



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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March 16, 2011

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

Dear Chair Aquino:

Subject: S.B. 171, S.D. 2 Relating to 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 support the intent of S.B. 171, S.D. 2, which proposes to ban the use, sale, and possession of aerial luminaries commonly known as sky lanterns, Hawaii lanterns, and flying luminaries, with the following recommended revisions:

1. Remove the designation of §132D and appropriately designate a new chapter and section. Aerial luminaries do not fall under the definition of a fireworks device and should not be included in this chapter.
2. Replace §132D (a) (2) with "The aerial luminary is used only as approved by the county fire chief."

We believe that the current State Fire Code gives authority to the county Fire Chief to prohibit, regulate, or control the use of burning combustible materials, including aerial luminaries, that may endanger the safety of any person or property. We believe the uncontrolled release of these devices poses a potential danger to life and property and recommend they be prohibited in the state, unless such use is regulated by the county Fire Chief.

The SFC and the HFD urge your committee's support on the passage of S.B. 171, S.D. 2 with the recommended revisions.

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:cn

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

March 15, 2011

Representative Henry J. C. Aquino
Committee on Public Safety & Military Affairs
State Capitol, Room 419
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Aquino,

RE: SB 171, SD2, RELATING TO FIREWORKS
DATE/TIME OF HEARING: MARCH 17, 2011, 8:30 A.M.

I would like to submit this letter and written testimony in support of Senate Bill 171, SD2 as it relates to the ban of the ignition, possession, selling, and use of aerial luminaries.

As you may be aware, the Hawaii Fire Department took a very aggressive stance on the sale and use of these devices during this past New Year holiday period.

As the new product was identified and evaluated for its intended use and operation, it was apparent that it could pose a significant fire safety hazard and risk. The devices as sold consisted of a paper balloon with an affixed solid fuel pad that when ignited would generate sufficient amount of heated gases and vapors to set the balloon aloft and to drift under the control of ambient winds.

The position that our department took in consultation with our Mayor and Corporation Counsel was to seek voluntary compliance from the retail vendors with suspending all sales and the purchase of any unsold inventory by our department in an effort to prevent distribution and use and to minimize the economic impact on the retailers. Our efforts were extremely successful and were met with cooperation from the retail community.



Representative Henry J. C. Aquino

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March 15, 2011

Since that time, the Hawaii Fire Department's Fire Prevention Bureau has conducted a series of product tests utilizing the inventory that was purchased. Our tests consisted of evaluating the burn rates and times of the fuel pads, the conducting of controlled releases (indoor with environmental controls), and field testing with actual product lighting and release under typical weather and wind conditions.

I feel our product testing processes has provided sufficient evidence to support a ban on the sale, ignition and use of aerial luminaries. As such, we will be finalizing our product evaluation report and providing that information to you and your colleagues to consider in your support of this bill.

I am respectfully requesting your support of Senate Bill 171, SD 2 with one request for amendment. By virtue of the product's physical design and construction, aerial luminaries do not fall within the definition of "fireworks" as defined in §132D of the Hawaii Revised Statutes. Therefore, I would like to suggest that SB 171, SD2 be amended to establish a new chapter or section within the HRS to more appropriately address this matter.

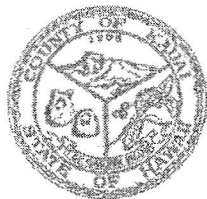
Sincerely,



DARRYL OLIVEIRA
Fire Chief

DO:lk

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 15, 2011

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

Dear Chair Aquino:

Subject: S.B. 171, S.D. 2 Relating to Fireworks

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD support the intent of S.B. 171, S.D. 2, which proposes to ban the use, sale, and possession of aerial luminaries commonly known as sky lanterns, Hawaii lanterns, and flying luminaries, with the following recommended revisions:

1. Remove the designation of §132D and appropriately designate a new chapter and section. Aerial luminaries do not fall under the definition of a fireworks device and should therefore not be included in this chapter.
2. Replace §132D (a) (2) with "The aerial luminary is used only as approved by the county fire chief."

We believe that the current State Fire Code gives authority to the county fire chief to prohibit, regulate or control the use of any burning of any combustible material that may endanger the safety of any person or property, including aerial luminaries. We believe the uncontrolled release of these devices poses a potential danger to life and property and recommend they be prohibited in the state, unless such use is regulated by the county fire chief.

The SFC and the KFD urge your committee's support on the passage of S.B. 171, S.D. 2 with the recommended revisions.

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

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

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KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
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March 15, 2011

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

Dear Chair Aquino:

Subject: S.B. 171, S.D. 2 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 support the intent of S.B. 171, S.D. 2, which proposes to ban the use, sale, and possession of aerial luminaries commonly known as sky lanterns, Hawaii lanterns, and flying luminaries, with the following recommended revisions:

1. Remove the designation of §132D and appropriately designate a new chapter and section. Aerial luminaries do not fall under the definition of a fireworks device and should therefore not be included in this chapter.
2. Replace §132D (a) (2) with "The aerial luminary is used only as approved by the county fire chief."

We believe that the current State Fire Code gives authority to the county fire chief to prohibit, regulate or control the use of any burning of any combustible material that may endanger the safety of any person or property, including aerial luminaries. We believe the uncontrolled release of these devices poses a potential danger to life and property and recommend they be prohibited in the state, unless such use is regulated by the county fire chief.

The MFD and the SFC urge your committee's support on the passage of S.B. 171, S.D. 2 with the recommended revisions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray".

JEFFREY A. MURRAY
Fire Chief