

DAVID Y. IGE
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SCOTT T. MURAKAMI
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DEPUTY DIRECTOR

STATE OF HAWAII
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830 PUNCHBOWL STREET, ROOM 321
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February 13, 2019

LATE

The Honorable Chris Lee, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Lee:

Subject: House Bill (HB) 497 Relating to Fireworks

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support the intent of HB 497, which imposes a statewide limitation on consumer fireworks, except by permit for cultural events.

The SFC fully supports increased limitations on the use of fireworks by the general public. The widespread use of fireworks endangers the public, not only when it is being used, but also as it is transported throughout the state. In addition, the pervasive use of permitted fireworks by the public encourages the sale and use of illegal fireworks throughout the community. Deaths and serious injuries have occurred along with property damage. Neighborhoods are impacted by noise and pollution, veterans are reminded of combat conditions, and animals are traumatized for weeks and sometimes months preceding these holiday celebrations.

The general welfare, public safety, and property protection are priorities for the SFC, and we respectfully request your committee's passage of HB 497.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

Sincerely,

MANUEL P. NEVES
Chair

MPN/LR:clc

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.police.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE DC-SAI

February 14, 2019

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 497, Relating to Fireworks

I am Acting Assistant Chief Darren Chun of the Regional Patrol Bureau of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 497, Relating to Fireworks.

The HPD recognizes that the use of fireworks pose a serious public health and safety hazard and supports a statewide restriction of consumer fireworks, with the exception of special or cultural events and professional public fireworks displays.

The HPD also supports measures that make it easier to arrest and prosecute for the illegal purchase, possession, setting off, igniting, or discharging of fireworks, and measures that increase the penalties and consequences for persons convicted of fireworks violations.

The HPD respectfully supports House Bill No. 497, Relating to Fireworks.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Chun", is written over a horizontal line.

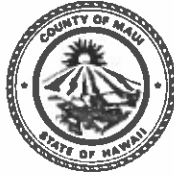
Darren Chun, Acting Assistant Chief
Regional Patrol Bureau

APPROVED:

A handwritten signature in black ink, appearing to read "Susan Ballard", is written over a horizontal line.

for: Susan Ballard
Chief of Police

MICHAEL VICTORINO
MAYOR



DAVID THYNE
FIRE CHIEF
BRADFORD VENTURA
DEPUTY FIRE CHIEF

**COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY**

200 DAIRY ROAD
KAHULUI, HI 96732
PHONE: (808) 270-7561
FAX: (808) 270-7919

LATE

February 13, 2019

The Honorable Chris Lee, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Lee:

Subject: House Bill (HB) 497 Relating to Fireworks

I am David C. Thyne, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support the intent of HB 497, which imposes a statewide limitation on consumer fireworks, except by permit for cultural events.

The SFC fully supports increased limitations on the use of fireworks by the general public. The widespread use of fireworks endangers the public, not only when it is being used, but also as it is transported throughout the state. In addition, the pervasive use of permitted fireworks by the public encourages the sale and use of illegal fireworks throughout the community. Deaths and serious injuries have occurred along with property damage. Neighborhoods are impacted by noise and pollution, veterans are reminded of combat conditions, and animals are traumatized for weeks and sometimes months preceding these holiday celebrations.

The general welfare, public safety, and property protection are priorities for the SFC, and we respectfully request your committee's passage of HB 497.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or lrogers@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D.C. Thyne", written over a horizontal line.

DAVID C. THYNE
Fire Chief

DCT/LR:clc



KAUA'I FIRE DEPARTMENT
THE COUNTY OF KAUAI
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KILIPAKI VAUGHAN
DEPUTY FIRE CHIEF

February 14, 2019

LATE

The Honorable Chris Lee, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Aloha Chair Lee:

Subject: House Bill (HB) 497 Relating to Fireworks

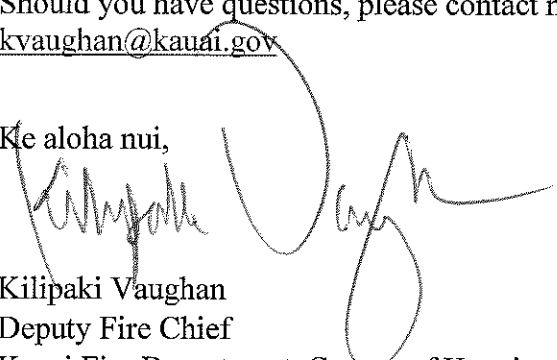
I am Kilipaki Vaughan, Deputy Fire Chief of the Kauai Fire Department (KFD). The KFD **supports** HB 497, which imposes a statewide limitation on consumer fireworks, except by permit for cultural events.

The KFD fully supports increased limitations on the use of fireworks by the general public. The widespread use of fireworks endangers the public, not only when it is being used, but also as it is transported throughout the state. In addition, the pervasive use of permitted fireworks by the public encourages the sale and use of illegal fireworks throughout the community. Deaths and serious injuries have occurred along with property damage. Neighborhoods are impacted by noise and pollution, veterans are reminded of combat conditions, and animals are traumatized for weeks and sometimes months preceding these holiday celebrations.

The general welfare, public safety, and property protection are priorities for the KFD, and we respectfully request your committee's passage of HB 497.

Should you have questions, please contact me at (808) 241-4980 or via email at kvaughan@kauai.gov

Ke aloha nui,


Kilipaki Vaughan
Deputy Fire Chief
Kauai Fire Department, County of Kauai





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Joe Carter, Coca-Cola Bottling of Hawaii, *Vice Chair*
Charlie Gustafson, Tamura Super Market, *Secretary/Treas.*
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Beau Oshiro, C&S Wholesale Grocers, *Past Chair*
Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Barry Taniguchi, KTA Superstores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*

TO:
Committee on Judiciary
Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 14, 2019
TIME: 2:05pm
PLACE: Conference Room 325

RE: HB497 Relating to Fireworks

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

We already have fairly strict limitations on fireworks in our state and we oppose this attempt to ban them further. We are a multicultural state and several cultures use fireworks as part of yearly celebrations of a few significant holidays. Requiring additional permits to be able to access fireworks for these events is unnecessarily limiting and makes it harder for most people to celebrate. We ask that his measure be held and we thank you for the opportunity to testify.

LATE

HB-497

Submitted on: 2/14/2019 11:12:39 AM

Testimony for JUD on 2/14/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Berger	American Promotional Events d/b/a TNT Fireworks	Oppose	No

Comments:

Mr. Chairman and members of the Committee, I represent American Promotional Events, Inc. (APE). APE is a State of Hawaii licensed importer and wholesaler of state-legal consumer fireworks.

This testimony is submitted on behalf of APE, and also Mr. Jerry Farley, APE's representative, who is traveling today and unable to attend the hearing on this matter.

APE opposes HB 497.

HB 497 eliminates the specified days and times for sale, purchase and use of consumer fireworks by the general public.

These specific times and dates are replaced by only "cultural events".

Who will decide what is a qualifying "cultural events"? The county fire officials that will issue the permits? Or the citizen or member of the public that applies for the permit?

Clearly, the citizen will insist that the determination is his or hers alone and regulator would have any say in the matter.

A regulator may well see it differently.

Conflict will be guaranteed.

And for those who think that HB497--if enacted--will eliminate all the illegal use that continues to increase every year, be clearly and strongly disavowed of this notion.

Now, the state law has certitude for most uses of consumer fireworks. This certitude will be replaced by personal opinion .

One of three scenarios will be the result: (1) more use on more days of illegal aerial devices and illegally made aerial explosive devices; or (2) more use of legal consumer fireworks items on more and more days; or (3) both of the above.

APE believes that the three predictable outcomes noted above, if HB 497 passes, is not what the advocates really want but one those outcomes will be what they give to the residents of Oahu, Honolulu.

What should happen is the re-legalization of consumer fireworks on Oahu so that Honolulu's citizens can once again celebrate safely and responsibly with legal fireworks.

On behalf of APE, please reject HB 497. It is not a solution to the problem that is in Honolulu.

Very truly yours,

Thomas J. Berger, Esq.

HB-497

Submitted on: 2/12/2019 2:13:59 PM

Testimony for JUD on 2/14/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Kacatin	Individual	Oppose	No

Comments:

I oppose this measure. Just recently there were FOUR (4) fireworks related incidents that EMS reported versus the 20+ incidents of ASSAULTS and VEHICULAR ACCIDENTS all on New Year's Eve 2018.

Are we addressing the problems here or are we providing LIP SERVICE to coordinated media hype about fireworks?

HB-497

Submitted on: 2/12/2019 3:26:49 PM

Testimony for JUD on 2/14/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Support	No

Comments:

I grew up enjoying the family/friends aspect of lighting fireworks on major holidays. Watching my neighbors each year 'battle' over fireworks, leaving us clouded in smoke – all in good fun, on the day of the holiday, when allowed. Over the years, that's changed. I still have fireworks at times going off nearby. Maybe not the constant pop, bomb, sounds of fireworks going off that precedes the actual holidays and lasts for a few months thereafter, that would startle me as it was completely unexpected or popped just as I laid down to go to sleep, but still a nuisance. With while I have issues with the sound of fireworks being popped with what seemed year round during previous years, other's have lost their homes or been injured by fireworks. So it is with mixed feelings that I support this bill, but would like to ask that it be a temporary prohibition. Let the current supply of illegal's be depleted, catch up on and perfect the inspection process, see if 'reform' is possible first. As I'd hate to see something that brings people joy, taken away because of people who abuse or misuse fireworks.

HB-497

Submitted on: 2/13/2019 8:28:45 AM

Testimony for JUD on 2/14/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sally	Individual	Oppose	No

Comments:

HB-497

Submitted on: 2/12/2019 10:53:15 PM

Testimony for JUD on 2/14/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

This is just plainly UNnessary. You will waist more time and money for nothing!!

This is some of the waist that is needs to be removed from Government.

HB-497

Submitted on: 2/13/2019 10:08:50 AM

Testimony for JUD on 2/14/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Go	Individual	Oppose	No

Comments:

Aloha Chair Lee, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary.

My name is James Goo and I am an individual testifying in OPPOSITION to H.B. 497. While I understand some of the reasoning behind such a measure, I do not support a complete ban on consumer fireworks as proposed by this measure. The lighting of firecrackers on New Years Eve and Chinese New Years has been a cultural and traditional custom that my family has practiced for over 5 generations since we've been in Hawaii. My ancestral family also practiced the Lunar New Year custom in their homeland of Guangung China.

Under this measure, I as an individual household, would not be able to continue this practice. From my layman's reading of the bill, it restricts the use of fireworks to cultural events and goes further to define cultural event. However, in the preamble it says that the purpose of this bill is to "discontinue authorization of non-cultural use of consumer fireworks on the three designated holidays of New Year's Eve, the Fourth of July, and Chinese New Year's Day." So are these days no longer considered cultural? Who determines what is cultural? Can I as a person of Chinese ancestry continue to purchase permits because I can claim it is part of my culture but someone of Russian decent cannot? This would seem to create a racial divide between individuals.

Will the person issuing the permit have to request a birth certificate from me to make sure that I am Chinese before issuing a permit? or is there simply going to be a directive that no permits be issued unless it is for a cultural function by a specific group like a Lion Dance team? Similar to how concealed carry permits are allowed in Hawaii but have never been given.

The Legislature, in its infinite wisdom, continually seeks to solve complex, problematic issues through bans. This year alone there have been proposals to ban spanking, ban cigarettes, ban plastics, ban straws, ban fireworks, and the list goes on and on. We've already tried a complete ban of fireworks on Oahu in the 1980s during Mayor Eileen Anderson's tenure. That did not work as the black market flourished. That continues today. We see it every year by the sheer numbers of fireworks being set off all over the island of Oahu. The people seem to have spoken through the thousands of individuals

who flagrantly violate the law because they are simply tired of being told over and over that government knows what's best for them.

Prohibition never works. It didn't work for alcohol, it isn't working for marijuana, and we are looking at legalizing that, It simply is not an effective tool.

There are a number of other bills that are more common sense which deserve consideration such as increasing fines for fireworks violations, allowing video of scofflaws to be used as evidence, or holding property owners liable for illegal fireworks. Rather than simply banning fireworks, I am sure the intelligent minds at the Capitol can find a common sense solution that doesn't deprive a large portion of the population from practicing something innocuous, one or two days out of the year, that has been part of their culture, their heritage, their traditions for generations.

Please hold or defer HB 497.

Thank you.

James Goo