



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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February 1, 2011

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

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

Dear Chairs Espero and English:

Subject: S.B. 169 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 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.

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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 committees' support on the passage of S.B. 169.

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

Sincerely,




KENNETH G. SILVA
Chair

KGS/LR:cn

LATE TESTIMONY

January 31, 2011

TO: SENATOR WILL ESPERO, CHAIR
PUBLIC SAFETY, GOVERNMENT OPERATIONS, MILITARY AFFAIRS

FROM: JASON TABIOLO ESPERO 

SUBJ: SENATE BILL 169

I am writing in support of SB169 which would use explosive sniffing dogs to help find illegal fireworks and other explosives entering Hawaii via our harbors and cargo containers. The use of illegal fireworks has increased in recent years, and many residents are seeking relief from the odd/wrong hours of use, loud bomb-like explosions, and excessive smoke. This measure will help in the battle since there is no existing effort to inspect containers for explosives.

The Illegal Fireworks Task Force recently released its report to the Legislature, and this is one of the recommendations from the task force. I have attached pages 17 & 18 of the report for your review.

This is one idea or measure which will benefit the fight against illegal fireworks and the smuggling of explosives in our state.


logistically challenging to conduct searches for illegal fireworks. Until technology allows inspection of all shipping containers at a rate that accommodates the flow of commerce, new strategies are needed to target cargo inspections in a way that is both efficient and effective.

There are deficiencies in both air and shipping cargo inspections that provide avenues for illegal fireworks to enter Hawaii. Although the Task Force was informed that the majority of air cargo at some point in time is screened for drugs and explosives, fireworks are still coming into Hawaii undiscovered until packages are accidentally broken and their contents revealed.


With regard to shipping cargo inspections, additional equipment to inspect shipping containers is problematic because of a lack of designated spaces to station equipment. Congested terminal facilities and truck traffic may make inspections difficult. More significantly, as inspections increase, so do inefficiencies in commerce, which ultimately leads to higher costs for consumers. Time-consuming inspection processes may delay tight turnarounds for barging shipments to Neighbor Islands and other business schedules. Delivery of cargo to Neighbor Islands can begin less than a day after the cargo arrives in Honolulu from the mainland (16-19 hours). Furthermore, major retailers are highly reliant on just-in-time delivery of goods and immediate unloading and shelving of goods. Hence there is a need to balance safety concerns against efficient commerce to ensure that imports to Hawaii are not unnecessarily restricted or that consumer costs are not needlessly driven up.

Although the Task Force considered dog inspections conducted at the originating end of shipments, this would be logistically difficult because there is a short time window for consolidating containers and loading them onto ships. Accordingly, this would still result in delays and inefficiencies that would affect commerce. Further, it would be difficult to manage because shipments originate from all over the country.

Freight Forwarders



One suggestion made to target shipping cargo inspections and avoid delays and inefficiencies at the harbors was to use dogs to detect fireworks at freight forwarder locations after recipients pick up, open, and unload containers. The inspections would occur at some point after cargo is brought into warehouses for unloading and separation. The rationale is that freight forwarders handle the shipment of packages from many different clients, often consolidating packages from multiple sources into shipping containers. This collection of packages, many of which may contain personal effects shipped by individuals, provides ample opportunities for illegal fireworks to be brought into Hawaii. The purpose of conducting random inspections at freight forwarder locations would be to put illegal fireworks importers on notice that their packages may be subject to random inspection at any time and thus establish an effective deterrent.



Feedback from local freight forwarders on this inspection proposal brought several issues and concerns to light. For example, freight forwarders process not only personal cargo, but also commercial shipments. Shipping containers used by freight forwarders could therefore include a mix of packages shipped by individuals and businesses. Because it is commonly believed that

most illegal fireworks are shipped via personal packages, one consideration may be to figure out the percentage of freight forwarder shipments that are personal packages that would be the main targets of a random inspection program. It was noted that there are other types of shipping forwarders, different from freight forwarders, that specialize in shipping personal packages.

Freight forwarders also noted that if inspections are conducted at their locations, then common carriers should also be subject to the same scrutiny because consumer fireworks that were recently banned in Honolulu are still legal on the Neighbor Islands, and shipments handled by common carriers between islands could therefore contain fireworks heading back to a black market in Honolulu.

Other considerations include the frequency and timing of inspections with regard to potential disruptions of freight forwarder operations, although one freight forwarder noted that it was largely able to adjust to previous dog inspections for drugs conducted under a federal task force program. Another concern is that, because freight forwarders handle a lot of fireworks shipments on a seasonal basis, dogs searching for fireworks may be thrown off by the scent of fireworks residue from previous shipments or from the scent of firecrackers or other pyrotechnic devices that still may be legally imported into Honolulu.

Lack of Technology to Specifically Detect Fireworks

While the Task Force was told that at some point in the future, the Transportation Security Administration will inspect all air cargo, focusing on explosives and improvised explosive devices, there is no commercially viable technology yet to specifically detect fireworks in air or maritime cargo.

Port security has been enhanced only since the terrorist attack on September 11, 2001, and is behind the curve compared to airports. According to the Department of Transportation, there are ongoing efforts to integrate surveillance technologies with existing efforts for screening containers, but there are challenges regarding lack of space and resources.

This means that for now, cargo inspections that turn up illegal fireworks are mainly limited to: visual inspections and checks for cargo misdescriptions that are unlikely to find well-disguised contents hidden in a sea of packages; and occasional fluke discoveries from broken containers.

Dogs can be trained and used to detect fireworks in cargo and would cost approximately \$70,000 to \$80,000 per year for each dog with a full-time handler, excluding startup costs. The Task Force was informed that while the federal Port Security Grant Program includes possible funding for dogs and handlers, only one dog may be purchased each year.



LATE TESTIMONY

TO: The Honorable Will Espero , (Chair)
The Honorable Michelle Kidani , (Vice Chair)
and Members of the Public Safety Committee

The Honorable Kalani English , (Chair)
The Honorable Will Espero , (Vice Chair)
and Members of the Transportation Committee

DATE: Tuesday, February 1, 2011
2:45 PM Room 224

RE: SB 169 RELATING TO CARGO INSPECTIONS

POSITION: STRONG SUPPORT

My name is Fetu Kolio, I am testifying today on bill SB- 169, relating to inspections on shipping containers.

Cargos with explosives materials should always be first priority to insure the Public's Safety, protected under State and federal laws, ignoring the facts of the ongoing issues of illegal importation of aerial fireworks.

SB 169, would help setup a safety network across the State of Hawaii, including the neighbor islands, also STOP any terrorist organization, that would exploit our laws and use it against the people of the State Of Hawaii.

Furthermore, the BLACK MARKET system is generating millions of dollars in illegal revenue profits.

Thank you for hearing this bill and my testimony please pass SB 169.

FETU KOLIO, (Community Resident)

