



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

March 3, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION  
SENATE BILL NO. 170, SD1  
COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS  
COMMITTEE ON TRANSPORTATION

Thank you for the opportunity to comment on Senate Bill No. 170, SD1 which authorizes the Department of Transportation, along with the Department of 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, even with SD1's amendment to make the pilot program permissive rather than mandatory.

The responsibility to conduct inspections at ports-of-entry to Hawaii for material that presents a direct or indirect threat to Hawaii is far outside the scope of DOT-Harbor's core functions. In that regard, this bill would divert the limited resources of DOT-Harbors from its primary focus – the implementation of needed harbor improvements under the New Day Work projects .

Additionally, 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 Department of Defense to be the sole agency for the inspections as they have expressed support for this program.

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 170 SD1  
A BILL RELATING TO SHIPPING CONTAINER INSPECTIONS

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

COMMITTEE ON TRANSPORTATION

BY

EDWARD T. TEIXEIRA  
ACTING DIRECTOR OF CIVIL DEFENSE

March 3, 2011

Chair Aquino, Chair Souki, and Committee Members:

I am Ed Teixeira, Acting Director of Civil Defense, Department of Defense. I am providing testimony on Senate Bill 170 SD1.

We appreciate the legislature's interest in broadening the State's inspection of shipping containers as a means to prevent or interdict the smuggling of explosives into Hawaii. The Department of Defense, specifically State Civil Defense, is prepared to coordinate and support port security operations involving the deployment of federal, state, and local law enforcement agencies.

We are concerned, however, that the proposed addition to Chapter 128 giving the Department of Defense the statutory authority to inspect shipping containers may be technically inappropriate as Chapter 128 applies to the authorities and responsibilities of the director of civil defense and civil defense agencies. We recommend that line 7 and line 14 in SECTION 2 of the proposed bill be changed to read the "director of civil defense" as opposed to the "department of defense." We also recommend that in line 17 of SECTION 2 the "department of defense" be changed to "state civil defense."

We are also concerned that added responsibilities to coordinate the inspection of shipping containers imply the need for additional staffing, funding, and equipment. We, therefore, support the intent of this bill so long as it does not replace or adversely impact priorities as established in the Executive Biennium Budget Request.

Thank you for the opportunity to testify on Senate Bill 170 SD1. Do you have any questions?



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

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

March 2, 2011

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

The Honorable Joseph Souki, Chair  
Committee on Transportation  
House of Representatives  
State Capitol, Room 433  
Honolulu, Hawaii 96813

Dear Chairs Aquino and Souki:

Subject: S.B. 170, S.D. 1 Relating to Shipping Container Inspections

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. 170, S.D. 1 and 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 potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
3. We support measures that make for easier arrest and prosecution of the illegal purchase, possession, setting off, igniting, or discharging of fireworks and increase penalties and consequences for convictions of fireworks violations.

The Honorable Henry Aquino, Chair  
The Honorable Joseph Souki, 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. 170, S.D. 1.

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

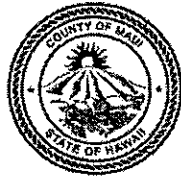
Sincerely,



KENNETH G. SILVA  
Chair

KGS/LR:cn

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

March 1, 2011

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

The Honorable Joseph Souki, Chair  
Committee on Transportation  
House of Representatives  
State Capitol, Room 433  
Honolulu, Hawaii 96813

Dear Chairs Aquino and Souki:

Subject: S.B. 170, S.D. 1 Relating to Shipping Container Inspections

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. 170, S.D. 1 and 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 potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
3. We support measures that make for easier arrest and prosecution of the illegal purchase, possession, setting off, igniting, or discharging of fireworks and increase penalties and consequences for convictions of fireworks violations.

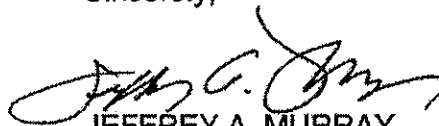
The Honorable Henry Aquino, Chair  
The Honorable Joseph Souki, Chair  
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March 1, 2011

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 MFD and the SFC urge your committees' support on the passage of S.B. 170, S.D. 1.

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

Sincerely,



JEFFREY A. MURRAY  
Fire Chief

**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 2, 2011

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

The Honorable Joseph Souki, Chair  
Committee on Transportation  
House of Representatives  
State Capitol, Room 433  
Honolulu, Hawaii 96813

Dear Chairs Aquino and Souki:

**Subject: S.B. 170, S.D. 1 Relating to Shipping Container Inspections**

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. 170, S.D. 1 and 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 potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
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The Honorable Henry Aquino, Chair  
The Honorable Joseph Souki, Chair  
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March 2, 2011

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The SFC and the KFD urge your committees' support on the passage of S.B. 170, S.D. 1.

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