

NEIL ABERCROMBIE
GOVERNOR



D'WIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dllr.director@hawaii.gov

February 8, 2012

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: H.B. 1968 Relating to Cigarettes

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 H.B. 1968, which proposes to appropriate funds to implement the Reduced Ignition Propensity Cigarette (RIPC) Program with the following recommended revisions:

"SECTION 2. There is appropriated out of the ~~reduced ignition propensity cigarette program special fund~~ Temporary Deposits Account in the Trust Fund of the Department of Labor and Industrial Relations the sum of \$400,000, or so much thereof as may be necessary, for fiscal year 2012-2013 for the purpose of funding one full-time administrator, one full-time assistant, and other costs of fulfilling the requirements of section 132C-4, Hawaii Revised Statutes. The appropriation will be deposited into the reduced ignition propensity cigarette program special fund."

Since September 30, 2009, approximately \$444,000 was collected and intended as a regulatory fee for the SFC to implement, administer, and enforce the RIPC Program. The appropriation will be used to hire two full-time personnel to effectively accomplish the following:

1. Adopt administrative rules for program implementation, establish compliance inspections, and approve forms and enforcement procedures and guidelines.
2. Receive, verify, and approve certifications for approximately 600 different brands of cigarettes from various manufacturers. Verify and approve cigarette brands every three years.

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3. Compile a list of approved brands, verify it with the Department of the Attorney General for state tax stamp compliance, and post it on a state website.
4. Review and approve, as needed, alternative test methods or fire standard compliance markings submitted by a manufacturer.
5. Submit compliance tests to an accredited laboratory to verify that performance standards have been met, if needed.

The SFC, which is comprised of the four county Fire Chiefs, was created in 1979 to replace the State Fire Marshal's Office, which was a fully-funded state agency. Under the present organization, the SFC primarily uses county fire department personnel to accomplish its duties, thus depriving the county fire departments of the time and services of its members. These duties include amending and adopting the state fire code, applying for and administering federal fire-related grants, and implementing and administering a statewide RIPC Program.

The SFC staff consists of only one part-time person and is funded by the Department of Labor and Industrial Relations, to which the SFC is administratively attached. The SFC is a member of the State Building Code Council and participates in the state building code adoption process. The SFC also coordinates statewide training, data collection, and education and corresponds with national organizations on statewide fire issues. In addition, the SFC advises the Governor and the legislature on fire- and life-safety matters.

The purpose of the RIPC Program is to reduce the number of fires caused by cigarettes in the state. Fees are renewable by the cigarette manufacturers every three years and will help sustain the program.

The SFC and the HFD urge your committee's support on the passage of H.B. 1968.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

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 Kauai, State of Hawaii

3083 Akahi Street, Suite 101, Lihu'e, Hawaii 96766
TEL (808) 241-4980 FAX (808) 241-6508

February 8, 2012

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

Subject: H.B. 1968 Relating to Cigarettes

Dear Chair Aquino:

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The KFD and the SFC support H.B. 1968, which proposes to establish an appropriation into the Reduced Ignition Propensity Cigarette (RIPC) Program special fund with the following recommended revisions:

"SECTION 3. There is appropriated out of the ~~general revenues of the State of Hawaii~~ Temporary Deposits Account in the Trust Fund of the Department of Labor and Industrial Relations the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2012-2013 to be deposited into the reduced ignition propensity cigarette program special fund."

Since September 30, 2009, approximately \$444,000 has been collected that was intended as a regulatory fee for the SFC to implement, administer and enforce the RIPC program. The appropriation will be used to hire two full-time personnel to effectively accomplish the following:

1. Adopt administrative rules for program implementation, establish compliance inspections, and approve forms and enforcement procedures and guidelines.
2. Receive, verify, and approve certifications for approximately 600 different brands of cigarettes from various manufacturers. Verify and approve cigarette brands every three years.
3. Compile a list of approved brands, verify it with the Office of the Attorney General for state tax stamp compliance, and post it on a state website.

The Honorable Henry Aquino, Chair
Page 2
February 8, 2012

4. Review and approve, as needed, alternative test methods or fire standard compliance markings submitted by a manufacturer.
5. Submit compliance tests to an accredited lab to verify that performance standards have been met, if needed.

The SFC, which is comprised of the four county Fire Chiefs, was created in 1979 to replace the State Fire Marshal's Office, which was a fully-funded state agency. Under the present organization, the SFC primarily uses county fire department personnel to accomplish its duties, thus depriving the county fire departments of the time and services of its members. These duties include amending and adopting the state fire code, applying for and administering federal fire-related grants, and implementing and administering a statewide RIPC Program.

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The purpose of the RIPC Program is to reduce the number of fires caused by cigarettes in the state. Fees are renewable by the cigarette manufacturers every three years and will help sustain the program.

The KFD and the SFC urges your committee's support on the passage of H.B. 1968.

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

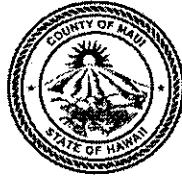
Sincerely,



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

February 8, 2012

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: H.B. 1968 Relating to Cigarettes

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 H.B. 1968, which proposes to appropriate funds to implement the Reduced Ignition Propensity Cigarette (RIPC) Program with the following recommended revisions:

"SECTION 2. There is appropriated out of the ~~reduced ignition propensity cigarette program special fund~~ Temporary Deposits Account in the Trust Fund of the Department of Labor and Industrial Relations the sum of \$400,000, or so much thereof as may be necessary, for fiscal year 2012-2013 for the purpose of funding one full-time administrator, one full-time assistant, and other costs of fulfilling the requirements of section 132C-4, Hawaii Revised Statutes. The appropriation will be deposited into the reduced ignition propensity cigarette program special fund."

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The purpose of the RIPC Program is to reduce the number of fires caused by cigarettes in the state. Fees are renewable by the cigarette manufacturers every three years and will help sustain the program.

The MFD and the SFC urge your committee's support on the passage of H.B. 1968.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



JEFFREY A. MURRAY
Fire Chief