



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: dliir.director@hawaii.gov

February 15, 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. 2642 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 H.B. 2642, which proposes to correct the definition of display fireworks to amounts necessary for a permitted public display, except for qualified importers of certain fireworks. It also proposes to amend fireworks shipment documentation and labeling requirements for imported display fireworks.

We are concerned with the proposed language in Section 132D-8.5, which would only allow aerial devices, display fireworks, or articles pyrotechnic to be imported and stored, if necessary, in an amount sufficient for an upcoming permitted display. One exception would be a licensee who provides proof of at least eight display productions within the last 12 calendar months. We believe this creates an unfair advantage for a locally established pyrotechnic licensee or company.

To meet the intent of the proposed revision, we request that Section 132D-8.5 be revised as follows:

"§132D-8.5 Importation of aerial devices, display fireworks, or articles pyrotechnic for display. Aerial devices, display fireworks, or articles pyrotechnic shall only be imported and stored, if necessary, in an amount sufficient for an anticipated three-month inventory, provided that if a licensee under section 132D-7 provides aerial devices, display fireworks, or articles pyrotechnic for displays as allowed under section 132D-16 more than once a month, the licensee may import or

The Honorable Henry Aquino, Chair
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store, if necessary, sufficient aerial devices, display fireworks, or articles pyrotechnic for a six-month inventory.

Exception:

This section shall not apply to a licensee under Section 132D-7 importing aerial devices, display fireworks, or articles pyrotechnics who provides proof of:

- a) ownership of an approved fireworks storage facility
- b) accurate recordkeeping and auditing procedures of fireworks
- c) the production of at least 12 displays within the last 12 calendar months."

The SFC and the HFD urge your committee's support on the passage of H.B. 2642 with the suggested revision.

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 Kaua'i, State of Hawai'i
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

February 15, 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. 2642 Relating to Fireworks

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council. The KFD and the SFC support the intent of H.B. 2642, which proposes to correct the definition of display fireworks to amounts necessary for a permitted public display, except for qualified importers of certain fireworks. It also proposes to amend fireworks shipment documentation requirements and labeling requirements for imported display fireworks.

We do have a concern with the proposed language in Section 132D-8.5, which would only allow aerial devices, display fireworks, or articles pyrotechnic to only be imported and stored if necessary in an amount sufficient for an upcoming permitted display. One of the exceptions for this would be a licensee who provides proof of the production of at least eight displays within the last twelve calendar months. We believe this creates an unfair advantage for a locally established pyrotechnic licensee or company.

To meet the intent of the proposed revision, we offer the following language to Section 132D-8.5:

"§132D-8.5 Importation of aerial devices, display fireworks, or articles pyrotechnic for display. Aerial devices, display fireworks, or articles pyrotechnic shall only be imported and stored, if necessary, in an amount sufficient for an anticipated three-month inventory; provided that if a licensee under section 132D-7 provides aerial devices, display fireworks, or articles pyrotechnic for displays as

The Honorable Henry Aquino, Chair
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allowed under section 132D-16 more than once a month, the licensee may import or store, if necessary, sufficient aerial devices, display fireworks, or articles pyrotechnic for a six-month inventory.

Exception:

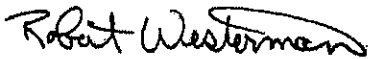
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- a) provides proof of ownership of an approved fireworks storage facility
- b) provides proof of accurate recordkeeping and auditing procedures of fireworks
- c) provides proof of the production of at least 12 displays within the last 12 calendar months."

The KFD and the SFC urge your committee's support on the passage of H.B. 2642 with the suggested revision.

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

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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. 2642 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 H.B. 2642, which proposes to correct the definition of display fireworks to amounts necessary for a permitted public display, except for qualified importers of certain fireworks. It also proposes to amend fireworks shipment documentation requirements and labeling requirements for imported display fireworks.

We do have a concern with the proposed language in Section 132D-8.5, which would only allow aerial devices, display fireworks, or articles pyrotechnic to only be imported and stored if necessary in an amount sufficient for an upcoming permitted display. One of the exceptions for this would be a licensee who provides proof of the production of at least eight displays within the last twelve calendar months. We believe this creates an unfair advantage for a locally established pyrotechnic licensee or company.

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Exception:

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- a) provides proof of ownership of an approved fireworks storage facility
- b) provides proof of accurate recordkeeping and auditing procedures of fireworks
- c) provides proof of the production of at least 12 displays within the last 12 calendar months."

The MFD and the SFC urge your committee's support on the passage of H.B. 2642 with the suggested revision.

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

Sincerely,


JEFFREY A. MURRAY
Fire Chief

Hawaii Explosives & Pyrotechnics, Inc.

P. O. Box 1244 Keaau, Hawaii 96749
Phone: (808) 968-0600 (Big Island) Fax: (808) 968-0800 (Big Island)
Toll Free: (800) 240-6064 Email: hepinc@hipyro.com

Aloha,

I represent Hawaii Explosives & Pyrotechnics, Inc., a locally-owned Fireworks Display Service company based in the Puna District of the Big Island. We currently conduct approximately 100 fireworks displays per year on all islands, including the weekly Friday night fireworks show at the Hilton Hawaiian Village in Waikiki. It is likely that if you watch a fireworks show in Hawaii, it is one of ours. Not only do our displays entertain Hawaii residents on many special occasions, but they are also an exciting element for quite a few of the corporate functions and conventions that bring tourism revenue into Hawaii. We have been in business for over 20 years now and employ over 100 people in the trade.

As the largest producer of Public Fireworks Displays within the State of Hawaii, the HRS 132D has a large impact on our daily operations. Much of the language contained within is derived from several documents produced by the National Fire Protection Association (NFPA), notably the NFPA 1124 "Code for the Manufacturing, Transportation, Storage and Retail Sale of Fireworks and Pyrotechnic Articles" and the NFPA 1123 "Code for Fireworks Display." These documents are widely accepted and implemented as code by State and Local government agencies throughout the United States. In addition, our industry is regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (CFR 27) and by the Department of Transportation (CFR 49) at the Federal level and the regulatory requirements of both agencies as they relate to the fireworks industry are well established and mature. It is our contention that regulations controlling the professional use of Display Fireworks within the State of Hawaii should align with the above mentioned codes and statutes wherever possible to simplify administration and enforcement. Given the difficulty of funding various agencies to enforce fireworks usage, we feel that statutes that are duplicitous should be removed and every effort should be made to use Federal resources through Federal laws to regulate fireworks displays.

Having said that, we also recognize the legislature's need to address the rampant misuse of dangerous fireworks by unqualified individuals within the State of Hawaii. Not only is the misuse of fireworks a nuisance and public health concern, but it is also extremely dangerous and taxing on the resources of the various County Fire Departments. It is NOT our intention to weaken the laws restricting access to fireworks by the general public in any way. Indeed, it is in our best interest to ensure that fireworks can provide enjoyment to the public in a way that is safe. We believe the bill before you, HB 2642, will accomplish those goals while leaving in place the enforcement tools necessary to promote the safe use of Fireworks within the State and reduce the trade in illicit fireworks. We welcome input from other agencies and organizations in order to produce a code that is effective in promoting public safety.

One of the most important modifications HB 2642 would make is to the storage limitations for Display fireworks in HRS 132D-8.5. The statute as it is currently written is nearly impossible to enforce and is completely unrealistic as to the methods of commerce by legitimate licensees. Given the nature of the commodity, the only method of transportation for the importation of UN0335 Fireworks is by ocean-going vessel. Moreover, the nature of modern commercial ocean-going vessels requires UN0335 Fireworks to be containerized. Therefore, it is only feasible to import UN0335 Fireworks for use in 132D-16 permitted displays in quantities greater than is currently possible to utilize within a six-month period. Additionally, it is impossible to reasonably project usage of inventory six months into the future. As with any commercial entity, it is within reason to keep an additional amount of inventory on hand to act as a buffer in the event that sales exceed projections, particularly with a product that generally requires 90-120 days of lead time in ordering by the manufacturer.

While it is understandable to expect a limitation on inventory levels—given the types of incidents that have led to the illegal fireworks trade in the State in the past—would deter importations expressly for illicit trade, the current language is not very effective while doing actual harm to legitimate commerce. The new language proposed would allow for an appropriate level of accountability under State and Federal law and allow legitimate licensees to conduct business in an appropriate manner.

The other major change HB 2642 would make to the HRS 132D is to the labeling requirements in HRS 132D-16.5. The changes proposed would align the Hawaii statute with the federal statute in 27CFR 55.109, allowing for adequate identification of fireworks devices while reducing the burden of 2 disparate rules on fireworks importers. Moreover, the bill would address the label sizing error that exists in the current statute.

We appreciate your time and consideration regarding these important changes, and look forward to your support of HB 2642 this year.

Mahalo,

Bruce Albrecht
Operations Manager
Hawaii Explosives & Pyrotechnics, Inc.
P.O. Box 1244
Keaau, HI 96749
(800) 240-6064 Toll Free
hepinc@hipyro.com