



**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. 172, 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 S.B. 172, S.D. 2, which amends provisions of the fireworks code and imposes new definitions and permitting, importation, labeling, and inspection requirements. It also authorizes the Fire Chief to revoke or suspend permits for enumerated reasons. This bill will promote the effective enforcement and administration of fireworks permit and license requirements.

The SFC and the HFD also 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 the potential hazards of fireworks and the benefit to their community by further restricting fireworks use from the state law based on each county's needs and resources.
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 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. 172, S.D. 2.

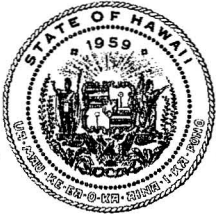
Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn



NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
INTERIM DIRECTOR

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

No. 1 Capitol District Bldg., 250 South Hotel St., 5th Flr., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
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STATEMENT OF
RICHARD C. LIM
INTERIM DIRECTOR
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
BEFORE THE
HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Thursday, March 17, 2011
8:30 a.m.
State Capitol, Conference Room 309

in consideration of
SB172, SD2
RELATING TO FIREWORKS

Chair Aquino and Vice-Chair Cullen and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the intent of SB172, SD2 that would help to control the use of fireworks in public areas. With regard to safety of the public we defer to the City and County Fire Department. We would like to offer these comments.

In 2010, an estimated \$416 million in production expenditures were generated in film and television in Hawaii providing over \$683 million in estimated economic impact for our state. The film industry often utilizes pyrotechnics as part of special effects and stunts. In 2010, Walt Disney Company produced Pirates of the Caribbean in Hawaii - pyrotechnics was an essential part of the making of this film. The ongoing TV Series Hawaii 5-O often uses pyrotechnics – creating an exciting array of action packed story telling. These and other productions do these operations precisely and carefully to ensure the safety of public, crew and cast.

Hawaii's film industry may be affected by any rule changes in the use of pyrotechnics. Section 3b (page 4, lines 7-11) of the bill limits the display of fireworks, articles pyrotechnic, and aerial devices to the hours of 9am to 9pm. DBEDT respectfully asks that an exemption for filming activity be included in Section 3b. This exemption is necessary as overnight filming occasionally occurs and necessitates the use of pyrotechnics. As with the case of Pirates of the

Caribbean, much of their pyrotechnic work was shot late at night or during the morning hours. The requested exemption will also ensure that productions are not rushing to get a shot and can properly set up their pyrotechnic work, thereby ensuring safety of cast, crew and the public.

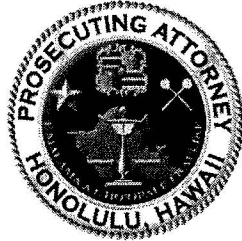
Thank you for the opportunity to testify on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE HENRY J.C. AQUINO, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai`i

March 17, 2011

RE: S.B. 172, S.D. 1; RELATING TO FIREWORKS.

Chair Aquino, Vice Chair Cullen and members of the House Committee on Judiciary Public Safety & Military Affairs, the Department of the Prosecuting Attorney, City and County of Honolulu supports S.B. 172, S.D. 1.

The purpose of S.B. 172, S.D. 1 is to amend Chapter 132D, Hawaii Revised Statutes, to create new definitions and provisions regarding the permitting, importation, labeling and inspection of fireworks. The Department believes that such amendments would facilitate better monitoring of fireworks sales and activity in Hawaii, and better enable our local fire departments to enforce the same.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 172, S.D. 1. Thank for you the opportunity to testify on this matter.

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 172, 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 172, SD2 which amends §132D of the Hawaii Revised Statutes by imposing new definitions and permitting, importation, labeling, and inspection requirements as well as establishing authority for the Fire Chief to revoke or suspend permits for enumerated reasons.

As a participant on the Illegal Fireworks Task force established pursuant to SB 1059 CD1 (2010) Act 170, I can attest to the need to improve the controls and tracking of fireworks shipments as a means of reducing the sale and distribution of illegal materials. SB 172, SD2 will provide for such measures as well as further provide for the authority of the Fire Chief with insuring the compliance with related regulations and laws.

Therefore, I respectfully request your support of SB 172, SD2.

Sincerely,

A handwritten signature in black ink, appearing to read "Darryl Oliveira".

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, Lihu'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. 172, 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 S.B. 172, S.D. 2, which amends provisions of the fireworks code and imposes new definitions and permitting, importation, labeling, and inspection requirements. It also authorizes the Fire Chief to revoke or suspend permits for enumerated reasons. This bill will promote the effective enforcement and administration of fireworks permit and license requirements.

The SFC and the KFD also 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 the potential hazards of fireworks and the benefit to their community by further restricting fireworks use from the state law based on each county's needs and resources.
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.

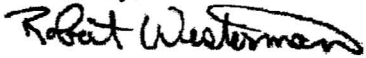
The Honorable Henry Aquino
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4. We support measures that clarify the current Fireworks Control Law (Chapter 132D, Hawaii Revised Statutes) and promote the effective enforcement and administration of fireworks permits and licenses for regulatory agencies.

The SFC and the KFD urge your committee's support on the passage of S.B. 172, 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
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EMAIL: fire.dept@mauicounty.gov

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. 172, 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 S.B. 172, S.D. 2, which amends provisions of the fireworks code and imposes new definitions and permitting, importation, labeling, and inspection requirements. It also authorizes the Fire Chief to revoke or suspend permits for enumerated reasons. This bill will promote the effective enforcement and administration of fireworks permit and license requirements.

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The MFD and the SFC urge your committee's support on the passage of S.B. 172, S.D. 2.

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

Sincerely,



JEFFREY A. MURRAY
Fire Chief