

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE EUSTAQUIO  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.labor.hawaii.gov](http://www.labor.hawaii.gov)  
Phone: (808) 586-8844 / Fax: (808) 586-9099  
Email: [dlir.director@hawaii.gov](mailto:dlir.director@hawaii.gov)

February 25, 2020

The Honorable Donovan Dela Cruz, Chair  
Committee on Ways and Means  
The State Senate  
State Capitol, Room 208  
Honolulu, Hawaii 96813

The Honorable Karl Rhoads, Chair  
Committee on Judiciary  
The State Senate  
State Capitol, Room 204  
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Rhoads:

Subject: Senate Bill (SB) 146 Relating to the State Fire Council

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 strongly support SB 146, which authorizes the SFC to utilize Reduced Ignition Propensity Cigarette (RIPC) Program Special Funds to pay for key statewide programs and activities that support the SFC's primary mission. It will also authorize the SFC to employ additional staff to implement and coordinate those programs.

The SFC was established by the Hawaii State (State) Legislature in 1979 to replace the State Fire Marshal's office. It is comprised of the four county Fire Chiefs and administratively attached to the State Department of Labor and Industrial Relations (DLIR).

In accordance with Hawaii Revised Statutes §132, the SFC's primary mission is to develop and support a comprehensive fire service emergency management network for the protection of life, property, and the environment for the State. Through the collaborative and unified efforts of each county Fire Chief, the SFC promotes the standardization of fire service reporting, training, sharing of technology, resources, and best management practices. The SFC may advise and assist the county fire

departments where appropriate; prescribe standard procedures and forms related to inspections, investigations, and reporting of fires; and advise the Governor and State Legislature on issues relating to fire prevention and protection and life safety.

The SFC reviews and adopts the national fire code into Hawaii's state fire code. The SFC administers federal fire-related grants; manages the RIPC Program; and coordinates statewide fire training, education, and data collection. It also oversees a statewide program for testing and certifying individuals who perform maintenance and testing of portable fire extinguishers, fire protection systems, and fire alarm systems. Between 1979 and 2001, the SFC relied entirely on county funding and personnel to accomplish its mission. In 2001, the Governor directed the DLIR to allocate \$35,000 to fund the SFC's first part-time employee. In 2011, the legislature appropriated an additional \$71,000 for the SFC to hire two additional employees.

On July 6, 2008, during the 24<sup>th</sup> Hawaii State Legislature Regular Session, Act 218 was passed, and Hawaii became the 36<sup>th</sup> state requiring only RIPC be sold in Hawaii. This law took effect on September 30, 2009. More than 700 brand/style cigarettes were certified by the SFC as being RIPC-compliant. A \$375 fee was also attached for each brand/style cigarette that was certified for sale in our state. Almost \$660,000 in RIPC certification fees were collected before an RIPC Program Specialist was hired on January 16, 2014.

Since then, a plan has been formulated and instituted to properly administer Hawaii's RIPC law. Besides paying for the RIPC Program Specialist's salary, funds from the RIPC Special Fund has been used to defray office expenses, field inspections, and random independent testing by certified laboratories.

The following chart shows the current status of the RIPC income and expenses and examples on the potential use of funds for statewide programs, training, and a new position:

Average Annual Fees Collected (2010-present)	\$129,900
Average Annual Expenses (2010-present)	\$65,680
Current Balance	\$780,000

Program	Current Expense	Recurring Expense
<b>Youth Fire Prevention Intervention Program (triennial)</b>	\$ 24,600	\$ 4,000
Materials, supplies, and equipment	600	600
Contract instructor	5,000	2,500

Personnel	19,000	9,500
<b>Fire Fighter's Safety Guide Program</b>	44,000	44,000
Materials and printing	32,500	32,500
Personnel	11,500	1,500
<b>SFC Grant Manage (Data Analyst) Position</b>	72,000	72,000
<b>Fire Investigator Training (triennial )</b>	8,400	2,800
Reid interview techniques	2,500	2,500
Vehicular fire investigations	2,700	2,700
International Association of Arson Investigators International Training Council	3,200	3,200
<b>Fire Code Adoption Costs and Processes (triennial )</b>		888
Publish public notice in Hawaii newspapers		1,800
Estimated cost of personnel to generate and edit Administrative Rules		864
<b>Grand Total</b>	<b>\$149,000</b>	<b>\$123,688</b>

Currently, there are several programs that have been implemented by one or more of our county fire departments. Key among them is the Fire Fighter's Safety Guide, which has been in existence for more than 30 years. Each year, more than 150,000 booklets filled with fire and life safety information are distributed to elementary school children statewide. There have been several accounts where students acknowledged that information learned from the booklet helped them escape and save family members during a fire or other emergency.

Specialized training could include fire/arson investigation and youth fire setter intervention. Community education programs, such as senior fire and fall prevention, fire evacuation planning and drills, fire prevention week mural exhibition projects, and Smoke Alarms For Everyone, could be initiated. Many times, funding at the county-level is lacking or does not exist.

This bill will allow the SFC to fulfill its mission with existing revenue to properly support the educational programs and training for a comprehensive fire service emergency management network for the protection of life, property, and the environment for the State.

The Honorable Donovan Dela Cruz, Chair  
The Honorable Karl Rhoads, Chair  
Page 4  
February 25, 2020

We request that the bill be amended to include an appropriation of \$150,000 for Fiscal Year 2020 and \$150,000 for Fiscal Year 2021 in addition to the current amount designated to administer the RIPC Program.

In regards to portions of the SB 146 related to RIPC testing, the SFC suggests the following clarifying revisions:

On page 4, lines 20-21: "~~(1) Twenty-five Fifty~~ brand or style cigarette samples ~~packs consisting of two packs per brand or style~~ shall be selected by the State Fire Council for testing; provided that cigarettes shall be ~~testing~~ tested in accordance with the test method outlined in this section;"

On page 5, lines 12-1: "(4) If any of the follow-up tests has a failure rate of ~~twenty-five~~ 25 per cent ~~percent~~ or greater, the manufacturer shall be informed of the second test failure and the manufacturer shall remove the failed brand or style cigarette from sale in the State within thirty 30 days from the date the notification of test failure is received;"

On page 7, lines 12-17: (4) "Against any other person that violates this chapter, a civil penalty for a first offense not to exceed \$1,000, and for a subsequent offense not to exceed \$5,000 for each violation. Entities subject to this paragraph may include manufacturers whose brand or style cigarette has a failure rate of ~~twenty-five~~ 25 per cent ~~percent of the first 50 pack test and 25 percent or greater of the second 40 pack test~~ after two successive failed tests."

On page 7, line 17-page 8, line 4: "(d) In addition to any other remedy provided by law, the attorney general may file an action for a violation of this section, including petitioning for injunctive relief, recovery of costs or damages suffered by the State as the result of a violation of this section, including testing and enforcement costs relating to the specific violation and attorney fees. Each violation of this chapter or of any rule adopted pursuant to this chapter shall constitute a separate civil violation for which the attorney general may obtain relief. Testing performed or sponsored by the State Fire Council to determine a cigarette's compliance with the performance standard required by this section shall be conducted in accordance with this section and exempt from Chapter 103D."

The Honorable Donovan Dela Cruz, Chair  
The Honorable Karl Rhoads, Chair  
Page 5  
February 25, 2020

The SFC and the HFD urge your committees' support on the passage of SB 146.  
Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers  
at 723-7176 or lrogers@honolulu.gov.

Sincerely,

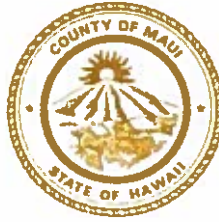
  
MANUEL P. NEVES  
Chair

MPN/LR:clc

**MICHAEL P. VICTORINO**  
Mayor

**DAVID C. THYNE**  
Fire Chief

**BRADFORD K. VENTURA**  
Deputy Fire Chief



**DEPARTMENT OF FIRE & PUBLIC SAFETY**

COUNTY OF MAUI  
200 DAIRY ROAD  
KAHULUI, HI 96732

**LATE**

February 25, 2020

The Honorable Donovan Dela Cruz, Chair  
Committee on Ways and Means  
The State Senate  
State Capitol, Room 208  
Honolulu, Hawaii 96813

The Honorable Karl Rhoads, Chair  
Committee on Judiciary  
The State of Senate  
State Capitol, Room 204  
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Rhoads:

Subject: Senate Bill (SB) 146 Relating to State Fire Council

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support SB 146, which authorizes the SFC to utilize Reduced Ignition Propensity Cigarette (RIPC) Program Special Funds to pay for keys statewide programs and activities that support the SFC's primary mission. It will also authorize the SFC to employ additional staff to implement and coordinate these programs.

The SFC was established by Hawaii Revised Statutes § 132, the SFC's primary mission is to develop and support a comprehensive fire service emergency management network for the protection of life, property, and the environment for the State. Through the collaborative and unified efforts of each county Fire Chief, the SFC promotes the standardization of fire service reporting, training, sharing of technology, resources, and best management practices. The SFC may advise and assist the county fire departments where appropriate; prescribe standard procedures and forms related to inspections, investigation, and reporting of fires; and advises the Governor and State Legislature on issues relating to fire prevention and protection and life safety.

The SFC reviews and adopts the national fire code into Hawaii's state fire code. The SFC administers federal fire-related grants; manages the RIPC Program; and coordinates statewide fire training, education, and data collection. It also oversees a statewide program for testing and certifying individuals who perform maintenance and testing of portable fire extinguishers, fire

protection systems, and fire alarm systems. Between 1979 and 2001, the SFC relied entirely on county funding and personnel to accomplish its mission. In 2001, the Governor directed the DLIR to allocate \$35,000.00 to fund the SFC's first part-time employee. In 2011, the legislature appropriated an additional \$71,000.00 for the SFC to hire two additional employees.

On July 6, 2008, during the 24<sup>th</sup> Hawaii State Legislature Regular Session, Act 218 was passed, and Hawaii became the 36<sup>th</sup> state requiring only RIPC be sold in Hawaii. This law took effect on September 30, 2009. More than 700 brand/style cigarettes were certified by the SFC as being RIPC-compliant. A \$375.00 fee was also attached for each brand/style cigarette that was certified for sale in our state. Almost \$660,000.00 in RIPC certification fees were collected before an RIPC Program Specialist was hired on January 16, 2014.

Since then, a plan has been formulated and instituted to properly administer Hawaii's RIPC law. Besides paying for the RIPC Program Specialist's salary, funds from the RIPC Special Fund has been used to defray office expenses, field inspections, and random independent testing by certified laboratories.

The following chart shows the current status of the RIPC income and expenses and example on the potential use of funds for statewide programs, training, and a new position:

Average Annual Fees Collected (2010 - Present)	\$129,900.00
Average Annual Expenses (2010 - Present)	\$65,680.00
Current Balance	\$780,000.00

Program	Current Expense	Recurring Expense
<b>Youth Fire Prevention Intervention Program (triennial)</b>	\$24,600.00	\$4,000.00
Materials, Supplies, and Equipment	\$600.00	600.00
Contractor Instructor	\$5,000.00	\$2,500.00
Personnel	\$19,000.00	\$9,500.00

<b>Fire Fighter's Safety Guide Program</b>	\$44,000.00	\$44,000.00
Materials and Printing	\$32,500.00	\$32,500.00
Personnel	\$11,500.00	\$1,500.00
<b>SFC Grant Manage (Data Analyst) Position</b>	\$72,000.00	\$72,000.00
<b>Fire Investigator Training (triennial)</b>	\$8,400.00	\$2,800.00
Reid Interview Techniques	\$2,500.00	\$2,500.00
Vehicular Fire Investigations	\$2,700.00	\$2,700.00
International Association of Arson Investigators International Training Council	\$3,200.00	\$3,200.00
<b>Fire Code Adoption Costs and Processes (triennial)</b>		<b>\$888.00</b>
Publish public notice in Hawaii newspaper		\$1,800.00
Estimated cost of personnel to generate and edit Administrative Rules		\$864.00
<b>GRAND TOTAL:</b>	<b>\$149,000.00</b>	<b>\$123,688.00</b>

Currently, there are several programs that have been implanted by one or more of our county fire departments. Key among them is the Fire Fighter's Safety Guide, which has been in existence for more than 30 years. Each year, more than 150,000 booklets filled with fire and life safety information are distributed to elementary school children statewide. There are have been several accounts where students acknowledged that information learned from the booklet helped them escape and save family members during a fire or other emergency.

Specialized training could include fire/arson investigation and youth fire setter intervention. Community education programs, such as senior fire and fall prevention, fire evacuation planning and drills, fire prevention week mural exhibition projects, and Smoke Alarms for Everyone, could be initiated. Many times, funding at the County-level is lacking or does not exist.

This bill will allow the SFC to fulfill its mission with existing revenue to properly support the educational programs and training for a comprehensive fire service emergency management network for the protection of life, property, and the environment for the State.

We request that the bill be amended to include an appropriation of \$150,000.00 for Fiscal Year 2020 and \$150,000.00 for Fiscal Year 2021 in addition to the current amount designated to administers the RIPC Program.

In regards to portions of the SB 146 related to RIPC testing, the SFC suggests the following clarifying revisions:

On page 4, lines 20-21: "(1) ~~Twenty-five~~ Fifty brand or style cigarette ~~samples-packs~~ consisting of two packs per brand or style shall be selected by the



The Honorable Donovan Dela Cruz, Chair

The Honorable Karl Rhoads, Chair

Page 4

February 25, 2020

State Fire Council for testing; provided ~~that~~ cigarettes shall be ~~testing~~ tested in accordance with the test method outlined in this section;"

On page 5, lines 12-1: "(4) If any of the follow-up tests has a failure rate of ~~twenty-five~~ 25 per-cent percent or greater, the manufacturer shall be informed of the second test failure and the manufacturer shall remove the failed brand or style cigarette from sale in the State within ~~thirty~~ 30 days from the date the notification of test failure is received;"

On page 7, lines 12-17: (4) "Against any other person that violates this chapter, a civil penalty for a first offense not to exceed \$1,000, and for a subsequent offense not to exceed \$5,000 for each violation. Entities subject to this paragraph may include manufacturers whose brand or style cigarette has a failure rate of ~~twenty-five~~ 25 per-cent-percent of the first 50 pack test and 25 percent or greater of the second 40 pack test" ~~after two successive failed tests.~~

On page 7, line 17-page 8, line 4: "(d) In addition to any other remedy provided by law, the attorney general may file an action for a violation of this section, including petitioning for injunctive relief, recovery of costs or damages suffered by the State as the result of a violation of this section, including testing and enforcement costs relating to the specific violation and attorney fees. Each violation of this chapter or of any rule adopted pursuant to this chapter shall constitute a separate civil violation for which the attorney general may obtain relief. Testing performed or sponsored by the State Fire Council to determine a cigarette's compliance with the performance standard required by this section shall be conducted in accordance with this section and exempt from Chapter 103D."

The SFC and MFD urge your committees' support on the passage of SB 146.

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

Sincerely,



DAVID C. THYNE  
Fire Chief



**KAUA'I FIRE DEPARTMENT  
THE COUNTY OF KAUA'I**

DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

ROBERT F. WESTERMAN  
FIRE CHIEF

Testimony of Robert F. Westerman  
Fire Chief, Kaua'i Fire Department

Before the  
Senate Committee on Ways and Means  
Senate Committee on Judiciary  
February 26, 2020; 1:10 pm  
Conference Room 211



In consideration of  
Senate Bill 146  
Relating to the State Fire Council

Honorable Chairs Dela Cruz and Rhoads, and Members of the Committees:

The State Fire Council (SFC) and the Kaua'i Fire Department (KFD) **support** SB 146, which authorizes the SFC to utilize Reduced Ignition Propensity Cigarette (RIPC) Program Special Funds to pay for key statewide programs and activities that support the SFC's primary mission. It will also authorize the SFC to employ additional staff to implement and coordinate those programs.

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[www.kauai.gov](http://www.kauai.gov)

4444 Rice Street Suite 315 • Lihue, Hawai'i 96766 • (808) 241-4980 (b) • (808) 241-6508 (f)  
An Equal Opportunity Employer



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The Honorable Karl Rhoads, Chair  
Page 4  
February 25, 2020

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The SFC and the KFD urge your committees' support on the passage of SB 146.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive, flowing style.

Robert F. Westerman  
Fire Chief

RFW:st

**SB-146**

Submitted on: 2/24/2020 6:18:19 PM

Testimony for JDC on 2/26/2020 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Quinn	Individual	Support	No

Comments: