



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
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IN REPLY REFER TO:

March 22, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION  
SENATE BILL NO. 170, SD1, HD1  
COMMITTEE ON JUDICIARY

Thank you for the opportunity to comment on Senate Bill No. 170, SD1, HD1, which authorizes the Department of Transportation, along with the State Civil Defense, to inspect any shipping container to detect and confiscate any material constituting a threat to life and security, including explosives but excluding fireworks. While the Department of Transportation understands the reasons underlying this bill, it does not support the DOT's involvement for the following reasons, despite an earlier amendment to make the pilot program permissive rather than mandatory.

An inspection program cannot be implemented without the support of additional resources in terms of funding, manpower and equipment. The confiscation of explosive devices, in particular, requires specialized training and expertise. Implementation of such inspections also will require coordination and long-range operational planning with our harbor users. The magnitude of effort involved is considerable with many details to be worked out with industry.

We recommend that the bill be deferred and a resolution be considered for appropriate agencies and industry to look further into the issue and determine reasonable courses of action. We defer to the State Civil Defense to be the sole agency for the inspections as they have expressed support for this program.

The Twenty-Sixth Legislature  
Regular Session of 2011

HOUSE OF REPRESENTATIVES  
Committee on Judiciary  
Rep. Gilbert S.C. Keith-Agaran, Chair  
Rep. Karl Rhoads, Vice Chair

State Capitol, Conference Room 325  
Tuesday, March 22, 2011; 2:00 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 170, SD1, HD1  
RELATING TO SHIPPING CONTAINER INSPECTIONS**

The ILWU Local 142 wishes to offer comments on S.B. 170, SD1, HD1, which authorizes the Department of Transportation and state civil defense to inspect shipping containers for dangerous materials, including explosives.

We fully understand the State's concern about dangerous materials entering the state via shipping containers. Since most of Hawaii's goods come to the State by ship, the State is rightfully concerned about allowing illegal and otherwise dangerous cargo on our soil.

We are, however, concerned about the responsibility and liability related to the opening of shipping containers. It is currently the job of stevedores, represented by the ILWU, to unseal and open shipping containers at the direction of someone with authority. The ILWU seeks assurance that the job of unsealing and opening shipping containers will remain the jurisdiction of stevedores and that responsibility and liability for opening the containers will remain with those with the authority to direct the opening.

Thank you for allowing the ILWU to share our comments on S.B. 170, SD1, HD1.

## Testimony for SB170 on 3/22/2011 2:00:00 PM

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**Sent:** Tuesday, March 22, 2011 8:25 AM

**To:** JUDtestimony

**Cc:** jkealoha@ilwulocal142.org

**Attachments:** 2011SB170.rtf (4 KB)

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Testimony for JUD 3/22/2011 2:00:00 PM SB170

Conference room: 325

Testifier position: comments only

Testifier will be present: Yes

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Submitted on: 3/22/2011

Comments: