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EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
ON
HOUSE BILL NO. 2273

**February 4, 2022
2:00 p.m.
Room 329 and Videoconference**

RELATING TO FIREWORKS

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 2273.

H.B. No. 2273 specifies that certain violations of the Firework Control Law shall be considered a violation of State noise control rules, punishable by civil penalties and subject to citations; appropriates an unspecified amount of general funds in FY 23 to the Department of Health (DOH) for the establishment of one full-time equivalent Inspector position in the Noise Section of the Indoor and Radiological Health Branch; and appropriates an unspecified amount of general funds in FY 23 to DOH to enter into a contract with a security company to assist the Inspector position annually from October through the end of the second week of January.

B&F notes that, with respect to the general fund appropriations in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



Hawaiian Humane Society

People for animals. Animals for people.

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

Date: Feb. 3, 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 2273: Relating to Fireworks
Friday, Feb. 4, 2021, 2 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 2273, which specifies that certain violations of the Fireworks Control Law shall be considered a violation of noise control rules under the Hawaii noise pollution laws, punishable by civil penalties and subject to citations under those respective laws. Appropriates funds to establish one full-time equivalent position for an inspector in the department of health. Appropriates funds for the department of health to enter into a contract with a security company to assist the inspector.

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.

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. 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 and leave fireworks displays to the professionals. Mahalo for your consideration.

HB-2273

Submitted on: 2/2/2022 1:31:41 PM

Testimony for CPC on 2/4/2022 2:00:00 PM

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

Comments:

While I support the intent of this bill, I question what teeth the noise control aspects have. Often there is more involved than hte decibels which someone has to measure. Is the equipment available. Are the operators available? Doubt it. Often the noise has to be for a specific amount of time. How do you measure this? In minutes, in number of blasts, or something else? We have trouble enforcing noise ordinances emanating from liquor establishments, where we can easily idnetify the source.

HB-2273

Submitted on: 2/2/2022 3:08:52 PM

Testimony for CPC on 2/4/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

To Members of the House Committee on Consumer Protection & Commerce,

I strongly support the passage of HB 2273 this session. The bill provides staffing and enforcement support of the Fireworks Control Law, in particular the violation of the noise control and noise pollution laws. Hearing illegal fireworks' bombs going through many months prior to and after the holidays (e.g., New Year's, Fourth of July) are detrimental to individuals' health of all ages as well as their pets.

Thank you for the opportunity to testify in support of HB 2273.

HB-2273

Submitted on: 2/3/2022 6:21:56 AM

Testimony for CPC on 2/4/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jennifer Chiwa	Individual	Support	No

Comments:

Aloha Chairperson Johanson, Vice Chairperson Kitagawa and Members of the Committee on Consumer Protection and Commerce.

I am Jennifer Chiwa and have lived on Oahu my whole life.

Please support HB 2273.

Mahalo.

HB-2273

Submitted on: 2/3/2022 1:00:21 PM

Testimony for CPC on 2/4/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Katie Bourke	Individual	Support	No

Comments:

To whom it may concern,

As a lifelong resident of Hawaii, I am in favor of adding one full-time equivalent position for an inspector in the department of health, for the purpose of enforcing the Fireworks Control Law as it relates to public health and the Hawaii noise pollution laws.

As a child, Fireworks were a joyous occasion and would occur a handful times a year (on Holidays). Now we have aerial fireworks going off almost every day and night, all year long, in my neighborhood of Ahuimanu. They are very loud, setting off car alarms, and some causing the house to shake. (It seems someone in my neighborhood has been making homemade fireworks, that sound more like bombs.) Every time the fireworks go off, it causes all the dogs in the neighborhood to start barking, no matter what the time. Fireworks go off at all hours of the night and day. Fireworks going off on a random Tuesday at 2am is a common occurrence.

My dog has become so terrified of the fireworks that she can cause physical damage to our belongings and the house if left unattended. She refuses to eat and visibly shakes for hours, and must be confined to a crate with a blanket covering it. The fireworks over the past two years have gotten so bad, and so frequent, that now my dog starts to get scared and anxious at dusk, simply because she knows the fireworks are coming.

The Fireworks have been disrupting my sleep, waking me up multiple times a night. Not good for my health. The only solution to the constant "BOOMS" of the fireworks, is to close all the windows and run the AC, in an attempt to block out the noise. Running the AC for this reason seems really silly when it's 60 degrees out in the winter time next to the Koolaus. But closing the windows and running the AC is the only way to get sleep and do my job the next day. But running the AC costs me extra \$\$ every night and is a waste since the natural weather is so pleasant most of the time. We run the AC more during the winter time, than we do during the hot summer, simply because of the fireworks.

It has gotten so bad that my Husband and I have talked about moving to the mainland simply because the Fireworks have been negatively affecting us so much. I want to continue to live in Hawaii, it's my home, my family is here. Please help put a stop to all the illegal fireworks going off in our communities. Thank you.



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

TESTIMONY OF
LARRY S VERAY

HOUSE OF REPRESENTATIVES
TO THE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

MOST STRONGLY SUPPORT HB 2273

RELATING TO FIREWORKS

February 3, 2022

Aloha, Chair Johanson, Vice Chair Lisa Kitagawa and Committee members. Thank you for allowing me the opportunity to provide testimony on HB 2273.

I am Chair for the Pearl City Neighborhood Board No. 21 representing our board and all our residents, families and pets negatively impacted by the random, all hours of the day, terroristic loud aerial fireworks explosions impacting our lives daily. Our board unanimously approved our resolution on fireworks at our January 25, 2022 Neighborhood Board meeting to include mitigation recommendations for our Congressional Representatives and State Legislators.

We totally concur with HB 2273 that there should be a requirement to establish a full-time position for a State inspector to the Department of Health to investigate, act and prosecute producers of loud, negatively impacting sound that impacts the health and safety of our community residents. Every year the amount of noise pollution increases, not only from excessively loud aerial bombs but also loud mufflers from vehicles and mega-blasting boom box stereos. Noise pollution is created by bad actors who want to get in your face with the intentional loud impacting noise where they know there is no resources or enforce noise laws on their bad actor activities. This position could be two-fold, inspect, collect information on loud illegal aerial fireworks and also support the community by prosecuting those with loud exhaust and stereo systems. We also support the legislature setting an appropriate fining system for violators and bad actors.

I most strongly urge you to support and approve HB 2273 coupled with the above recommended language for this bill. We are with you! Mahalo!

Very respectfully,

Larry S. Veray



improving the quality of lives of pets and their people.

LATE

Testimony by Alicia Maluafiti, Board President Poi Dogs & Popoki
In support of HB 2273 - Relating to Fireworks
House Committee on Consumer Protection & Commerce
Friday, February 4, 2022, 2 pm – via Zoom

Aloha Chair Johanson and members of the Committee,

Poi Dogs & Popoki (PDP) is a nonprofit animal welfare organization with a mission to help people and their pets. We are in support of HB 2273 which would add noise control as a punishable offense for illegal fireworks use.

HB 2273 compounds the financial risk for illegal fireworks use. One conviction could result in a combined fee of \$11,000 to \$12,000. With the passage of HB 1695, that fine can be as high as \$15,000 for one violation. These combined fines are so exorbitant that they become an important disincentive to violators. Its just not worth it to purchase and use illegal fireworks.

We appreciate this creative effort to target the pocketbooks of offenders. Now if we could just get HPD and the prosecuting attorney's office to participate. **Maybe its time to reward the police officers involved in the citing, prosecuting and conviction of violators?**

Please pass HB 2273.

HB-2273

Submitted on: 2/4/2022 11:37:22 AM

Testimony for CPC on 2/4/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mike Moran	Kihei Community Association	Support	No

Comments:

Aloha Chair

The Kihei Community is support of this action. For about the last decade our community has been subjected to numerous illegal explosions from Halloween until well after new years. These sudden sporadic explosions are exceedinly disruptive to our pets, wildlife, residensts, especially our veterans, who suffer from PTSD. Any action to help mitigate these explosions is appreciated. Mahalo Mike Moran for the KCA

LATE

COMMITTEE ON CONSUMER PROTECTION & COMMERCE
HEARING – FRIDAY, FEBRUARY 4, 2022

To: Rep. Johanson, Chair
and the Committee on Consumer Protection and Commerce

Fr: Maureen Andrade, 70 year resident of Waipahu

Subject: Testimony on all 7 fireworks bills (HBs1695, 1696, 2502, 1969, 2273,
2275 and 1604)

Aloha Chair Johanson and members of the CPC Committee. My name is Maureen Andrade. I have been a resident of Waipahu for 70 years and during my younger years fireworks were a way to bring in the new year... "firecrackers, sparklers" and it was enjoyable.

Today, every single one of us have witnessed an alarming amount of illegal fireworks... explosives, canister type bombs, homemade bombs and aerials, jumping jacks etc. None of these are LEGAL right? None of these are done for "religious purposes" right?

I am the president of the Village Park Community Association, a little more 1800 homes. For more than 2 years now, every single night, we have been terrorized by very loud explosives, bombs and aerials. It starts at 6:30 pm into the late night and sometimes 1:00 – 3:00 am. We have not had a quiet night at all. I know that we are not the only community that are experiencing this, so in short...

I am in support of all the bills listed on this agenda, I just pray that one of them will find its way to the floor and gets the votes we need...

Mahalo for you time,

Maureen (mo) Andrade
808-386-5623
94-686 Kahue Place
Waipahu, HI 96797
email: andrade_maulena@yahoo.com

LATE

HB-2273

Submitted on: 2/4/2022 12:22:01 AM

Testimony for CPC on 2/4/2022 2:00:00 PM

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

Comments:

I disagree with this bill because it requires 25 pounds or more of class C skyrockets to make it a serous crime.