

Testimony of Matson Navigation Company, Inc.
Comments on HB1689, HD1
Before the Committee on Consumer Protection and Commerce
March 2, 2022

Dear Chair Johanson, Vice Chair Kitagawa, and Members of the Committee,

Matson Navigation Company, Inc. (Matson) provides comments on HB1689, SD1, which requires shippers of fireworks or articles pyrotechnic to report certain information to applicable county fire departments; and authorizes county fire departments to enter shippers' vessels for the purpose of inspecting any shipment declared on the shipping manifest as fireworks or articles pyrotechnic.

This measure proposes to add additional reporting requirements to fire departments. Matson believes this is unnecessary because section 132D-8.6(a), Hawaii Revised Statutes, already requires licensed importers, wholesalers, and retailers of fireworks or articles pyrotechnic ("licensee") to notify a county fire department of shipments of such shipments. Specifically, section 132D-8.6(a)(4) requires that prior to booking the shipment, the licensee shall provide to the applicable county fire chief (A) written documentation regarding the proposed display event or events and related contact information to allow the fire chief to validate the importation of a three-month or six-month inventory under section 132D-8.5; and (B) an inventory breakdown for each proposed display. Section 132D-8.6(a)(5) requires at the time shipping is booked, the shipper or consignee notifies the appropriate county official as determined by the county in writing of the expected shipment's landing date. As a shipper, Matson receives the same information that the licensees are already required to report to the county fire departments and does not have additional information. Imposing additional notification requirements on interstate shippers would result in providing duplicative information to the county fire departments.

This measure also proposes authorizing a county fire department to enter a vessel for the purpose of inspecting any shipment declared on the shipping manifest as fireworks or articles pyrotechnic. Again, Matson believes this provision is also unnecessary because section 132D-8.6(b), Hawaii Revised Statutes, clearly authorizes county fire departments to conduct inspections of fireworks. Section 132D-8.6(b) states: "The fire department of a county, in which a shipment of fireworks or articles pyrotechnic has landed and becomes subject to the jurisdiction of the fire department, shall be allowed to inspect, if it chooses, any shipment declared on the shipping manifest as fireworks or articles pyrotechnic."

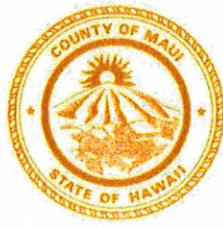
Should your Committee choose to advance this bill, for purposes of practicality and to avoid severely impeding the flow of commerce into the State, Matson requests you amend the measure to require that the inspection point for shipping containers be done at their final destination.

Thank you for providing Matson the opportunity to provide comments.

MICHAEL P. VICTORINO
Mayor

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

February 28, 2022

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) 1689, HOUSE DRAFT (HD) 1 RELATING TO FIREWORKS

I am Bradford K. Ventura, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC supports HB 1689, HD 1, which requires shippers with knowledge that their cargo includes fireworks or articles pyrotechnic to report certain information to applicable county fire departments and authorizes county fire departments to enter shippers' vessels for the purpose of inspecting any shipment declared on the shipping manifest as fireworks or articles pyrotechnic.

The proliferation of illegal aerial fireworks use is evident by viewing numerous video recordings on youtube.com of many Hawaii neighborhoods on New Year's Eve. It is highly probable that fireworks are making its way into the state via shipping containers. Thus, it is envisioned a shipping container inspection program will decrease the amount of illegal fireworks being shipped into the state.

Hawaii news media reports injuries from fireworks misuse to adults and children every New Year's Eve. An adult male who lived on Kauai succumbed to fatal injuries sustained from a fireworks explosion on December 31, 2020. The elimination or reduction of illegal fireworks would reduce the number of emergency response calls due to fires and injuries, thereby allowing fire, police, and emergency medical services to be available for other important emergency incidents. We also believe the inspection of shipping containers will help reduce the number of fires and injuries related to fireworks misuse.

HB 1689 will allow the counties to increase their scrutiny over the multimodal transportation of fireworks. The report of the illegal fireworks task force to the legislature for the 2011 Regular Session, which was prepared in accordance with Act 170, Session Laws of Hawaii 2010, recommended giving

The Honorable Aaron Ling Johanson, Chair

Page 2

February 28, 2022

county agencies the authority to inspect cargo containers at the harbors and other areas where cargo is unloaded. We would request careful consideration of the county fire department employees' legal authority to have open access to shipping containers containing fireworks. The SFC believes that HB 1689 HD 1 will have a greater positive impact in addressing the illegal importation of fireworks.

The SFC urge your committee's support on the passage of HB 1689, HD 1.

If you have questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or glum@honolulu.gov.

Sincerely,



BRADFORD K. VENTURA
Fire Chief



Hawaiian Humane Society

People for animals. Animals for people.

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

Date: Feb. 28, 2022

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, Community Engagement Director
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of HB 1689, HD1: Relating to Fireworks
Wednesday, March 2, 2022, 1 p.m., Via Videoconference

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 1689, HD1, which requires shippers that know that their cargo will include fireworks or articles pyrotechnic to report certain information to applicable county fire departments. Authorizes county fire departments to enter shippers' vessels for the purpose of inspecting any shipment declared on the shipping manifest as fireworks or articles pyrotechnic.

Hawaiian Humane supports any attempt to remove fireworks from residential neighborhoods by keeping these dangerous products out of our state entirely and/or enhancing enforcement. At what should be joyous times for local families, illegal fireworks fill our neighborhoods with unexpected explosions that terrorize pets and people alike.

Animals who flee their homes in fear are at enormous risk of injury and death. An average of 8 stray dogs per day came into the Hawaiian Humane Society in 2021. As the new year arrived, that number spiked to 36 between Jan. 1-2. Hawaiian Humane has long educated our community about keeping pets safe from the terror of fireworks around New Years and July 4, but these bombs increasingly go off for months at a time. That makes it impossible for pet owners to prepare and creates sustained stress on people and animals, which can do lasting damage to their 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 pass this measure. Mahalo for your consideration.

HB-1689-HD-1

Submitted on: 2/28/2022 5:31:05 PM

Testimony for CPC on 3/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

This first step to interrupt and prohibit the import of illegal fireworks will go far to protect citizens, companion animals and wildlife from the destructive problems which accompany fireworks. Mahalo for the opportunity to provide my concerns.

HB-1689-HD-1

Submitted on: 2/28/2022 6:20:12 PM

Testimony for CPC on 3/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sylvia Dolena	Aloha Animal Advocates	Support	No

Comments:

Please support HB 1689.

Fireworks are the main cause of animals getting lost, killed, or injured during holidays.

HB-1689-HD-1

Submitted on: 2/28/2022 5:32:25 PM

Testimony for CPC on 3/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Samuel M Mitchell	Individual	Support	Yes

Comments:

I support HB-1689 HD1 Because it makes the shippers inform the fire departments on who, what, when, and where the fireworks are going before the shipment arrives. But I don't understand why this Act only takes effect on July 1, 2050. Why not in 2023? I think that needs to be fixed.

Samuel Mitchell (Member Makiki NB-10)

HB-1689-HD-1

Submitted on: 2/28/2022 9:11:39 PM

Testimony for CPC on 3/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Beverly Heiser	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

I strongly support HB1689. Thank you for this bill that can improve tracking and inspections of shipping containers that should help decrease the flow of illegal fireworks from entering the state.

The only thing that I oppose and would like clarified is if the effective date of this act as written is truly **July 1, 2050**.

Aerial types of fireworks were banned in 2011. This is not just about a few individuals using fireworks during unauthorized times that is a nuisance but also the many island-wide using illegal fireworks during New Year's Eve.

My family does NOT do fireworks of any kind. Yet every New Year's day DEBRIS from ILLEGAL fireworks from New Year's Eve lay scattered over our entire yard. Some land on our roof and wash down our gutters. I have dogs and these debris contain TOXIC chemicals that can cause illness if ingested. Thus I spend hours cleaning up the mess.

Fireworks contain toxins and heavy metals that are dispersed in our environment and pollute our air, water, and soil. Much of the debris are not biodegradable. They cause harm to people, pets, and wildlife.

The problem has increased over the years and is out of control. There is increased noise destruction of property, fires, life changing injuries, and even fatalities. Tradition should not sound or look like a war zone.

I favor a TOTAL BAN on all types of fireworks except by permit for cultural or religious reasons but at the least this type of ILLEGAL activity should be stopped.

Individuals who have voiced frustrations and are seeking resolution have formed a group on the social networking neighborhood platform NextDoor called "STOP All (Illegal) Fireworks" aka "Pau Fireworks Now".

Thank you for allowing me to testify. Please help to advance this bill.

HB-1689-HD-1

Submitted on: 2/28/2022 1:06:13 PM

Testimony for CPC on 3/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
lynne matusow	Individual	Support	No

Comments:

Of all the fireworks bills introduced this year, this one may have the most impact on getting illegal fireworks, especially aerals, off our streets. The only ways to import these goods into Hawaii nei are by ship or air. Automobiles and trains won't work as these goods have to cross the ocean.

I urge you to support all of us who suffer from fireworks, the noise, the filth, the smoke, the danger, and pass this bill. We need help and this bill helps.

HB-1689-HD-1

Submitted on: 2/28/2022 1:48:40 PM

Testimony for CPC on 3/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

Fire works should be Legal. What you are trying to do sounds more like Comunist Control.

Soon you will all face just!!!

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

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



February 28, 2022

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) 1689, House Draft (HD) 1 Relating to Fireworks

I am Steven Goble, Chair of the Hawaii State Fire Council (SFC). The SFC supports HB 1689, HD 1, which requires shippers with knowledge that their cargo includes fireworks or articles pyrotechnic to report certain information to applicable county fire departments and authorizes county fire departments to enter shippers' vessels for the purpose of inspecting any shipment declared on the shipping manifest as fireworks or articles pyrotechnic.

The proliferation of illegal aerial fireworks use is evident by viewing numerous video recordings on youtube.com of many Hawaii neighborhoods on New Year's Eve. It is highly probable that fireworks are making its way into the state via shipping containers. Thus, it is envisioned a shipping container inspection program will decrease the amount of illegal fireworks being shipped into the state.

Hawaii news media reports injuries from fireworks misuse to adults and children every New Year's Eve. An adult male who lived on Kauai succumbed to fatal injuries sustained from a fireworks explosion on December 31, 2020. The elimination or reduction of illegal fireworks would reduce the number of emergency response calls due to fires and injuries, thereby allowing fire, police, and emergency medical services to be available for other important emergency incidents. We also believe the inspection of shipping containers will help reduce the number of fires and injuries related to fireworks misuse.

HB 1689 will allow the counties to increase their scrutiny over the multimodal transportation of fireworks. The report of the illegal fireworks task force to the

The Honorable Aaron Ling Johanson, Chair
Page 2
February 28, 2022

legislature for the 2011 Regular Session, which was prepared in accordance with Act 170, Session Laws of Hawaii 2010, recommended giving county agencies the authority to inspect cargo containers at the harbors and other areas where cargo is unloaded. We would request careful consideration of the county fire department employees' legal authority to have open access to shipping containers containing fireworks. The SFC believes that HB 1689 will have a greater positive impact in addressing the illegal importation of fireworks.

The SFC urge your committee's support on the passage of HB 1689, HD 1.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Goble', with a long horizontal flourish extending to the right.

STEVEN GOBLE
Chair

SG/GL

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

RICK BLANGIARDI
MAYOR



SHELDON K. HAO
FIRE CHIEF

JASON SAMALA
DEPUTY FIRE CHIEF

February 28, 2022

LATE

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) 1689, House Draft (HD) 1 Relating to Fireworks

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports HB 1689, HD 1, which requires shippers with knowledge that their cargo includes fireworks or articles pyrotechnic to report certain information to applicable county fire departments and authorizes county fire departments to enter shippers' vessels for the purpose of inspecting any shipment declared on the shipping manifest as fireworks or articles pyrotechnic.

The proliferation of illegal aerial fireworks use is evident by viewing numerous video recordings on a major video-sharing website of many Hawaii neighborhoods on New Year's Eve. It is highly probable that fireworks are making its way into the state via shipping containers. Thus, it is envisioned a shipping container inspection program will decrease the amount of illegal fireworks being shipped into the state.

Hawaii news media reports injuries from fireworks misuse to adults and children every New Year's Eve. An adult male who lived on Kauai succumbed to fatal injuries sustained from a fireworks explosion on December 31, 2020. The elimination or reduction of illegal fireworks would reduce the number of emergency response calls due to fires and injuries, thereby allowing fire, police, and emergency medical services to be available for other important emergency incidents. We also believe the inspection of shipping containers will help reduce the number of fires and injuries related to fireworks misuse.


The Honorable Aaron Ling Johanson, Chair
Page 2
February 28, 2022

HB 1689, HD 1 will allow the counties to increase their scrutiny over the multimodal transportation of fireworks. The report of the illegal fireworks task force to the legislature's 2011 Regular Session, which was prepared in accordance with Act 170, Session Laws of Hawaii 2010, recommended giving county agencies the authority to inspect cargo containers at the harbors and other areas where cargo is unloaded. We would request careful consideration of the county fire department employees' legal authority to have open access to shipping containers containing fireworks.

The HFD believes HB 1689, HD 1 will have a greater positive impact in addressing the illegal importation of fireworks. As such, the HFD urges your committee's support on the passage of HB 1689, HD 1.

Should you have questions, please contact Administrative Specialist Gary Lum at 808-723-7169 or glum@honolulu.gov.

Sincerely,


SHELDON K. HAO
Fire Chief

SKH/GL:cn



PEARL CITY NEIGHBORHOOD BOARD NO. 21 <https://pearlcitynb.com/>

LATE

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • <http://www.honolulu.gov/nco>

Chair Larry Veray, Vice-Chair Dion Mesta, Secretary Charmaine Doran, Treasurer Guy Inouye, Kuni Agard, Elayne Funakoshi, Jayden Liu, Lawrence Miyazono, Kelsey Poaha, Shanda Delos Reyes, Tony Velasco

RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL AND LEGISLATIVE REPRESENTATIVES TO REQUEST ASSISTANCE FROM THE FEDERAL GOVERNMENT TO EMPLOY THEIR RESOURCES TO STOP TONS OF ILLEGAL AERIAL FIREWORKS EXPLOSIVES BEING TRANSPORTED TO HAWAII

WHEREAS, several Hawaii residents have complained about illegal aerial fireworks that are negatively impacting their daily lives with bad actor neighbors and individuals launching low altitude extremely loud aerial bomb firework explosions at all hours of the day, all year around and primarily targeting neighborhoods late evenings while people are resting or at sleep, and

WHEREAS, bad actor individuals have modified illegal fireworks into Improvised Explosive Devices (IED) such as pipe bombs to create a much greater low altitude or ground extremely loud explosions which severely impacted the health and safety of the elderly in care homes, disabled Vets with PTSD, children and family pets with some running away from home and being hit by vehicles, and

WHEREAS, the State Legislature previously took action on illegal aerial fireworks with increasing fines and developing a task force in the year 2010 comprised of the Federal Government representatives from ATF, U.S Customs, U.S. Coast Guard, HPD, HFD and port facilities commercial shipping companies; however, this task force did not produce results or any interdiction of illegal fireworks at our port facilities due to the excuse of inspectors claiming there are too many containers to be inspected and the community perception of possible corruption with inspectors, and

WHEREAS, the Honolulu Police Department is overwhelmed with the number of 911 calls that come in all year round and especially for New Years celebrations but the current law requires police officers to actually witness bad actor neighbors and individuals lighting the fuse of illegal fire works before any citation can be initiated or any further City prosecution which is not realistic for arresting the bad actors, and

WHEREAS, the Federal Government such as ATF, FBI and Customs and Border Protection have the classified resources, technology and capabilities to identify, track, interdict and prosecute individuals involved in trans-national organized crime rings transporting and selling tons of explosive illegal aerial fireworks between China and the U.S., which support bad actor residents terrorizing Hawaii neighborhoods, and

WHEREAS, it is suspected by the community and others that the bulk of illegal fireworks are produced in Liuyang, China, transported to Shanghai where the product is loaded into shipping containers and onto Chinese cargo merchant vessels bound for Los Angeles where the product is suspect to be transited by ground to other destinations where the product is then placed into Trojan Horse non-declared explosive shipping containers disguised as high priority goods which are then shipped to major U.S. mainland cities and Hawaii, and

WHEREAS, the Federal Government agencies have the capability to track containers and those suspect containers could be inspected at Honolulu Ports by Federal Agents with trained sniffing dogs or technology devices previously used in the Middle East for detecting explosive material and IEDs, and

WHEREAS, deceptive shipping containers arrive in Hawaii, usually by October each year base on a spike in use of illegal aerial bomb fireworks and this material is temporary stored in commercial warehouses and neighborhood communities and it is only a matter of time where there could be a fireworks accident in this storage area blowing up a city block or residential neighborhood taking many lives of our residents, and

BE IT RESOLVED that the Pearl City Neighborhood Board is requesting our State Legislators and Congressional Representatives to request assistance from the Federal Government to employ their resources to stop illegal fireworks from entering Hawaii ports and to collect evidence for prosecution for all involved in the shipping and storage process to

include bad actor local government employees involved in the distribution of illegal fireworks that should be charged with Class “A” felonies and loss of retirement pensions, and

BE IT RESOLVED that the Pearl City Neighborhood Board requests the State Legislature to improve current illegal fireworks and explosive laws to increase fines and coordinate with the City and County of Honolulu and Judicial authority to develop a monetary reward amount to solicit information from residents on locations of storage of illegal fireworks in warehouses and residential areas to help mitigate this serious safety situation in our neighborhoods and commercial areas; and

BE IT FURTHER RESOLVED that the Pearl City Neighborhood Board requests that Hawaii District Court improve the timeliness for neighborhood residents to litigate potential law suits against bad actor neighbors and individuals to collect punitive damages for the terroristic loud explosions gravely impacting the health and safety of their families and pets with the use of eye witnesses reports coupled with video evidence, signed affidavits by neighbors and HPD police reports for each terroristic loud explosion event that will support the civil suit and possibly lead to criminal prosecution, and

BE IT FINALLY RESOLVED that copies of this Resolution be forwarded to Hawaii Congressional Representatives; Governor David Ige; Senator Clarence Nishihara; Senator Bennette E. Misalucha; Representative Gregg Takayama; Representative Roy Takumi; Mayor Rick Blangiardi Honolulu City Council, Bureau of Alcohol, Tobacco, Firearms and Explosives Honolulu Office; Federal Bureau of Investigation Honolulu Office; U.S. Customs and Border Protection Honolulu Office; Joint Interagency Task Force - West USINDOPACOM; and all Neighborhood Board Chairs.

The Pearl City Neighborhood Board No. 21 unanimously approved at its January 25, 2022 Regular Board meeting, by 10-0-0 vote.

Submitted By: Larry Veray, Chair



LATE

HB-1689-HD-1

Submitted on: 3/1/2022 1:53:20 PM

Testimony for CPC on 3/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Karen Klemme	Individual	Support	No

Comments:

HB1689

As a private citizen and a retired registered nurse, I am in support of HB1689.

I have many concerns over the overwhelming use of “illegal” fireworks over the past Holiday season, where I reside in Kailua-Kona, between Thanksgiving and all the way past New Year’ Day and even on Super Bowl Sunday following the big game. The offenders did not hold back to the allotted time allowed by law.

This was prompted by own concern and also reading multiple social media posts that so many people were upset that I felt I needed to be the “voice” for the “voiceless”.

It is very apparent that there are “illegal” fireworks entering our Big Island community. I am at a loss as to how these are entering our community and I am asking for the legislature’s assistance to stop the illegal entry of illegal fireworks.

I am also writing to you as a retired Registered Nurse over the mal effect on our health both physical (patients at home recovering from the covid virus and other chronic lung patients) and emotional (PTSD), the pollution of our land, air and water, and our poor 4 legged pets and their adverse reactions to fireworks.

I am in support of this bill to improve inspection of shipments into our harbors.

LATE

HB-1689-HD-1

Submitted on: 3/2/2022 12:26:47 AM

Testimony for CPC on 3/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Janet L Pappas	Individual	Support	No

Comments:

Support for HB1689 HD1