP. BANNING FIREWORKS IS A NO-BRAINER FOR THOSE WITH BRAINS.

RESPECTFULLY SUBMITTED,
DANNY S. CLARK
94-382 KEEHUHIWA STREET
MILILANI, HI 96789
(808) 623-9177

February 3, 2010

TO: The Honorable Wil Espero, Chair
 The Honorable Robert Bunda, Vice-Chair
 The Honorable J. Kalani English
 The Honorable Mike Gabbard
 The Honorable Brickwood Galuteria
 The Honorable Michelle Kidani
 The Honorable Fred Hemmings
 Senate Committee on Public Safety and Military Affairs

SUBJECT: S.B. 2365 – TOTAL BAN ON CONSUMER FIREWORKS

I strongly support S.B. 2365 that imposes a total ban on consumer fireworks. Please consider the following in your deliberation:

1. **Why compromise our air and water quality with sulphur dioxide from fireworks?**

Volcanic emissions have already caused detrimental effects to the vegetation on the Big Island, so why are we introducing more toxic material into our environment when there is a mandate to clean up our environment?

2. **Why tolerate exploding bombs that create a virtual war zone?**

It is now February and bombs are still going off. Imagine the cache of fireworks that are still in homes waiting for the perfect time to explode.

3. **Should we delay this ban until a fatal injury occurs, more homes burn or extreme health problems develop?**

As legislators who can make a difference, I seriously urge passage of this bill to ban consumer fireworks statewide.

A CONCERNED VOTER

SB2365, Relating to Consumer Fireworks

DATE Thursday, February 4, 2010

TIME: 2:00 p.m.

PLACE: Conference Room 229

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Robert Bunda, Vice Chair

SUPPORT

Dear Chair Espero, Vice Chair Bunda and members of the committee:

I support the passage of this bill because the residential fireworks has become an irritant. I previously opposed total ban of fireworks, but believe it's time for a change. The fireworks being ignited by the residents have become very dangerous for humans as well as the animals, not only the smoke, but the loud explosive sounds.

I remember how the fireworks bothered my brother after his return from WWII, and this was when we only played with small firecrackers. Can you imagine the awful effect those huge "bomb" rockets must have on our veterans today.

Thank you for your consideration.

Aloha,
E. Funakoshi

From: Carol Hagiwara

Sent: Wednesday, February 03, 2010 2:01 PM

To: PSM Testimony

Subject: Committee on Public Safety and Military Affairs - Thursday, February 4, 2010

SB 2365 - RELATING TO CONSUMER FIREWORKS;
Thursday, Friday 4, 2010 at 2:00 p.m.

I am in STRONG SUPPORT of a TOTAL BAN on consumer fireworks except for permitted religious or cultural purposes.

For far too long, the silent majority of the citizens of Oahu have demonstrated *aloha* and tried to accommodate the vocal minority who have claimed their right to create noise and air pollution under the guise of "tradition" and religion/cultural practices.

NO MORE! The attempts to recognize "tradition" have been met with increasingly blatant disregard of the law and disrespect of other residents with the concussion bombs, illegal aeriels and excessive noise/pollution.

The claim of "tradition" and religious observance has been misused for many, many years. Now, the current use of consumer fireworks is simply extreme self-indulgence.

It is ridiculous that legislators have consistently ignored the advice of the professionals we are paying as our police and fire fighters.

Why does government permit pollution that jeopardizes the health of its citizens? Why are people with respiratory problems expected to find their own safe havens?

It is futile to expect our police and firefighters to enforce laws that cannot be enforced. The only other realistic option is a total ban on consumer fireworks. Fireworks for religious and cultural purposes will still be available.

Please embrace your responsibility as the Committee on PUBLIC SAFETY and impose a total ban on consumer fireworks except for permitted bona fide religious or cultural purposes.

Thank you.

Carol S. Hagiwara
94-600 Lanikuhana Avenue
Mililani HI 96789
808-623-6366

---ORIGINAL MESSAGE---

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV [MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 03, 2010 2:33 PM
TO: PSM TESTIMONY
SUBJECT: TESTIMONY FOR SB2365 ON 2/4/2010 2:00:00 PM

TESTIMONY FOR PSM 2/4/2010 2:00:00 PM SB2365

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: STANN W. REIZISS, PH.D.
ORGANIZATION: INDIVIDUAL
ADDRESS:
PHONE:
SUBMITTED ON: 2/3/2010

COMMENTS:

FROM: INTERN2_INOUYE@INOUYE.SENATE.GOV
SUBJECT: RE: FIREWORKS=TERRORISM
DATE: FEBRUARY 3, 2010 1:51:30 PM HST

DR. REIZISS:

THANK YOU FOR YOUR INQUIRY.

ON YOUR BEHALF, WE CONTACTED U.S. DEPARTMENT OF HOMELAND SECURITY, CUSTOMS AND BORDER PROTECTION (CBP) AND THEY INFORMED US THAT ANY FOREIGN ARRIVING SHIPMENTS ARE SUBJECT TO INSPECTION BY CBP UNDER 19 CFR. CBP ASSISTS OTHER AGENCY'S WITH THEIR REQUIREMENTS, SINCE CBP IS THE FIRST TO SEE ANY ARRIVING IMPORTS INTO THE UNITED STATES. AS FOR THE FIREWORKS, CBP DOES REVIEW THE CARGO AND ALSO FOR THE PROPER PERMITS FOR THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVE AND THE FIRE DEPARTMENT. ALTHOUGH ONE MAY THINK THAT ALL FOREIGN ARRIVING CONTAINERS COME DIRECTLY INTO HAWAII, THAT IS NOT SO, MANY ARRIVE ON WEST COAST PORTS ONLY TO BE SHIPPED DOMESTICALLY TO HAWAII, MAKING THEM DOMESTIC CARGO, OF WHICH CBP IN HAWAII WOULD HOLDS NO LEGAL AUTHORITY.

WE ALSO CONTACTED THE HAWAII DEPARTMENT OF TRANSPORTATION, HARBOR DIVISION REGARDING YOUR QUESTION ABOUT FIREWORKS AND UN-INSPECTED CONTAINERIZED CARGO AS IT RELATES TO COMMERCIAL HARBORS IN HAWAII. THEY INFORMED US THAT THEY WILL RESPOND TO YOU DIRECTLY.

ALAN T. YAMAMOTO
OFFICE OF SENATOR DANIEL K. INOUYE

Dear Members,

I would like to urge all of you to please consider in passing a total ban on fireworks, except in religious purposes.

The illegal fireworks as you well know have reached a level of reprehensible action. I know that its difficult, especially during an election year to end a practice that has gotten so out of control that it's frightening. The bombs that go off, since before Thanksgiving in my area, rattle my windows. The noise causes my dogs to shake in fright and bark uncontrollably. My mother who is not well and is 89 years old jumps and yells when she is frighten by these illegal bombs. I believe enough is enough, it must end in a total ban. To do any less will not achieve the outcome that we all want and will not be inforceable.

May I even make some suggestions:

I believe that State of Hawaii should be the supplier of any and all fireworks.

Anyone who wants fireworks for a religious or whatever reason must have a permit (\$500.00) from the state.

Anyone caught importing fireworks into the state illegally shall be charged with a class C felony. (minimum)

Anyone caught with illegal fireworks should be charged with a misdemeanor, anyone setting off illegal fireworks shall be charged with a class C felony.

The ban must be enforceable, as it now the police are powerless to do much.

The penalty must be strong to deter the people who commit theses crimes, a \$25.00 fine, a violation, a citation issued will not deter anyone, have the current laws stopped illegal chicken fights? You all know the answer to that.

I am not able to testify in person as I will be off island, I know my suggestion is shared by a lot of people I know. Please listen to the voters regarding this issue. I return home on Feb. 9, 2010.

Respectfully submitted,
Morris DeRego
Retired Honolulu Police Lieutenant
Cell: 808 368-3531

Sent: Wednesday, February 03, 2010 1:38 PM

To: PSM Testimony;

Subject: DATE 2/4/10, 2:00PM, ROOM 229/ FIRE WORKS ISSUE

DEAR POLITICIANS,

I AM NOT AGAINST FIREWORKS, JUST THE ILLEGAL ONES.

WE HAVE HAD LAWS AND RULES AGAINST THE ILLEGAL STUFF, SUCH AS ROCKETS AND BOMBS FOR A LOT OF YEARS.

IT APPEARS THE LAW IS NOT DOING ANYTHING, APPEARS TO BE MORE OF A JOKE.

EACH YEAR MORE FIREWORKS ARE USED, IT INCREASES EACH YEAR. THE ILLEGAL STUFF.

TO ME IT IS SIMPLE WHERE IT IS COMING FROM. THERE IS ONLY A CERTAIN AREA IN CHINA WHERE FIREWORKS ARE MANUFACTURED AND SHIPPED FROM. SO ANY CONTAINERS COMING IN SHOULD BE SEARCHED.

IT APPEARS THE LAWS ARE NO GOOD. SINCE WE CANNOT CONTROL THE IMPORTATION OF ILLEGAL'S.

THEN WE NEED OUTLAW FIREWORKS EXCEPT BY THE PROFESSIONALS

**ALOHA
JOHN EPPLING**

RE: Senate bill 2365 relating to consumer fireworks
2/4/10 2pm Conference Room 229

Please accept my written testimony to support the ban on all personal fireworks.

I am a Registered Nurse who worked for many years in the Emergency Department, so I have seen the damage that these fireworks can do on some of the people in our community.

On a more personal level, each year from October to November, fireworks play havoc with the sanity of the neighborhood. It affects those vulnerable citizens, the war vets, the elderly, the mentally and physically challenged, our babies, and our poor animals. Our two dogs shake, hide, bark, and are unconsolable. We are now senior citizens and each year's fireworks seem to wrack our nerves worse and worse. The bombs are particularly unnerving.

It is now a matter of public safety and it is the responsibility of the legislature to stop this madness. The harm done by personal fireworks is incalculable.

Please, please, pass this bill so that I may survive the winter holidays in peace.

Maryann Roylo,

Citizen Testimony

We are FOR S.B 2365

Enough!

We lost a 13 year member of our family this New Years. Our cat 'Shadow', while already frail, just could not deal with all the bombs and smoke. We miss her beyond words.

It is time to BAN all personal aerial fireworks and explosive percussive devices in Hawaii during the next legislative session and at the City/County level. My wife and I went thru the 'celebration' where the windward side looked and sounded like WWII. My lungs, eyes and ears still hurt! The problem is not just on Oahu however our dear friend Karen Jennings lost her Dog of 10 years due to fireworks.

I am all for celebration, you know we Irish love to party, but how much longer will we allow a rabid few who won't follow the law harm the lungs and peace of mind of the rest of us? Where are those that say they care about the aina and kai?

A few other points to consider....

1) In addition to several cats and dogs dying from fireworks, a horse died on NY Eve, too. Also, service dogs upon whom the disabled depend for lifesaving tasks can be permanently injured or killed themselves, leaving the disabled person up the creek without a paddle for an indefinite period of time, exposing them to danger, and incurring great expense to replace the service dog.

2) Fireworks contain, in addition to lead and arsenic, radioactive barium, carcinogenic perchlorate, and MANY other highly toxic compounds that stay in the environment indefinitely, and have been shown to contaminate drinking water.

3) The percussive blasts of even legal fireworks are enough to cause permanent hearing damage. The blast levels from the illegal _military grade explosions_ can cause traumatic brain injuries or death, as have been sustained by many of our troops.

4) Endangered species are put at risk from fireworks displays. Between the noise, lights, debris, and toxic air and runoff the potential for damage is very likely. Sea turtles in Florida have been known to ingest fireworks debris that ends up in the ocean, and with increasing numbers of our critically endangered monk seals breeding in the main islands, they are being put in even more danger, too.

5) The term "cultural purposes", as it pertains to fireworks use, opens up a HUGE loophole that will undoubtedly be used by those who want to set off fireworks indiscriminately. It needs to be deleted from the bill.

Today's modern aerial fireworks are a threat to public safety, the environment and our health. Please contact your representatives and let your voice be heard. Never again should the citizens of Hawaii and Oahu have to put up with this. And I look forward to actively campaigning against any public official who refuse to see the wisdom of this course

Sincerely,

Tom McAuliffe
Hawaii Citizen
45737 Apuakea St.
Kaneohe, HI 96744

GOOD EVENING;

MY TESTIMONY IS ABOUT SB 2365, RELATING TO CONSUMER FIREWORKS.

IMPOSES A TOTAL BAN ON CONSUMER FIREWORKS EXCEPT FOR PERMITTED RELIGIOUS OR CULTURAL PURPOSES.

DATE:

THURSDAY, FEBRUARY 4, 2010

TIME:

2:00 P.M.

WE HAVE JUST SURVIVED ANOTHER NEW YEAR'S "CELEBRATION". LET'S REVIEW WHAT THIS MEANT TO A TYPICAL CITIZEN (I LIVE IN MILILANI, BUT OUR EXPERIENCE IS THE RULE, NOT THE EXCEPTION):

- THE ILLEGAL FIREWORKS NOISE, WITH RESULTING BARKING DOGS, CAR ALARMS, AND INTERRUPTED SLEEP, BEGINS THE DAY AFTER CHRISTMAS IF YOU'RE LUCKY; THE DAY AFTER THANKSGIVING IF YOU'RE NOT. CALLING THE POLICE IS NOT FEASIBLE - WHO KNOWS WHERE THE AERIALS ARE BEING LAUNCHED FROM? THESE CRIMINALS HAVE TO BE LITERALLY CAUGHT IN THE ACT.

- I MAKE SURE THAT NONE OF OUR FOUR CARS ARE IN THE STREET NEAR NEIGHBORS WHO WILL LIGHT FIREWORKS. IF NOT, SCORCH MARKS AND TRASH ON THE CAR ARE VIRTUALLY GUARANTEED. THEY'RE NOT CARELESS, BUT YOU CAN'T CONTROL WHERE SOME OF THIS STUFF GOES.

- CLOSE EVERY WINDOW AND DOOR TO CUT DOWN ON THE SMELL AND THE NOISE COMING INTO THE HOUSE. DOESN'T WORK COMPLETELY, SO KEEP BENADRYL HANDY.

- WE KEEP OUR DOG IN BED WITH US, UNDER THE COVERS. HE WILL FREAK OUT OTHERWISE. OUR NEXT DOOR NEIGHBORS HAVE TO PUT ONE OF THEIR DOGS ON A CANINE VERSION OF VALIUM.

- ALL DAY ON THE 31ST, WE HEAR "HARASSING AND INTERDICTION FIRE". EVERYTHING FROM BOTTLE ROCKETS AND FIRECRACKERS TO THESE TREMENDOUSLY LOUD EXPLOSIONS THAT SOUND LIKE A MORTAR ROUND. AFTER EACH ONE OF THESE, CAR ALARMS IN CLOSE PROXIMITY SCREAM FOR THE NEXT FIVE MINUTES...JUST IN TIME FOR THE NEXT EXPLOSION. WHEN NIGHT FALLS, IT'S CONSTANT NOISE AND THICK SMOKE, LIKE THE WORST LONDON FOG. THE AUTHORIZED TIME WINDOW MEANS NOTHING. NEITHER DOES THE BAN ON AERIALS - EVERYBODY SEEMS TO HAVE THEM, AND THEY LAUNCH THEM WITH IMPUNITY. I HOPE THE SAME PEOPLE WHO GET THE AERIALS INTO THE STATE DON'T DECIDE TO BRANCH OUT INTO EXOTIC REPTILES, FIREARMS, OR ILLEGAL DRUGS. IF YOU CAN SNEAK CANNONBALLS IN...

- DON'T PLAN ANYTHING IMPORTANT EARLY ON THE 1ST, BECAUSE SLEEP WON'T BE POSSIBLE UNTIL 1:30 AM AT THE EARLIEST. I KNOW, THE FIREWORKS PERIOD IS SUPPOSED TO END AT 1AM ON NEW YEAR'S, BUT THEY KNOW THERE ARE NOT ENOUGH POLICE TO SHUT EVERYONE DOWN AT 1AM, SO THEY KEEP GOING.

- THE NEXT MORNING, I SURVEY THE BATTLEFIELD. FIREWORKS TRASH IS EVERYWHERE, WITH SIDEWALKS AND STREETS SCORCHED. JUST ON MY PROPERTY, I CLEAN UP OTHER PEOPLES' MESS. LATER THAT MORNING, WHEN THE SUN GETS WARM, THE PYROMANIACS COME OUT AND CLEAN UP AFTER THEMSELVES. THE REST OF US HAVE ALREADY DRIVEN OVER ALL THAT JUNK...THANKS.

- THE NEXT FEW NIGHTS, MORE FIREWORKS. I DON'T KNOW IF THEY'RE LEFTOVERS, OR CLOSEOUT FIREWORKS PEOPLE BOUGHT FROM THE BIG TENTS ON THE VACANT LOTS - THEY CERTAINLY DON'T WANT TO STORE THEM FOR A YEAR OR SHIP THEM BACK TO CHINA.

A BAN ON FIREWORKS IS LONG PAST DUE. I'VE HEARD ALL THE "TRADITION" ARGUMENTS AGAINST A BAN. NONSENSE. THESE PEOPLE AREN'T MOTIVATED BY TRADITION. BUT, LET'S SAY IT IS A TRADITIONAL ARGUMENT. I CAN POINT TO A LOT OF THINGS WE USED TO DO AS SOCIETAL TRADITIONS THAT ONCE ENLIGHTENED, WE STOPPED THEM. CHILD FACTORY LABOR, "SEPARATE BUT EQUAL", GIVING DRUNK DRIVERS A PASS, ARE ALL EXAMPLES OF PRACTICES WE DIDN'T GIVE A SECOND THOUGHT TO AT ONE TIME, BUT THEY WOULD BE CONSIDERED BYZANTINE NOW.

IF YOU NEED A REASON TO DO THIS, THE SMOKE ALONE SHOULD BE ENOUGH. WE HAVE A LAW THAT PROHIBITS SMOKING WITHIN 50 FEET OF A RESTAURANT ENTRANCE. WHY? TO CUT DOWN ON THE HEALTH HAZARDS FROM SECOND-HAND SMOKE. WELL, I APPRECIATE THAT, BUT YOU KNOW WHAT? I'M GETTING MORE SECOND HAND SMOKE FROM FIREWORKS THAN I AM FROM THE SMOKER NEXT TO ME. LET'S DO AWAY WITH THIS ONCE AND FOR ALL. DON'T GO HALFWAY, WITH NEIGHBORHOOD OR COUNTY OPTIONS. IF WE DO, WE'LL HAVE THE SAME ISSUE. NOTHING WILL PREVENT SCOFFLAWS FROM BRINGING FIREWORKS ALLOWED IN WAIPAHU UP TO MILILANI WHERE THEY AREN'T, FOR EXAMPLE. CULTURAL EXCEPTIONS SHOULD BE CITY SANCTIONED EVENTS, NOT SOME RUBE GETTING A CULTURAL PERMIT BECAUSE HE'S ONE-EIGHTH CHINESE.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY.

SINCERELY,

DAVID HAZLETT
95-1024 HAALOHI ST
MILILANI, HI 96789

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

NOTICE OF HEARING

DATE: Thursday, February 4, 2010
TIME: 2:00 p.m.
PLACE: Conference Room 229

State Capitol

415 South Beretania Street

Dear Senators:

I am writing in SUPPORT of SB 2365 which, if passed, will impose a total ban on consumer fireworks except for permitted religious or cultural purposes.

I hope that this bill passes because as of this past New Year's eve going into 2010, I've noticed the illegal use of fireworks has increased tremendously. What bothered me most was that the fireworks were going off up to a week before and after New Years eve, at all times of the day and night, EVERY DAY AND NIGHT with absolutely no enforcement by the HPD. It was difficult to get a good nights sleep. In fact, my dog is also still feeling the ill effects, because she will not go outside to defacate in the day, but only in the middle of the night, in which I have to let her out thus robbing myself of a decents night sleep.

I urge you to please pass SB 2365.

Respectfully,

Naomi Egami
Honolulu, Hawaii

**Testimony on Senate Bill 2365
Relating to Fireworks**

**For: Committee on Public Safety and Military Affairs
Chair William Espero**

RE: Testimony in Support of SB2365

Dear Chair Espero, Vice Chair Bunda and committee Members:

We are residents of Waipio Gentry and Sea View and we support a total ban on all fireworks except for professional public displays on New Year's Eve, Chinese New Year and Fourth of July.

In the past few years the fireworks in the residential areas have gone beyond the traditional, respectful use of fireworks used in the past. For example, this year was the worst. Aerials were being set off from October, 2009, and continued until the end of January, 2010. The last aerial was set off on January 29, around 8pm.

About a week ago, my fiancé and I took the time to walk around the neighborhood, searching for the culprits, but with no luck. At the same time, another adult came by as he was riding his bike. He was looking for the guys that were setting off the aerials because his "young son was really scared".

Another incident happened while we were walking around the neighborhood. We confronted some neighbors that were setting off aerials. We told them that they were making a LOT of noise and endangering the neighborhood homes (possible fires). We also advised that we would report them to the authorities. They were wondering why we were picking on them when everyone else was setting off aerials too. Later that evening, the same group of guys started swearing at us.

All vehicles that are parked on the street and in the area of a residential home were covered with debris.

My biggest complaint is health related. Not only do I suffer from asthma, I know a lot of other people who have the same condition. Most of us have to use our "inhaler" during that week as well as other medication to help the asthma attacks.

The City and County is so concerned about storm water run-off. What happens to all the debris from the fireworks after the heavy rains hit the islands.

I would respectfully request that you pass any bill that would ban illegal fireworks in the State of Hawaii.

Vanessa D. Kennison
Warren K. Danielson
94-953 Lumiloke St
Waipahu, HI 96797

TO: Committee on Public Safety and Military Affairs

DATE: Wednesday, February 03, 2010

FROM: Asa and Orion Iwasa, ages 7 and 11
1331 Lunalilo Home Road
Honolulu, HI 96825
808-396-7721

HEARING: Thursday, February 4, 2010, 2 p.m.

SUBJECT: SB2365 Relating to Consumer Fireworks - **Oppose**

Aloha Chair Espero and Committee Members,

Asa was born on January 1, and we think using fireworks is a good way to celebrate his birthday, New Year's and the fourth of July. We know some fireworks are illegal and can cause fires and other problems when used improperly. Rather than banning fireworks, we would like to see more enforcement of the illegal ones.

Please do not ban fireworks. Thank you for this opportunity to testify.