

HB2520

Submitted on: 2/5/2014

Testimony for HLT on Feb 7, 2014 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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TO: Chair Della Au Belatti
Vice-Chair Dee Morikawa
Members of Committee on Health

SUBJECT: HB 2520 Relating to Feral Birds

HEARING DATE: Friday, February 7, 2014, 8:45 a.m.

LOCATION: Hawaii State Capitol Conference Room 329

My name is Florence Tanaka. I am part of a small group of neighbors in Pearl City that have suffered for over ten years as a result of two families/neighbors feeding feral and wild birds which last year numbered over 200.

The number of feral birds decreased after the Department of Health sent a warning letter to the feeders as a result of HB619 HD1 SD1 Relating to Feral Birds was signed into law as Act 269 last year. However, the neighbors continue to feed feral birds and the Department of Health has not taken further steps to resolve this problem therefore, I am testifying in support of HB 2520 as we need stronger action and enforcement by the Department of Health.

The reasons why I want HB 2520 passed are:

1. Health concerns:

Feral birds droppings, can transmit fungal and bacterial infections such as Histoplasmosis, Cryptococcosis, and Psittacosis, especially to people with lowered immune systems.

Deaths caused by the H1N1 virus of which some strains are endemic in birds and pigs:

Texas: 33 in January 2014

Alberta, Canada: 9

Venezuela: 17 in May 2013

The H5N1 avian influenza has caused 375 deaths since 2003 according to the World Health Organization (WHO). Just yesterday, February 5, 2014, a Chinese woman died in China due to a new bird flu strain, H10N8.

Allergies – my mother suffered from chronic runny nose, watery eyes and sneezing which we believe were caused by the birds that were being fed by the neighbors. The bird droppings were on her window screens, frames, roof, and other areas where they roosted. It got to the point where she could no longer open the windows in her master bedroom and bathroom and even the kitchen all of which faced the bird feeder's house. After she moved in with me and my family, all her allergy symptoms went away.

2. Property Damage:

The bird droppings cause corrosive damage to the surfaces of the homes as well as to the paint of vehicles.

3. Common Nuisance: (cannot enjoy one's own home)

The strong odors from the bird droppings are very unpleasant. When it rains, the area smells like a chicken coop. Sometimes, my mother became nauseous from the strong odor and could not go outdoors when she wanted to. The feathers are on her lawn and patio, creating an unsightly mess and have to be cleaned up constantly.

A vector company said that they would not deal with this problem because as long as someone is feeding the birds, the birds will keep returning.

I had considered asking the bird feeders politely to stop feeding them until I found out that several other neighbors had asked them in the past to stop but, they continue to feed the birds. One family even hired an attorney, but lost in court as there is no law prohibiting the feeding of wild or feral birds. Another individual representing her family went through court mediation with the other bird feeder who signed an agreement to limit the feeding but, the feeder broke the agreement.

Hostile arguments have occurred between these parties. It was after this knowledge, that I decided to join the group and have this problem resolved by creation of a law.

Our neighborhood is not the only one experiencing this problem. A Dept. of Health vector control inspector told me that in November 2012, he counted about 500 pigeons being fed by a man from his home in Kailua, causing damage to the health and property of the neighbors. The man feeding the pigeons in Kailua continues to do so despite receiving a warning letter from the Department of Health.

Please help us. Please pass HB 2520 to relieve people of this type of suffering.

Thank you for reading my testimony.

Florence Tanaka

House Committee on Judiciary
Regarding House Bill 2520
Relating to Feral Birds

Friday February 7th
8:45 am
Conference Room 329

Chair Della Au Belatti
Vice Chair Dee Morikawa
Members of the House Committee on Judiciary

My name is Grace Watanabe and I am sorry that I could not be there today in person. I am in support of HB 2520-Relating to Feral Birds. A law was passed last year--Act 269 for the Department of Health to examine complaints of noxious odors and filth resulting from the feeding of feral birds mainly pigeons.

I live in a neighborhood where there are two neighbors that feed pigeons more than two times a day. This creates a situation of filth from droppings and strong odors. The pigeons would sit almost all day on several neighbors' roofs. My pigeon-feeding neighbor even went to mediation and agreed to stop feeding the pigeons but that was not followed. They did not stop the feeding.

Several complaints were sent to the Department of Health and they did come to check it out. They sent a letter to the pigeon feeding houses asking them to stop. But actually these letters were not really effective as there is no threat of follow up enforcement. They did not stop the feeding.

I ask for your help in strengthening this law to make it effective and useful to neighborhoods that have no other recourse.

Thank you for your attention to this matter.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Health

HB 2520, RELATING TO FERAL BIRDS

LATE

Testimony of Gary L. Gill
Acting Director of Health

February 7, 2014
8:45 a.m.

- 1 **Department's Position:** The department respectfully opposes this measure.
- 2 **Fiscal Implications:** This bill has major fiscal implications. Passage of this bill would result in the
3 department having to hire unknown number of additional staffing to carry out this measure as the
4 department will be made responsible to investigate into every single complaint resulting from the
5 feeding of even one feral bird that creates an odor or any filth. Funding for this measure is not included
6 in the Executive Biennium Budget and therefore will adversely affect other spending priorities.
- 7 **Purpose and Justification:** This bill is unnecessary and places undue burden on the department to
8 investigate into any and all complaints, even if frivolous, that currently do not pose public health
9 threat. The bill repeals the requirement that DOH must first find evidence of an injurious or dangerous
10 condition before ordering an owner to abate, remove, or prevent odors and filth resulting from a person
11 feeding feral birds under threat of administrative penalties. Passage of this measure will require the
12 department to spend valuable resources designated to prevent the spread of communicable diseases, to
13 investigate into the feeding of feral birds that have proven to not have any history of creating any public
14 health problems of note. The bill would also require the department to order property owners to abate,

1 destroy, remove, or prevent any future occurrence of feeding a single feral bird that loses a feather or
2 leaves behind a single dropping under the force of law. We would also be forced to litigate any non-
3 compliance with our orders or fines in civil court of every single instance that even a single feather or
4 dropping left by even a single feral bird that is fed by any persons or visitor to the State.

5 The department will not be able to reasonably enforce this measure as it is too resource intensive
6 to meet the unrealistic expectations introduced by this bill.

7 Extremely effective approaches to preventing the feeding of feral birds currently exist with the
8 City and County of Honolulu. The department strongly suggests that the legislature look at how the City
9 and County effectively prohibits the feeding of feral birds to prevent accumulation of filth in areas
10 where the activity of bird feeding is not desired. Charging the department with regulating this activity is
11 not a good use of state resources as the department is focusing its activities on those that prevent
12 reported cases of illness or known disease carrying vectors of public health importance.

13 Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
HEALTH

Friday, February 7, 2014
8:45 AM
State Capitol, Conference Room 329

In consideration of
HOUSE BILL 2520
RELATING TO FERAL BIRDS

House Bill 2520 proposes to remove the requirement that the Department of Health (DOH) must find danger or injury to health before abating, destroying, removing, or preventing the feeding of feral birds. Further, this bill proposes to require DOH to examine all odors and filth resulting from the feeding of feral birds and causes the same to be abated, destroyed, removed or prevented. **The Department of Land and Natural Resources (Department) supports the intent of the bill and offers the following comments.**

Species of indigenous and introduced wild birds are protected by Hawaii Administrative Rule (HAR) 13-124, and management of such falls under the purview of the Department. A permit is required by any entity outside of the Department or other specified groups to destroy or remove these birds, with the exception of those species that are listed as "injurious" in HAR 13-124 Exhibit 5, or feral birds which are a danger or can cause injury to human health due to feeding (Hawaii Revised Statutes, Section 322-1). Some of the indigenous and introduced birds are also protected under the federal Migratory Bird Treaty Act (MBTA) and also require a federal permit. The Department requests that the management of feral birds not on the injurious list remain under our jurisdiction to ensure that native species and introduced non-injurious species remain protected.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

LATE

5 February 2014

To: Chair Della Au Belatti
Vice Chair Dee Morikawa

From: Olivia Nagashima

Subject: HB2520-RELATING TO FERAL BIRDS



Chair Belatti, Vice Chair Morikawa:

Thank you for the opportunity to submit my testimony in support of this bill. We live next door to a neighbor in Kailua who has been feeding feral pigeons around the clock for over five years.

When this bill was first introduced for legislation, our neighbor fed about 150 pigeons every hour, every day. Today, that population of birds have increased to over 300. Over the years, we have tried to talk sensibly to him and asked him nicely to curb feeding the birds as they were coming onto our property and roosting on our lanai, on our windows and have destroyed our ventilation screens. His response has always been to tell us that it is our problem, not his!! I feel this man feeds these birds everyday to irritate the neighborhood. His actions seem deliberate and malicious.

Also, in the recent rainy days, the dehydrated pigeon droppings have been reconstituted and the smell is **horrible**. We have over the years kept our windows closed on the south side of our home to prevent the smell of pigeon droppings wafting in our home.

I dread the upcoming summer as there has also been a population of rats that also come to feed. Every summer, my husband and I diligently set out rat traps every week along the fence to curb the rat population. Unfortunately, we have been unsuccessful as my neighbor is relentless and is unemployed therefore, has all the time to feed pigeons every hour.

I believe it has affected my health as I have developed allergies that I am currently attempting to relieve with ongoing care.

I urge you to support HB2520 and thank you for your consideration.

Aloha,
Olivia Nagashima