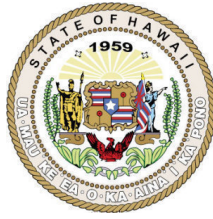


JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu

1177 Alakea Street
Honolulu, Hawaii 96813
(808) 587-2562

Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON HOUSE BILL 809
RELATING TO FIREWORKS.

Before the House Committee on Judiciary & Hawaiian Affairs
Tuesday, February 7, 2023; 2:00 p.m.
State Capitol Conference Room 325, Via Videoconference
Testifiers: Jordan Lowe, Michael Vincent

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) supports House Bill 1041.

This administration bill supports the administration bill establishing the Illegal Fireworks Task Force in HB 1041. We would like to request that the following subsection be added to the new section:

(__) All shipping companies or persons causing a shipping container, crate, flat, or any type of container or vessel containing fireworks to be shipped by ocean-going cargo shall provide all shipping documents including any invoices, bills of lading, waybills, certificates of origin, export or import licenses, packing list, insurance certificate, inspection certificates, or any other documents created for the shipment of fireworks to the department of law enforcement before the ship leaves the port of departure. Any company or person who fails to comply with this section shall be fined by the department no less than \$10,000 for each violation.

Thank you for the opportunity to testify in support of this bill.



TESTIMONY BY:
EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO
JAMES KUNANE TOKIOKA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 7, 2023
2:00 PM
State Capitol, Room 325

H.B. 809
RELATING TO FIREWORKS

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) **supports the intent** of this measure that proposes a shipping container inspection program aimed at safeguarding the health and safety of the people of Hawaii by controlling and mitigating the use and spread of illegal fireworks.

DOT acknowledges the work completed by previous task forces on illegal fireworks, including the resulting reports and the findings therein. DOT also recognizes the recommendations for random cargo inspections. However, any additional inspection that occurs in a harbors facility and requires an allocation of space for such container inspections will jeopardize the timely and efficient offloading and movement of cargo and may contribute to wait times outside the gates for the commercial harbors. DOT appreciates the provisions in the bill that allow for the inspections to take place away from the commercial harbor facilities and requests the committee's consideration of an amendment mandating that the inspections occur at a location away from a cargo terminal.

Thank you for the opportunity to provide this testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:
H.B. NO. 809, RELATING TO FIREWORKS.

BEFORE THE:
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, February 7, 2023 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Trista N. Speer, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

This bill requires the Department of Public Safety (PSD) to “develop and implement a program to randomly inspect shipping containers arriving in the State for illegal fireworks and explosives being brought into the State.” (Page 3, lines 14-16). The purpose of the program is to address the problem of illegal fireworks, as set forth in the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011, prepared in accordance with Act 170, Session Laws of Hawaii 2010, and the 2019 legislative reference bureau report, *Blast from the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011*. The bill requires the shipping container inspection program to begin no later than October 1, 2023. The bill also requires PSD to adopt rules in accordance with chapter 91, Hawaii Revised Statutes. The bill further appropriates funds to PSD to administer the shipping container inspection program.

We are concerned that the requirement for PSD to inspect for illegal explosives in addition to illegal fireworks (page 3, lines 15-16), may be subject to challenge as violating article III, section 14, of the Hawai'i State Constitution, which requires that “[e]ach Law shall embrace but one subject, which shall be expressed in its title.” The inclusion of “illegal explosive” in the program may be found to go beyond the scope of

the title of the bill “fireworks.” To address this constitutional concern, we recommend deleting the words, “and explosives”, from page 2, line 20, and page 3, line 16, of the bill.

We also note that the bill requires the program to begin no later than October 1, 2023. PSD will probably require additional time to promulgate administrative rules, and to plan and implement the shipping container inspection program.

Thank you for the opportunity to provide these comments.

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 3, 2023

**TESTIMONY OF FELICIA COWDEN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 809, RELATING TO FIREWORKS
House Committee on Judiciary & Hawaiian Affairs
Tuesday, February 7, 2023
2:00 p.m.
Conference Room 325
Via Videoconference**

Dear Chair Tarnas and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 809, Relating to Fireworks. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council and Public Safety & Human Services Committee Chair.

I support HB 1041, establishing the shipping container inspection program and appropriate funds for the shipping container inspection program. It is far more effective to contain this problem at the point of entry than on every neighborhood street.

In the past two years, there has been a remarkable increase in home-made "noise bombs" and the use of pyrotechnics and other illegal fireworks that are overwhelming our neighborhoods. It represents a brazen disregard for our existing laws limiting fireworks. The Kaua'i County Council has received many complaints regarding respiratory health impacts as well as trauma, fear, and exhaustion to both humans and animals. We have had our Kaua'i Police Department engaged in our Council conversation.

We acknowledged that a potential vector of entry for these illegal fireworks is likely at the shipping ports. If these illegal explosives are arriving through shipping freight in our harbors, it may be that other inappropriate dangerous materials are also arriving.

Thank you again for this opportunity to provide testimony in support of HB 809. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Mahalo,

FELICIA COWDEN
Councilmember, Kaua'i County Council

AAO:lc

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

February 7, 2023

RE: H.B. 809; RELATING TO FIREWORKS.

Chair Tarnas, Vice-Chair Takayama and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in support of H.B. 809.

The purpose of this bill is to establish a shipping container inspection program, to randomly inspect shipping containers and prevent the illegal importation of fireworks and explosives. This bill also makes an appropriation to the Department of Public Safety for the detection, storage and disposal of illegal fireworks.

For years, Oahu residents have seen and heard evidence of illegal fireworks being set off at seemingly every street corner and public park on the island. Residents have become accustomed to the skies being lit up like a battlefield by illegal aerial devices, not only for New Year’s Eve and Fourth of July, but for weeks before and after those special occasions. In recent years, many communities have been forced to endure an endless barrage of fireworks year-round. Concerns about the incessant noise of these illegal fireworks are heightened by the fact that national and local statistics have also shown a rise in firework related injuries.¹

According to the *Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011*², and the follow-up report, *Blast from the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011*³, it is very clear that nearly all fireworks in Hawaii entered the state through shipping containers. The Department concurs with this finding, and believes that new enforcement mechanisms and/or collaborative efforts are needed to address the illegal importation of fireworks into our state. As such, the

¹ <https://www.cpsc.gov/s3fs-public/2021-Fireworks-Annual-Report.pdf>

² https://lrh.hawaii.gov/wp-content/uploads/2011_ReportOfTheIllegalFireworksTaskForce.pdf

³ https://lrh.hawaii.gov/wp-content/uploads/2019_BlastFromThePast.pdf

Department welcomes and supports any effort (such as the one presented in H.B. 809) to bring multiple agencies together to engage, plan and implement strategies to cut off this supply chain at its entry point.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** the passage of H.B. 809. Thank you for the opportunity to testify on this matter.

HB-809

Submitted on: 2/3/2023 3:45:57 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Mitchell	City & County of Honolulu Maikiki NB-10	Support	Remotely Via Zoom

Comments:

MAKIKI/LOWER PUNCHBOWL/TANTALUS NEIGHBORHOOD BOARD NO. 10
State Making Hawai‘i a Safe & Sane Fireworks

WHEREAS, fireworks contain toxic chemicals and it spreads heavy metals that contribute to Hawai‘i’s air, water; and soil pollution;
and

WHEREAS, fireworks are affecting the health and safety of dogs, cats, birds, fish, children, the elderly, and veterans with post traumatic stress disorder;
and

WHEREAS, Honolulu residents have complained about illegal fireworks & skyrockets being fired off at all hours of the day and night;
and

WHEREAS, fireworks cause a wide variety of health concerns such as cancer, respiratory and reproductive problems in humans and animals;
and

WHEREAS, in Honolulu from Dec 31 2021 to Jan 1st, 2022 there more than 11 persons seriously injured by fireworks, including one child;
and

WHEREAS, illegal fireworks are being stored in small stores, warehouses, and homes where they are a serious fire hazard;
and

WHEREAS, people are now buying fireworks-making kits which are coming in by United States Postal Service ground and being shipped to Hawai‘i by airmail; and WHEREAS, the Nextdoor group Stop all illegal Fireworks group has allowed the local community to voice and share ideas on what the City, State, and Federal Government can do to correct Hawai‘i’s Fireworks problems; now, therefore

BE IT RESOLVE, the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 asks State and City Legislators to use its resources to stop illegal fireworks from entering Hawai‘i by way of its Ports and Postal Services;
and

BE IT RESOLVED, the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 asks the Legislature to improve its fireworks laws by assisting the counties in starting up a monetary reward program, that asks for the names & addresses of illegal fireworks shippers, distributors, and sellers;

and

BE IT FINALLY RESOLVED, that copies of this resolution shall be distributed to the Governor of Hawai'i, the Lieutenant Governor of Hawai'i, Representative Della Au Belatti, Representative Sylvia Luke, Senator Brian Taniguchi, and Senator Sharon Moriwaki. _

IAN ROSS, CHAIR MAKIKI/LOWER PUNCHBOWL/TANTALUS
NEIGHBORHOOD BOARD NO.10 Adopted 3-17-2022

TESTIMONY OF
LARRY S VERAY
TO THE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
IN STRONG SUPPORT OF HB809

February 5, 2023

Aloha, Chair David Tarnas and Vice Chair Gregg Takayama and committee members. Thank you for allowing me the opportunity to provide testimony in support of HB809 in preparation of the hearing on Tuesday, February 7, 2023 at 2 PM. I am Chair for the Pearl City Neighborhood Board No. 21, I am representing our Neighborhood Board and the numerous residents in Pearl City who have been negatively impacted by all-year-round illegal use of fireworks in Pearl City. Our Neighborhood Board unanimously approved a Fireworks Resolution on January 25, 2022 followed by a follow-on Fireworks Resolution at our January 24, 2023 board meeting.

The intent of HB809 bill establishes the shipping container inspection program and appropriates funds for the shipping container inspection program. Requires the Department of Public Safety to submit reports to the Legislature on implementation of the shipping container inspection program. Appropriates funds.

Tons of explosive fireworks are entering our ports in Hawaii all year round. The most cost effective way to stop illegal fireworks from coming into Hawaii is to interdict the shipments on the West Coast of the United States, prior to the shipments being loaded on container ships to Hawaii. There needs to be a strong partnership with the Federal Government to stop this major organized crime ring that is corrupting many State and City officials, police and fire department personnel as they continue to operate "under the radar" successfully distributing illegal fireworks across all communities in Hawaii while they are making millions of dollars in profit.

The Pearl City Neighborhood Board No. 21 is in support of this bill, we most strongly urge you to pass HB809.

Very respectfully,

Larry S. Veray



Hawaiian Humane Society

People for animals. Animals for people.

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

Date: Feb. 3, 2023

To: Chair Rep. David A. Tarnas
Vice Chair Gregg Takayama
and Members of the Committee on Judiciary and Hawaiian Affairs

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

RE: Testimony in support of HB 809: Relating to Fireworks
Tuesday, Feb. 7, 2023, 2 p.m., Room 325 and Via Videoconference

Aloha Chair Tarnas, Vice Chair Takayama and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 809, which establishes the shipping container inspection program and appropriates funds for the shipping container inspection program. It also requires the Department of Public Safety to submit reports to the Legislature on implementation of the shipping container inspection program.

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.

This bill highlights the perennial nature of this issue and the lack of progress made despite enormous upset in our communities. In fact, the problem only seems to get worse. 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, which will make a more robust response to this threat possible. Mahalo for your consideration.

HB-809

Submitted on: 2/3/2023 6:28:54 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Serena Stefanic-Phillip	Hawaiian Humane Society	Support	Written Testimony Only

Comments:

I strongly support Bill HB809.



improving the quality of lives of pets and their people.

Testimony by Alicia Maluafiti
Volunteer Board President, Poi Dogs & Popoki

In Strong Support of HB 809 – Relating to Fireworks
House Committee on Judiciary and Hawaiian Affairs
Tuesday, Feb. 7, 2 pm, Rm. 325

Aloha Chair Tarnas 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 strong support of HB 809.

The majority of people can at least agree on one thing: stopping illegal fireworks at the ports could make it more difficult for illegal fireworks to be ignited in our communities. The biggest question, however, is how to ensure the inspections are “unannounced” and not sabotaged by the “insiders” at the docks or within law enforcement itself? People all over social media recount stories about corruption at the docs and at HPD. Even the prison guard recently arrested. These people don’t value their jobs, their families, or apparently their freedom.

We hope that HB 809 is a step in the right direction. It definitely can’t hurt. At this point in time – we are desperate for solutions. And we only speak for those owners whose pets are terrorized and traumatized by illegal fireworks.



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 7, 2023
Re: HB 809 RELATING TO FIREWORKS**

Good afternoon Chair Tarnas and members of the House Committee on Judiciary and Hawaiian Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

While we recognize the intent of the bill to curtail illegal fireworks coming into our State, RMH is OPPOSED to HB 809 Relating to Fireworks. This measure establishes the shipping container inspection program and appropriates funds for the shipping container inspection program. Requires the Department of Public Safety to submit reports to the Legislature on implementation of the shipping container inspection program; and appropriates funds.

RMH is concerned about the timing of receiving goods from the docks if shipping containers have to be inspected that is not being delivered to the military, state or county agencies, and businesses registered to do business in the State. Instead of waiting a few days, could we have to wait weeks or maybe a month for the containers to be inspected. This would prolong retailers from receiving their merchandise. Currently retailers are already struggling to get their merchandise. There are still major shipping delays on the mainland and internationally that we do not see as being resolved anytime soon. This also attributes to the delays in shipping goods from the mainland to Hawaii

Shipping schedules have been reduced. And let's not forget some foods and beverage items shipped have an expiration date and cannot be sitting on a dock waiting for inspection for too long.

We also wonder if there are inspectors are trained to determine the legal fireworks from the illegal variety. There are legal fireworks used for commercial display. Will the containers be inspected in a secure site? We want to be sure that our goods are not compromised.

This process needs to be fully vetted as there are a lot of moving parts that affect more than just opening a container up and inspecting the contents.

Mahalo again for this opportunity to testify.

HB-809

Submitted on: 2/6/2023 12:34:59 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maria Virginia M Lopez	Hawaiian Humane Society	Support	Written Testimony Only

Comments:

I, Maria Virginia Lopez, resident of Oahu for 14 years, support bill SB809 on behalf of the Hawaiian Humane Society.

Testimony of the Hawaii Harbor Users Group
Comments on HB809
Before the Committee on Judiciary and Hawaiian Affairs
Tuesday, February 7, 2023

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Hawaii Harbor Users Group (HHUG) is a non-profit maritime transportation industry group comprised of key commercial harbor users statewide. HHUG has significant concerns with HB809, Relating to State Fireworks and respectfully offers amendments. This measure, among other things, requires the Department of Public Safety, in collaboration with the Department of Transportation, and other state and federal agencies to conduct random cargo container inspections for illegal fireworks and explosives beginning no later than October 1, 2023.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii's imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable, and efficient cargo transportation and logistics to timely service our residents and businesses who depend on these goods, vehicles, materials, and fuel on all major islands.

HHUG respectfully requests this measure be amended to require all container inspections conducted pursuant to this measure to occur at a secure and safe facility away from the commercial harbors to allow timely discharge of shipping containers at each of the commercial harbors, and avoid unnecessary delays and traffic congestion. Several of our users' operations run twenty-four hours a day, seven days a week and Honolulu Harbor is at full capacity. Any random inspection that takes place within the already congested commercial harbors on each of the major islands could cause significant delays in offloading and out-gating of cargo and unsafe traffic congestion. As a result, these inspections must take place outside of the commercial harbors to avoid disruption of goods transported within the State and interference with the users' respective operations at these harbors.

This measure also fails to address fireworks and explosives that enter the State through other modes of transportation beyond commercial shipping containers. For example, on January 3, 2023, Hawaii News Now reported that an investigation was underway after nearly 100 pounds of illegal aerial fireworks were confiscated from a mailroom at Oahu Community Correctional Center. A corrections officer was suspected of having the boxes mailed to the jail using an inmate's name. All entities involved in moving cargo to the islands via other modes of transportation should be included in any proposed inspection mandate including other mail and packaging carriers. This could include the United States Postal Service, other mail carriers, airlines, air cargo carriers, recreational boat owners, and the related industry groups.

This measure also fails to state specifically that the Department of Public Safety shall have jurisdiction over and take possession of any fireworks or explosives found in connection with the container inspections conducted.

If your Committee intends to pass this measure, we request the following amendments:

Page 3, lines 9 through 17: "~~§266- [Shipping container] Cargo inspection program.~~ (a) The department of public safety, in collaboration with the department of transportation, and any other state or federal agencies, including any of the United States armed services, and private organizations involved with ~~[shipping] transporting cargo~~ into the State, shall develop and implement a program to randomly inspect ~~all cargo, including shipping containers,~~ arriving in the State for illegal fireworks and explosives being brought into the State. The program shall begin no later than October 1, 2023." We respectfully request that your Committee make conforming amendments throughout the measure.

Page 3, line 19 through page 4, line 2: "~~(1) Include the use of explosive-sniffing dogs to inspect incoming [shipping containers to the greatest extent reasonable] cargo~~ at a designated secure site ~~[, and if logistically necessary,]~~ located away from a commercial harbor;"

Page 4, lines 11 to 15: "Inspect all ~~[shipping containers] cargo~~ containing legal fireworks from illegal fireworks at a designated secure site ~~[and, if logistically necessary,]~~ located away from a commercial harbor; and"

Page 4 lines 18 to 21: "~~(c) The department of public safety shall coordinate and conduct the random inspection of [shipping containers] cargo at a secure and safe location away from a commercial harbor pursuant to this section. The Hawaii national guard may be utilized to assist in the random inspection of [shipping containers] cargo. The department of public safety shall take possession of and retain jurisdiction over any illegal fireworks or explosives found in an inspection of cargo. The department of public safety shall conduct random inspections of all cargo in a manner that allows for the timely delivery of goods and return of intermodal equipment.~~"

Thank you for considering our suggested amendments. Additionally, we urge your Committee to ensure it has carefully considered the jurisdictional issues that may arise with private-sector organized labor.



WRITTEN TESTIMONY ONLY

February 7, 2023

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

RE: House Bill 809 – RELATING TO FIREWORKS
Hearing date: February 7, 2023, 2:00 p.m.

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

Thank you for the opportunity to submit testimony on behalf of Young Brothers, LLC (“YB”) offering COMMENTS for House Bill 809 – Relating to Fireworks.

YB is a common carrier by water, transporting property by tug and barge between the islands of O’ahu, Hawai’i, Kaua’i, Maui, Moloka’i, and Lāna’i. YB is currently the only water carrier authorized to transport property under Chapter 271G, Hawaii Revised Statutes (“HRS”) (i.e., the Hawaii Water Carrier Act), subject to the regulatory authority of the Public Utilities Commission of the State of Hawaii (“PUC”). Since 1900, customers across Hawaii have relied on YB’s frequent, regular, and universal sailings to serve as the bridge that connects all communities in this island-state.

This measure would, among other things, require the Department of Public Safety, in collaboration with the Department of Transportation and other state and federal agencies, to conduct random cargo container inspections for illegal fireworks and explosives beginning no later than October 1, 2023.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii’s imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support safe, dependable and efficient cargo transportation and logistics to timely service our residents and businesses who depend on these goods, vehicles, materials and fuel on all major islands.

YB respectfully requests this measure be amended to require all container inspections conducted pursuant to this measure to occur at a secure and safe facility away from the commercial harbors to allow timely discharge of shipping containers at each of the commercial harbors, and to avoid unnecessary delays and traffic congestion. Any random inspection that takes place within the already congested commercial harbors on each of the major islands could cause significant delays in offloading and out-gating of cargo as well as unsafe traffic congestion at and around the ports. As a result, these inspections should take place outside of the commercial harbors to avoid disruption of goods transported within the State and to avoid interference with operations at these harbors.

This measure also fails to address fireworks and explosives that enter the State through other modes of transportation beyond commercial shipping containers. For example, on January 3, 2023, Hawaii News Now reported that an investigation was underway after nearly 100 pounds of illegal aerial fireworks were confiscated from a mailroom at Oahu Community Correctional Center. A corrections officer was suspected of having the boxes mailed to the jail using an inmate's name. All entities involved in moving cargo to the islands via other modes of transportation should be included in any proposed inspection mandate, including other mail and packaging carriers, airlines, air cargo carriers, recreational boat owners, and the related industry groups.

This measure also fails to state specifically that the Department of Public Safety shall have jurisdiction over and take possession of any fireworks or explosives found in connection with the container inspections conducted.

If your Committee intends to pass this measure, we request the following amendments:

Page 3, lines 9 through 17: "~~§266-~~ **Shipping container Cargo inspection program.** (a) The department of public safety, in collaboration with the department of transportation, and any other state or federal agencies, including any of the United States armed services, and private organizations involved with shipping transporting cargo into the State, shall develop and implement a program to randomly inspect all cargo, including shipping containers, arriving in the State for illegal fireworks and explosives being brought into the State. The program shall begin no later than October 1, 2023." We respectfully request that your Committee make conforming amendments throughout the measure.

Page 3, line 19 through page 4, line 2: "(1) Include the use of explosive-sniffing dogs to inspect incoming shipping containers to the greatest extent reasonable cargo at a designated secure site, and if logistically necessary, located away from a commercial harbor;"

Page 4, lines 11 to 15: "Inspect all shipping containers cargo containing legal fireworks from illegal fireworks at a designated secure site and, if logistically necessary, located away from a commercial harbor; and"

Page 4 lines 18 to 21: "(c) The department of public safety shall coordinate and conduct the random inspection of shipping containers cargo at a secure and safe location away from a commercial harbor pursuant to this section. The Hawaii national guard may be utilized to assist in the random inspection of shipping containers cargo. The department of public safety shall take possession of and retain jurisdiction over any illegal fireworks or explosives found in an inspection of cargo. The department of public safety shall conduct random inspections of all cargo in a manner that allows for the timely delivery of goods and return of intermodal equipment."

Thank you for your service to the State of Hawaii, and for the opportunity to testify offering comments on this measure.

Sincerely,

Kris Nakagawa
Vice President, External and Legal Affairs



HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
State Capitol
415 South Beretania Street
2:00 PM

February 7, 2023

RE: HB 809 - RELATING TO FIREWORKS

Chair Tarnas, Vice Chair Takayama, and members of the committee:

My name is Max Lindsey, 2023 Government Relations Committee Chair of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA Hawaii is in opposition to HB 809, Relating to Fireworks. This bill would establish the shipping container inspection program and appropriates funds for the shipping container inspection program, and requires the Department of Public Safety to submit reports to the Legislature on implementation of the shipping container inspection program.

While we understand that the intent of this legislation is to possibly lessen the amount of illegal aerial fireworks that are coming into our state, we are concerned with the unintended consequences of severely delaying the delivery of building materials and products. Very often, containers that are clearly building materials such as wood, windows, and cabinets are being delayed for days or weeks, which adds to the already exorbitant cost of building housing. We would caution the legislature on passing this type of legislation that would inadvertently, negatively impact many other industries.

Hawaii is in a major housing crisis, which continues to worsen. As the Legislature is aware, the cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. Approximately 153,967 U.S. households are priced out of buying a home for every \$1000 increase in price, according to the National Association of Home Builders (NAHB). We are in support of legislation that would allow for the building of much-needed housing at every price point in Hawaii.

Thank you for the opportunity to share our support of HB 920.

HB-809

Submitted on: 2/3/2023 2:25:28 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Weiss	Individual	Support	Written Testimony Only

Comments:

I fully support this bill and all efforts to reduce illegal fireworks in Hawaii.

HB-809

Submitted on: 2/3/2023 5:23:38 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Reeser	Individual	Support	Written Testimony Only

Comments:

Aloha,

We need to do as much as possible to curb illegal fireworks from port and warehouse inspections, package scanning, and creating task forces to deal with this growing problem. It has gotten to the point that it is not safe to go outside in many neighborhoods in Hawaii due to these illegal bombs that go off not only on July 4 and December 31, but for months prior and after these holidays. Since when do we tolerate illegal, unpoliced explosives being set off in neighborhoods by anyone without any consequences? Please devote resources to this problem as it gets progressively worse every year. Undercover police task forces to bust dealers and buyers should also be happening. Right now there are no consequences to this terror we are allowing in our neighborhoods. This is not Hawai'i.

Mahalo.

HB-809

Submitted on: 2/4/2023 5:44:51 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melanie Kim	Individual	Support	Written Testimony Only

Comments:

I support this bill to create a programs for a shipping container program with funds appropriated to support this program so that goods such as fireworks are inspected to reduce introduction of illegal and unsafe fireworks that may hazards to the public.

HB-809

Submitted on: 2/4/2023 8:39:36 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
JOHNNY KELLY	Individual	Support	Written Testimony Only

Comments:

You and I know tens of thousands of pounds of illegal fireworks are brought into our State every year. This has been the "norm" for as long as I can remember and I am 77. ALL containers must be inspected and any fireworks removed and destroyed. Enforcement must be used and the perps arrested and jailed. The practice of finding one container with fireworks is a joke. We know this is used to appease the public and make them think law enforcement is doing their job.

This scam is not even a drop of water in a 55 gallon drum compared to the amount coming into our State. IT MUST STOP NOW!

HB-809

Submitted on: 2/4/2023 9:47:05 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael I Rice	Individual	Oppose	Written Testimony Only

Comments:

I stand against this bill for the simple reason that the ban on aerial fireworks does not work and will not work. This bill is just throwing money in an attempt to fix a problem that we have made ourselves.

During Prohibition, 2 of my great grandfathers were Moonshiners, 1 was a Rum Runner, and 1 was a police officer assigned to enforce liquor laws. I'll give you 3 guesses as to which one of the 4 always had a full wallet and liquor cabinet.

Legalize Aerial Fireworks again, when people realize they can easily buy consumer grade fireworks for \$200 as opposed to paying thousands of dollars for the same fireworks to be smuggled in as well as accessing commercial grade pyrotechnics, the problem will correct itself.

HB-809

Submitted on: 2/4/2023 10:31:41 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Eubank	Individual	Support	Written Testimony Only

Comments:

I strongly support HB809 to inspect containers for illegal fireworks. Mahalo. Susan Eubank

HB-809

Submitted on: 2/4/2023 1:57:25 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel R Freund	Individual	Support	Written Testimony Only

Comments:

We have enough laws, we don't have enough enforcement. This bill will help that imbalance.

HB-809

Submitted on: 2/4/2023 4:12:07 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie McLaughlin	Individual	Support	Written Testimony Only

Comments:

Please support this important bill that will help animals in Hawaii like my dog, Donny, and my cat, Katie, who suffer from illegal fireworks set off in my home community of Mililani mauka.

HB-809

Submitted on: 2/4/2023 4:14:52 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

This is a much needed bill. It is probably the fireworks bill that will have the most impact on getting the illegal fireworks problem under control. We are being assaulted by illegal fireworks, the noise, the dangers, for many months each years. Pets are terrified, as are those with PTSD, those suffering from mental illness, children. Please help us by passing this bill.

HB-809

Submitted on: 2/5/2023 8:19:19 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
carole richelieu	Individual	Support	Written Testimony Only

Comments:

This bill establishes the shipping container inspection program and appropriates funds for the shipping container inspection program. The fireworks are getting here somehow and need to be stopped at the dock.

HB-809

Submitted on: 2/5/2023 10:02:37 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Harrington	Individual	Support	Written Testimony Only

Comments:

I support HB809. Reporting is important for accountability. We need more transparent reporting across the board in Hawaii.

HB-809

Submitted on: 2/5/2023 11:42:49 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Natalie Hanson	Individual	Support	Written Testimony Only

Comments:

Although I love fireworks as much as the next person and grew up in a family of pyromaniacs, in a state with ample open space and loose regulation allowing the liberal purchase and use of fireworks, I think the use of fireworks on Oahu has gotten far out of hand, given the local conditions. In the 3 years since we moved to our current neighborhood (Kalihi), there have been several fires around the holidays that I can only assume must be related to the over-use of fireworks in densely built/populated neighborhoods. Aside from the obvious safety concerns relating to fires and fireworks in densely built areas, the smoke from fireworks and subsequent fires has significantly impacted the health of myself and my family. I would like to see much greater enforcement of current fireworks restrictions, and a re-visiting of said laws, so I support SB809. Thanks for your consideration.

HB-809

Submitted on: 2/6/2023 9:09:11 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chairperson Tarnas and Members of the Committee on Judiciary and Hawaiian Affairs.

I am Jennifer Chiwa, have lived on Oahu my whole life and currently reside in Makiki.

Please support HB 809 which would establish a shipping container inspection program and appropriate funds for reports to the legislature on this program. It's my understanding that this program would greatly deter illegal import of fireworks. Fireworks are a detriment to the health and safety of human and animal community members so this program would be greatly beneficial.

Thank you for this opportunity to testify and for your consideration in supporting HB 809.

Jennifer Chiwa

Makiki

HB-809

Submitted on: 2/6/2023 9:45:48 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

SUPPORT

HB-809

Submitted on: 2/6/2023 11:27:46 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Committee Members,

I Strongly Support HB809 that establishes the shipping container inspection program and appropriates funds.

This year will be 12 years since a ban was enacted to stop illegal fireworks. The current laws are not working because it is out of control and overwhelming for enforcement.

The 13,449 pounds of illegal fireworks confiscated in August 2022 by Coast Guard inspectors is evidence of the amount entering our Honolulu ports. The Multi-Agency Strike Force Operation that included several Federal and State agencies shows this can work to increase port security and eventually curtail the amount of illegal fireworks entering our state. The addition of explosive-detection dogs would be helpful. Inspections at ports could also lead to those illegally importing and selling.

Going after the users at this point until we can gain better control will not make a significant difference, but they should be fined for breaking the law. Some have taken videos of users lighting fuses of aerials only to be told you have to be able to see their face. Would you go close enough to someone lighting an aerial in the dark to capture their face? There are a couple of incidents where neighbors have turned in users and experienced retaliation. One received verbal threats, and another had their car tires punctured three days in a row.

Every year complaints are growing. Injuries, fatalities, pollution, health concerns, property damage, noise pollution, harm to animals and pets. The aerials and the bombs are the worst. I have pictures of the debris that I've collected that land and scatter all over my yard and roof. Many of the tubes have chemical hunks still stuck in them. They are toxic to animals. One year it tore one of our screens. Remember the incident in Ewa that shattered multiple car windows and damaged two cars, one so bad it could no longer be driven? I wonder who has to pay for all this damage? What about the fatalities and serious injuries? Are they so soon forgotten?

The community needs to be better protected. The amount of illegal fireworks entering the state needs to be reduced so effective enforcement can take place.

Please support HB809.

Thank you for the opportunity to testify.

HB-809

Submitted on: 2/6/2023 2:09:42 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Natalie Graham-Wood	Individual	Support	Written Testimony Only

Comments:

I support HB809.

HB-809

Submitted on: 2/6/2023 11:30:44 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexis E. Jamison	Individual	Support	Written Testimony Only

Comments:

I support HB809. It is critical that the state of Hawaii implement better measures to control the illegal fireworks program on Oahu. I have lived in Mililani Mauka for almost 16 years and the illegal fireworks have gotten progressively worse, with this year being the worst by far. Fireworks have no place in our residential neighborhoods. They torment residents - humans and pet alike. I believe that it is crucial to establish and implement a shipping container inspection program, as this is where these illegal fireworks are being smuggled in, as a part of a multifaceted effort to curb this issue.

HB-809

Submitted on: 2/7/2023 11:21:38 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Christopher	Individual	Oppose	Written Testimony Only

Comments:

I do not support HB809. Any additional monies spent to try to enforce the laws against fireworks is a waste of money that can be used in so many better ways. The fireworks displays are proof that the majority of people want them legal. The state should make them legal and tax them so people get what they want and the state can make money not spend money. I would support certian dry areas being areas that cant have fireworks for fire reasons.