

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

IN REPLY REFER TO:

March 23, 2011

COMMENTS OF THE DEPARTMENT OF TRANSPORTATION  
SENATE BILL NO. 169, SD1, RELATING TO CARGO INSPECTIONS  
COMMITTEE(S) ON TRANSPORTATION  
AND  
PUBLIC SAFETY AND MILITARY AFFAIRS

The Department of Transportation (DOT) provides comments to SB No. 169, SD 2 which provides the Departments of Defense and Transportation the option to develop a pilot three year program with the usage of dogs to inspect incoming cargo at off-harbor property sites or illegal fireworks and explosives smuggled into the State.

- The DOT has no assurances that federal grant monies will be available because the Port Security Grants Program places priorities created by the port risk and mitigation plans.
- Ports across the nation are terribly underfunded in its security programs, thus meeting other priorities in security. The DOT will have to compete with other ports in order to secure a grant for canine capabilities to inspect cargo at off-harbor property sites for illegal fireworks and explosives.
- Should the DOT obtain approval from the maritime community and Maritime Security Executive Subcommittee, the Port Security Grant allows only one dog a year. The cost of a dog handler will be a cost to the DOT.

- If the dog identifies an item, the DOT continues to have the same concerns raised by federal, state, and county law enforcement professionals with regards to:
  - Constitutional ability to open a package (DOT has no investigators or prosecuting attorneys to assist in addressing this issue.)
  - Having trained professionals to isolate the explosives or illegal fireworks from the freight forwarder site (DOT has no trained bomb squad.)
  - Having a trained bomb squad open the suspect package for illegal fireworks/explosives and/or dismantle an improvised explosive device (DOT has no trained bomb squad.) .
  - Storing the illegal fireworks or improvised explosive device for evidence (chemicals in the fireworks degrade in storage making the fireworks unstable creating a safety concern.)
  - Disposing of the illegal fireworks (options are limited.)

The above comments are similar to and reiterated as continued comments regarding constitutional/search and seizure issues involved in the inspection of containers.



STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8842 / Fax: (808) 586-9099  
Email: [dilr.director@hawaii.gov](mailto:dilr.director@hawaii.gov)

March 21, 2011

The Honorable Joseph Souki, Chair  
Committee on Transportation  
House of Representatives  
State Capitol, Room 433  
Honolulu, Hawaii 96813

The Honorable Henry Aquino, Chair  
Committee on Public Safety and Military Affairs  
House of Representatives  
State Capitol, Room 419  
Honolulu, Hawaii 96813

Dear Chairs Souki and Aquino:

Subject: S.B. 169, S.D. 2 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 support the intent of S.B. 169, S.D. 2 and offer the following comments:

1. We support the statewide ban of consumer fireworks, except for special events and professional public fireworks displays.
2. We believe each county should continue to determine potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
3. We support measures that make for easier arrest and prosecution of the illegal purchase, possession, setting off, igniting, or discharging of fireworks and increase penalties and consequences for convictions of fireworks violations.

The Honorable Joseph Souki, Chair  
The Honorable Henry Aquino, Chair  
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4. We support measures that clarify the current Fireworks Control Law (Chapter 132D, Hawaii Revised Statutes) and promote the effective enforcement and administration of fireworks permits and licenses for regulatory agencies.

The SFC and the HFD urge your committee's support on the passage of S.B. 169, S.D. 2.

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

Sincerely,



KENNETH G. SILVA  
Chair

KGS/LR:cn

**Bernard P. Carvalho, Jr.**  
Mayor



**Robert F. Westerman**  
Fire Chief

**Gary K. Heu**  
Managing Director

**John T. Blalock**  
Deputy Fire Chief

**KAUA'I FIRE DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
3083 Akahi Street, Suite 101, Līhu'e, Hawai'i 96766  
TEL (808) 241-4980 FAX (808) 241-6508

March 21, 2011

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Committee on Transportation  
House of Representatives  
State Capitol, Room 433  
Honolulu, Hawaii 96813

The Honorable Henry Aquino, Chair  
Committee on Public Safety and Military Affairs  
House of Representatives  
State Capitol, Room 419  
Honolulu, Hawaii 96813

Dear Chairs Souki and Aquino:

**Subject: S.B. 169, S.D. 2 Relating to Cargo Inspections**

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 S.B. 169, S.D. 2 and offer the following comments:

1. We support the statewide ban of consumer fireworks, except for special events and professional public fireworks displays.
2. We believe each county should continue to determine potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
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The Honorable Henry Aquino, Chair  
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Page 2

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The SFC and the KFD urge your committee's support on the passage of S.B. 169, S.D. 2.

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

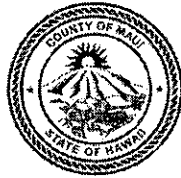
Sincerely,



Robert Westerman  
Fire Chief, County of Kaua'i

RFW/eld

ALAN M. ARAKAWA  
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  
EMAIL: fire.dept@mauicounty.gov

March 21, 2011

The Honorable Joseph Souki, Chair  
Committee on Transportation  
House of Representatives  
State Capitol, Room 433  
Honolulu, Hawaii 96813

The Honorable Henry Aquino, Chair  
Committee on Public Safety and Military Affairs  
House of Representatives  
State Capitol, Room 419  
Honolulu, Hawaii 96813

Dear Chairs Souki and Aquino:

Subject: S.B. 169, S.D. 2 Relating to Cargo Inspections

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 support the intent of S.B. 169, S.D. 2 and offer the following comments:

1. We support the statewide ban of consumer fireworks, except for special events and professional public fireworks displays.
2. We believe each county should continue to determine potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
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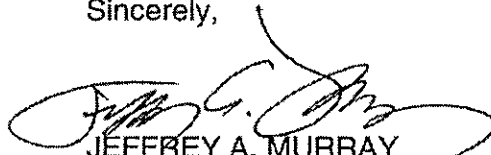
The Honorable Joseph Souki, Chair  
The Honorable Henry Aquino  
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March 22, 2011

4. We support measures that clarify the current Fireworks Control Law (Chapter 132D, Hawaii Revised Statutes) and promote the effective enforcement and administration of fireworks permits and licenses for regulatory agencies.

The MFD and the SFC urge your committee's support on the passage of S.B. 169, S.D. 2.

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

Sincerely,



JEFFREY A. MURRAY  
Fire Chief