



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB 1246
RELATING TO FIREWORKS**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: 2/9/2021 Room Number: Via Videoconference

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities. Additional resources would be required for the Department to take on the
4 increase in enforcement case development for use of illegal fireworks.

5 **Department Testimony:** The Department offers the following comments on this bill that
6 proposes to apply air and noise pollution penalties to illegal fireworks. The Department supports
7 attempts to find additional deterrents to the use of illegal fireworks but cautions that there may be
8 a number of unintended consequences to this bill.

9 The air and noise programs are regulatory programs which ensure compliance with and
10 enforce Hawaii's air and noise regulations, such as emissions limits to prevent a source from
11 exceeding established air quality standards. Should a violation occur, the programs must know
12 the severity and impact of the violation in order to determine the appropriate penalty; in general,
13 the more severe or impactful the violation, the greater the penalty would be. However, the
14 enforcement action case development and penalty calculation for such a fireworks rule would be
15 unfeasible for the Department's programs. In the bill, the police are responsible for catching and
16 citing violators and the Department's programs would perform a secondary evaluation of
17 fireworks violations and add their penalties based on the police reports. For the air program, it
18 would be extremely difficult to identify the volume of air pollutant emissions and type of
19 pollutant from a report, or to distinguish the emissions from other fireworks, some of which are

1 legal, or even from background concentrations that normally exist. Similarly, the noise program
2 would be hard-pressed to determine key penalty factors such as decibel levels and duration based
3 on police reports.

4 Moreover, this proposal to apply the Department's air pollution and noise pollution
5 penalties to illegal fireworks would increase the workload on the staff of the two environmental
6 programs. The Department has experienced budget cuts and restrictions on filling vacant staff
7 positions due to the State's current economic situation. Both the air and noise programs are
8 operating at a decreased capacity. With minimal current staff resources and the understanding
9 that additional resources will not be available in the near future given the fiscal forecast for the
10 State, the programs are working to maximize efficiencies through prioritizing work,
11 redistributing tasks, and doing more with less.

12 Performing these new tasks proposed in the bill would take staff away from working on
13 other air and noise enforcement cases and cause delays in pursuing violations of air emissions
14 limits and noise standards established to protect public health. While smoke and noise pollution
15 on New Year's Eve clearly have a negative impact on many people in the community, the air
16 pollutant levels do not exceed the health-based National Ambient Air Quality Standards or
17 constitute a noise violation.

18 Lastly, the result of using the Department's environmental programs' penalties may not
19 have the desired result. For the air program, the resultant enforcement action would be either an
20 Informal Notice of Violation, which carries no monetary fine, or a formal Notice and Finding of
21 Violation and Order (NOVO). While the latter does have a monetary fine, the amount would
22 depend on the program's ability to determine criteria such as severity. Moreover, the formal
23 NOVO can be a lengthy process that may include appeals, negotiations, and a contested case
24 hearing, all of which add to the burden on staff.

25 If the intent of this bill is to increase deterrent to illegal fireworks, the most direct and
26 appropriate method would be to strengthen the existing criminal penalties and increase the
27 existing fines in Hawaii Revised Statutes, Chapter 132D, Fireworks. Having multiple agencies

1 pursue different penalties for a single violation would add unnecessary complexity and result in
2 an ineffective use of resources.

3 **Offered Amendments:** None

4 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



LATE

ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

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February 8, 2021

The Honorable Aaron Ling Johanson, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 436
Honolulu, Hawaii 96813

Dear Chair Johanson:

Subject: House Bill (HB) 1246 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 HB 1246, which specifies that certain violations of the Fireworks Control Law shall be considered an activity that causes air pollution and a violation of noise control rules, which may subject the violator to citations under the air and noise pollution laws. Penalties under these laws are higher than the Fireworks Control Law.

The SFC and the HFD fully support increased penalties 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 when it is transported throughout the state. 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. Subjecting violators to higher penalties may serve as a better deterrent to the illegal use of fireworks.

The general welfare, public safety, and property protection are priorities for the SFC and the HFD, and we respectfully request your committee's passage of HB 1246.

The Honorable Aaron Ling Johanson, Chair
Page 2
February 8, 2021

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:cs

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



LATE

ANNE E. PERREIRA-EUSTAQUIO
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Sincerely,



MANUEL P. NEVES
Chair

MPN/LR:cs

LATE

HB-1246

Submitted on: 2/8/2021 3:15:45 PM

Testimony for CPC on 2/9/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stason Tanaka	Honolulu Police Dept.	Comments	No

Comments:

I am available for testifying.



LATE

Hawaiian Humane Society

People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: Feb. 8, 2021

To: Chair Rep. Aaron Ling Johanson
Vice Chair Rep. Lisa Kitagawa
and Members of the
Committee on Consumer Protection and Commerce

Submitted By: Stephanie Kendrick, Public Policy Advocate
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of HB 1246: Relating to Fireworks
Tuesday, Feb. 9, 2021, 2 p.m., Capitol Room 329

Aloha Chair Johanson, Vice Chair Kitagawa and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 1246 which specifies that certain violations of the fireworks control law shall be considered a violation of noise control rules, which may subject the violator to a citation under the noise pollution law.

Hawaiian Humane supports any attempt to remove fireworks from residential neighborhoods, to increase penalties, and to enhance enforcement. The noise pollution caused by fireworks is especially harmful to our animal companions.

Animals who flee their homes in fear are at enormous risk of injury and death. Good Samaritans often bring deceased pets to the Hawaiian Humane Society with the goal of providing closure to their owners. That number averages 1-2 a day. Between New Year's Day and Jan. 2 the number spikes. This year we received 13 deceased animals within that timeframe, last year 14 and in 2019 seven. Even when families keep their pets safely indoors, the loud noises fireworks produce cause fear, anxiety and stress in animals. This anxiety can do lasting damage to a pet's emotional and physical health. Neither people nor animals should have to take tranquilizers just to survive the impacts of illegal behavior by their neighbors.

We urge the committee to restore peace and safety to our neighborhoods. Mahalo for your consideration.

HB-1246

Submitted on: 2/5/2021 12:52:51 PM

Testimony for CPC on 2/9/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

I strongly support the passage of HB 1246 Relating to Fireworks. Air pollution and noise pollution from the illegal fireworks have been an ongoing health hazard as individuals who do not abide by the timeframe allowed to use legal fireworks. Illegal fireworks can be heard and seen prior to the allowed holiday, e.g., New Year's, Fourth of July; on the day of the holiday, and even days after. A citation issued to the air pollution control law and noise control rules are appropriate and should be enforced through this bill.

Thank you for the opportunity to testify in strong support of HB 1246 passage this session.

HB-1246

Submitted on: 2/5/2021 10:32:48 PM

Testimony for CPC on 2/9/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darcey Iwashita	Individual	Support	No

Comments:

I support this bill.

HB-1246

Submitted on: 2/6/2021 3:32:46 PM

Testimony for CPC on 2/9/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

long overdue. we should not be forced to shut off all ventilation in an effort to escape the smoke and pollution. we also need better laws to catch the offenders. too few were cited and/or arrested this year.

HB-1246

Submitted on: 2/7/2021 12:40:50 PM

Testimony for CPC on 2/9/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:

I love that people are listening to those of us who are traumatized by these. Thank you for giving US a voice!

HB-1246

Submitted on: 2/8/2021 10:01:53 AM

Testimony for CPC on 2/9/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
judy bishop	Individual	Support	No

Comments:

I strongly support this bill to classify some fireworks as air and noise pollution because many of them ARE POLLUTING!!!!!!!!!!!!!! The number of cases of asthma are increasing in record numbers yet we as a supposed civilized society persist in allowing air pollution because a small number of people want to do it for FUN!!!!!!!!!!!!!! This fun cause others PAIN and SUFFERING. The NOISE is also polluting in a big way:: it causes fear and shock and trauma. Those suffering from anxiety and PTSD are especially affected. PETS are severely traumatized and sometimes are permanently emotionally and physically hurt, e.g. permanent hearing damage. After this New Year's it took my beautiful pet a full two weeks to get back to normal and no longer be trembling in fear every day--this affected me ! it was traumatic for ME as well! Do Something

LATE

HB-1246

Submitted on: 2/8/2021 10:00:13 PM

Testimony for CPC on 2/9/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Individual	Comments	No

Comments:

Fireworks are a problem recognized by many people. The solution is difficult.

Better enforcement is needed because police cannot pinpoint the violator, and even then neighbors are unwilling to start conflicts with neighbors who set off illegal fireworks.

How can we stop illegal fireworks at their source? Manufacturers need Permits to ship fireworks into Hawaii, like ammunition perhaps?

How can we stop illegal fireworks at point of sale? Local wholesale and retail Permits required to import and sell, with maximum amounts? Heavy penalties for violations.

What other examples of effective enforcement for importation of illegal fireworks are there?