

SB 2504

Measure Title:
RELATING TO CARGO INSPECTIONS

Report Title:
Cargo Inspection; DOD; DOT

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 2504
A BILL RELATING TO CARGO INSPECTIONS

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

BY

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

February 4, 2010

Chair Espero and Committee Members:

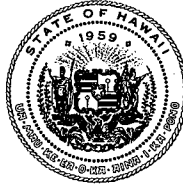
I am Major General Bob Lee, Director of Civil Defense, State Department of Defense. I am providing testimony that opposes Senate Bill 2504.

The proposed bill requires the State Departments of Defense and Transportation to meet with various government agencies and private organizations for the purpose of developing a plan to increase random inspection rates of incoming domestic cargo from five percent to ten percent by January 1, 2013, and to twenty-five percent by January 1, 2015.

We believe that a plan to increase random inspections of domestic cargo will require added resources in terms of money, equipment, technology, and manpower. While we believe that such a plan could serve the interests of public safety and security, an increase of random inspections of incoming cargo could result in unintended delays in delivery schedules.

We recommend that the proposed bill be deferred and that the Chair consider placing the language of Senate Bill 2504 in a senate resolution that would provide appropriate agencies to look into the issue and determine feasible courses of action.

Thank you for the opportunity to provide written testimony on Senate Bill 2504.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 4, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION
SENATE BILL NO. 2504, RELATING TO CARGO INSPECTIONS
COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS

The Department of Transportation (DOT) offers the following comments to this bill.

As a point of clarification, it is our understanding that neither all containers from foreign ports nor all domestic agriculture cargo from the mainland are inspected for invasive species. Given current operational practices by our harbor users, such inspection practices would severely restrict the throughput of containers and goods into a community that depends on "just-in-time" service for their daily consumption needs and negatively impact the flow of commerce into Hawaii as 80% of all consumed goods in Hawaii is imported through our commercial harbors.

While a noble effort to mitigate unknown risks, increasing the random inspection rate of domestic cargo from five percent to twenty five percent to detect and remove illegal contraband smuggled into the State will require significant increases in resources and manpower, as well as long-range operational planning with our harbor users. It is unlikely such a plan could be developed and submitted to the 2011 Legislature and we would respectfully request more time to work with industry on any plan to be proposed to the Legislature.

As currently structured, DOT does not have authority to inspect incoming cargo and relies more appropriately on its State and Federal partners to provide the inspections of cargo imported through the commercial harbors system and information from these agencies to determine how containers are inspected from a risk-based approach should be considered in any legislation increasing the random inspection rates of commercial harbor containers. Inspection of cargo is not part of the DOT's mission, nor should it be, as this responsibility is more appropriately housed in the Department of Agriculture and the Department of Defense.

Linda Lingle
Governor



Darwin L.D. Ching
Director

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

February 3, 2010

The Honorable J. Kalani English, Chair
Committee on Transportation, International and
Intergovernmental Affairs
The State Senate
State Capitol, Room 205
Honolulu, Hawaii 96813

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

Dear Chairs English and Espero:

Subject: S.B. 2504 Relating to Cargo Inspections

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.
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.

The Honorable J. Kalani English, Chair
The Honorable Will Espero, Chair
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4. We believe the majority of legal and illegal fireworks enter the state through shipping containers, and we support gradually increasing random container inspections by the various federal, state, and private agencies to help control the illegal importation of fireworks.

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

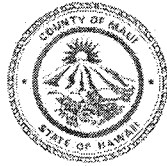
Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:bh

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 2, 2010

The Honorable J. Kalani English, Chair
Committee on Transportation, International and
Intergovernmental Affairs
The State Senate
State Capitol, Room 205
Honolulu, Hawaii 96813

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

Dear Chairs English and Espero:

Subject: S.B. 2504 Relating to Fireworks

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a Member of the State Fire Council (SFC). The MFD and the SFC 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 the illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

The Honorable J. Kalani English, Chair
The Honorable Will Espero, Chair
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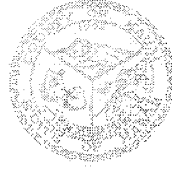
4. We believe the majority of both legal and illegal fireworks enter the state through shipping containers and we support gradually increasing random container inspections by the various federal, state and private agencies to help control the illegal importation of fireworks.

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

Sincerely,



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 2, 2010

The Honorable J. Kalani English, Chair
Committee on Transportation, International and
Intergovernmental Affairs
The State Senate
State Capitol, Room 205
Honolulu, Hawaii 96813

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

Dear Chairs English and Espero:

Subject: S.B. 2504 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 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 the illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

The Honorable J. Kalani English, Chair
The Honorable Will Espero, Chair
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4. We believe the majority of both legal and illegal fireworks enter the state through shipping containers and we support gradually increasing random container inspections by the various federal, state and private agencies to help control the illegal importation of fireworks.

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 long, sweeping underline.

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld