



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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WRITTEN  
TESTIMONY ONLY

**Testimony COMMENTING on HB1233  
RELATING TO STORMWATER MANAGEMENT SYSTEMS**

REPRESENTATIVE MARK J. HASHEM, CHAIR  
HOUSE COMMITTEE ON WATER AND LAND

February 4, 2025, 9:00 AM, RoomNumber: 411

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.

4 **Department Position:** The Department is offering comments.

5 **Department Testimony:** The Environmental Management Division Clean Water Branch  
6 (EMD-CWB) provides the following testimony on behalf of the Department.

7 The Department respectfully suggests that the Legislature consider expanding the  
8 proposed role of the Counties in regulating the retention and detention ponds. As the proposed  
9 measure would require the Counties to permit the construction and design of retention and  
10 detention ponds, the Counties would be better positioned to conduct the safety inspections  
11 and survey of the existing retention and detention ponds as they would have all the  
12 information required to assess whether the ponds are meeting the permitted design and  
13 maintenance requirements.

14 Safety inspections, the development of safety requirements, and surveying existing  
15 storm water retention and detention ponds are outside the function and capabilities of the  
16 Department. Please see the Department's Environmental Health Administration website:

1 <https://health.hawaii.gov/about/program-directory/environmental-health-administration/>  
2 which identifies some current functions, such as responds to releases of hazardous substances  
3 and oversees contaminated site cleanups; is responsible for implementing and maintaining  
4 statewide programs for air and water pollution, assuring safe drinking water, proper  
5 management of solid and hazardous waste, and regulating wastewater; is responsible for  
6 implementing and maintaining statewide programs to assure the safety of food and drugs,  
7 control noise and radiation, improve indoor air quality; and is responsible for lead abatement,  
8 sanitation, and vector control.

9 If the Legislature believes the Department should take on this responsibility, Chapter  
10 340E, Hawaii Revised Statutes, which deals with drinking water, is not the proper place. While  
11 the Department has regulatory programs involved with storm water, these only regulate  
12 pollutant concentrations in discharges to state surface waters under the federal Clean Water  
13 Act's National Pollutant Discharge Elimination System (NPDES) permitting program. The NPDES  
14 program does not have requirements related to safety considerations for storm water  
15 management systems and does not review, approve, or regulate construction plans. As such,  
16 the Department does not have an established program, existing personnel, or any form of  
17 expertise to implement the proposed measures.

18 **Offered Amendments:** None.

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



## Testimony in Support of HB1233 Relating To Stormwater Management Systems

January 31, 2025

Lisa Dau, RN, Injury Prevention Coordinator  
Keiki Injury Prevention Coalition (KIPC)

Rep. Mark J. Hashem, Chair, Rep. Rachele F. Lamosao, Vice Chair, and Honorable Members of the Committee,

I am writing in **support of HB1233**, which aims to prohibit counties from permitting or allowing the construction of retention and detention ponds except under certain conditions, establish statewide safety requirements, and mandate a survey of existing ponds by the Department of Health.

Retention and detention ponds are essential for stormwater management. However, when they are poorly designed, located, or maintained, they can pose significant risks to public safety and environmental health. Unregulated or mismanaged ponds can lead to unintended flooding, water contamination, and even present drowning hazards, particularly for children. This legislation ensures that these vital structures adhere to consistent safety and environmental standards throughout the state, preventing potential harm to communities.

Additionally, the Department of Health's requirement to conduct a statewide survey is crucial for identifying existing ponds that may not adhere to best practices. This information will be vital in formulating strategies for enhancing pond safety, reducing public health risks, and ensuring responsible water management.

By supporting this bill, we are prioritizing the well-being of our communities, promoting responsible land-use planning, and ensuring that necessary safeguards are in place to protect lives and property. I urge this committee to **pass HB1233** and take a proactive step toward safer and more sustainable stormwater management.

Thank you for your time and consideration.

Sincerely,

Lisa Dau, RN, MBA, BSN, CPSTI  
KIPC, Injury Prevention Coordinator

The Keiki Injury Prevention Coalition's (KIPC) mission is to prevent and reduce injuries to children in Hawaii. <https://kipchawaii.org/>

**HB-1233**

Submitted on: 2/2/2025 4:08:17 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessamy Town Hornor	Hawaii Water Safety Coalition	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and members of the committee,

I am writing in **strong support** of HB1233 RELATING TO STORMWATER MANAGEMENT SYSTEMS as a bereaved family member who has lost loved ones to drowning, and as co-founder of the Hawaii Water Safety Coalition and executive editor of the newly published Hawaii Water Safety Plan. I am also a Public Health Educator at DOH EMSIPSB in the area of drowning prevention but I am not representing the DOH in this testimony.

I personally understand the catastrophic, lifetime impact of losing loved ones to drowning, a wholly preventable loss. Investments in safety and prevention are miniscule compared to the emotional, social, and financial costs of a single drowning. And, among all the types of aquatic environments, retention and detention ponds are the most dangerous, so dangerous that they can be considered death traps without safety features such as fencing, signage and life bouys. They are especially dangerous for young children who are drawn to water, and even more so for children with autism. According to research, children with autism are considered to be 160 times more likely to die from drowning compared to the general population of children. This heightened risk is primarily due to factors like wandering behavior, sensory sensitivities that might draw them to water, and difficulty understanding water safety rules, making them more prone to unsupervised access to water bodies.

This bill reflects best practices that should be employed with new retention and detention ponds to mitigate their hazards. As 'passive interventions' these safety features will be immediately impactful in preventing drownings in flood retention and detention ponds. Improving the safety of retention and detention ponds is one of the first concrete actions that we can implement from the Hawaii Water Safety Plan to reflect a greater commitment to drowning prevention in our state.

As a bereaved mother, I ask you to support this bill in memory of Charlotte "Sharkey" Shaefer so that no other family has to go through what her family has.

Sincerely,

Jessamy Town Hornor

Hawaii Water Safety Coalition

Mālama kekahi i kekahi ~ We take care of eachother



House of Representatives  
Committee on Water & Land

Re: HB1233

Dear Chair Mark Hashem

**Board of Directors**

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President

Ricky Alvarez  
Vice President

Bridget Velasco  
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Kirsten Hermstad  
Executive Director

**Ex Officio Legends**  
Ralph Goto  
Brian Keaulana  
Archie Kalepa  
Mark Cunningham

Hawaiian Lifeguard Association  
P.O. Box 844  
Kapa'a, Hawaii 96746  
Tax Id 99-0308213  
hawaiianlifeguardassociation.org

On behalf of the Board of Directors of the Hawai'ian Lifeguard Association I am writing to express strong support for HB1233 and companion bill SB1222, that call for the implementation of measures to lower the likelihood of detention and retention pond drownings and aquatic injuries and establish inspection protocols to ensure proper maintenance of these ponds. This bill is a crucial step in reducing the incidence of drowning in our local population, particularly among our keiki.

**Drowning is the number one cause of death for Hawai'i keiki ages 1 to 15, and poorly designed and unmaintained bodies of water contribute to this tragic statistic.**

Currently, building codes for detention and retention ponds are nonexistent and/or insufficient. There is no system of inspection in place for existing ponds and no requirements for maintenance. These bodies of water can become hazardous, especially for our keiki who may not understand the dangers they present.

HB1233 addresses this critical issue by establishing design and safety requirements for retention and detention ponds statewide. It also mandates the Department of Health to conduct a survey of existing retention and detention ponds, ensuring that they are properly maintained and safe for our community.

By supporting this bill, we can take a significant step towards protecting our keiki and reducing the risk of drowning in our state. I urge you to support House Bill 1233 and/or SB1222 and help make our community a safer place for everyone.

Thank you for your attention to this important matter.

Sincerely,

Mahalo

Kirsten Hermstad  
Executive Director

info@hawaiianlifeguardassociation.org





*Testimony of  
Mufi Hannemann  
President & CEO  
Hawai'i Lodging & Tourism Association*

*Committee on Water and Land  
Tuesday, February 4, 2025*

HB 1233– Relating to Stormwater Management Systems

Chair Hashem, Vice Chair Lamosao, and Members of the Committee,

Mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association (HLTA), the state's oldest and largest private sector visitor industry organization, in strong support of HB1233, which seeks to implement safety requirements for retention and detention ponds across the state.

HLTA alongside partners HHVISA, VASH, WIA, WBID, and HTA, recently convened the 7<sup>th</sup> annual Visitor Public Safety Conference (VPSC), where we gathered industry leaders, government officials, community members, and safety experts to discuss critical issues affecting the well-being of both residents and visitors. Among the key topics of discussion was water safety, particularly in light of Hawai'i's alarming drowning statistics—the second worst in the nation for residents and the highest for visitors.

While our visitor industry places a major emphasis on the safety of those who come to experience our islands, we must also ensure that Hawai'i remains a safe place for our local residents to live, work, play, and raise their families. This initiative is not just about safeguarding our visitors—it is about protecting everyone in our communities.

As an organization committed to the safety and welfare of all who live in and visit our islands, HLTA strongly supports the Charlotte 'Sharkey' Schaefer's Inspection Law. This initiative aligns with our industry's ongoing efforts to prioritize safety in every aspect of our visitor experience, from ocean recreation to emergency preparedness. By implementing clear safety guidelines for retention and detention ponds, we can help reduce preventable tragedies and reinforce our shared responsibility to protect lives.

This is an important tool in our ongoing efforts to make Hawai'i a safer place for all. We appreciate the Legislature's recognition of this issue and urge the committee's favorable consideration of HB1233.

Mahalo for your time and consideration.



**HB-1233**

Submitted on: 1/31/2025 4:24:38 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John Deutzman	Individual	Support	Written Testimony Only

Comments:

**Aloha Representatives,**

**It's likely that most of your constituents are not aware of the shocking data connected with drownings in our State. Drownings are the number one cause of death for Hawaii's children, the number one cause of injury- related death for our visitors and one of the top causes of death for all Hawaiians.**

**I'm a Waikiki resident who spends at least three hours a day in the ocean bodyboarding and have witnessed multiple drownings in my small section of town. I'm also a friend of Allison Schaefer , the veteran news reporter, who tragically lost her 5 year old daughter Charlotte "Sharkey" Schaefer, 5, who drowned Feb. 28, 2004, saving a childhood friend who had fallen into an improperly maintained and flooded retention pond.**

**I urge you to pass HB1233**

**Mahalo,**

**John Deutzman**

**Waikiki**

**HB-1233**

Submitted on: 1/31/2025 1:58:40 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynette Eastman	Individual	Support	Written Testimony Only

Comments:

It is a shame that we lead the country in resident and visitor drownings. We keep doing it the same way, we will get the same results. Please put regulations on construction of stormwater management to save our keikis, kupunas and people of Hawaii.

**HB-1233**

Submitted on: 1/31/2025 5:54:51 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tanya Ching	Individual	Support	Written Testimony Only

**Comments:**

In 2004, I learned quickly, twice in one week, how fragile life is. Within one week of each other, my brother and I both lost young friends close to us. God took them for reasons we will never understand and both, due to preventable causes.

Charlotte was so vibrant and full of life. So full of life I needed help keeping up with her when we would bring the preschoolers to church or to various school activities ❤️. She showed us how there could be so much strength in such a soft hearted a little girl.

She gave her life, to save another's. If that isn't courage and selflessness, I don't know what is. Without hesitation, she gave a younger child, another chance at life. She is now and forever will be our little angel.

This tragic death should have never happened. The state and naval housing should have taken all precautions to keep the families safe. Not only was the drainage basin not fully fenced, but there were no signs, and the outlet was obstructed. Not only was it not functioning properly, but it also leads us to wonder how often inspections were actually completed.

I was so young, at 13 years old, I experienced such a tragic loss. You never grow up, thinking that a child in your life, will be taken from you oh too soon. I was so strong in my faith and at that time, I questioned God for it all. How could he let something so tragic happen to a beloved friend. Someone who smiled ear to ear when she was playing with her friends at the playground. How could her time here on earth, be cut so short because of reckless decisions and failures to put up a fence around a drainage basin? It's no different than fencing in a public swimming pool! At that age, my mind would run circles and circles of different perspectives of what I was told that had happened. It's difficult to find closure, when you don't know exactly what happened. I find closure in knowing details and since it happened in a blink of an eye, it's difficult for anyone to know exactly how it happened - unless you were there. This brings me to my next point. Her big brother was there and he had to endure watching this catastrophe play out. No one should ever witness the loss of their young sibling in a tragic accident. Policy makers need to think about the long term effects of tragic accidents like these. Forget about saving a buck when it comes to the safety of our keiki. No one cares about saving money when it comes to the safety

of children, except for policy makers in Hawaii. Let's put our state taxes towards a quality and purposeful cause and let's save lives! Unless we lose our own child to a tragic accident, we will never know what Aunty Allison and Uncle Scott and their son, Josh have had to endure over these years.

You are missed Charlotte. I have my other "buddies" from Our Lady of Good Counsel on social media as my friends. I love watching them grow and the things they post. I wish you could be in there too. To see you go to high school, prom, drive, chill at the beach, date, build your career and get married and have kids. I pray you watch over my family. I've taken my two big boys to your spot when they were younger. They've felt your spirit. Rest in love sweet "Sharkey." You were taken too soon, for reasons I'll never understand.

**HB-1233**

Submitted on: 2/1/2025 6:24:27 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Naomi Johnson	Individual	Support	Written Testimony Only

## Comments:

Torrential rains had fallen there flooding our military housing area. A pump was placed on my front walk to move water to a field behind my house. It was Saturday and the sun had come out. I had sat down to study and heard my oldest a 9 year boy go outside, I called him back in the house. I realized that the window screen was off from taking flooding photos. I went to put it on and saw Scott running across the road screaming Sharkeys in the water. It took me a moment to realize water was not the docks down the road but the field that had collected all the rainwater runoff across the street. I ran towards this pond sinking into ankle deep muddy grass. I realized my 9 yr was behind me and had taken off his shirt. I told him No go get help. I slid down the mud into the water and found it was chest deep. Having been trained lifeguard I started to search the bottom and look for a drain since I knew she would be pulled towards it. Several attempts and I found her, the moment I touched her I knew she was gone. I pushed her upward over my head as I slipped trying to stand up and got her upper body out of the water and was yelling "I found her, I found her! Hands reached down and took her and the neighbors started CPR on her. Someone helped me out since it was too deep and muddy. I realized then that all the neighborhood children were there. The ambulance had come onto the grass and was stuck, I took the kids across to my house and the neighbors pushed the ambulance into the road. My son was crying I got help. This was the field next to a handicap accessible one level home in military housing. It was a field our children crossed to the park, they played in regularly, it was a space dogs were walked. It was not in the forefront of anyone's mind that this grassy space was a deep retention pond. I didn't realize myself how large it was until that day. Enforce signs, fences and laws to protect Kanaka.

# Ruth Anne Tomlinson

3950 N. Longview Ln. - B4755  
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307-699-0932  
ratomlinson@mac.com

February 1, 2025

To Whom It May Concern,

My name is Ruth Anne Tomlinson, I am the aunt of Charlotte Schaefer. Charlotte was a vibrant 5-year-old whose life was cut tragically short on February 28, 2004. Charlotte drown in a faulty rainwater detention pond. There was no signage or fencing warning of the dangers. The pond drainpipe was 89% clogged causing the pond to fill to nearly 6 feet of water.

As a frequent visitor to Hawaii, I am concerned that drowning is one of the leading causes of childhood death in your state. Visitors to Hawaii are 8 times more likely to drown than locals. We need to ensure the safety of all establishing safety requirements for retention and detention ponds statewide.

Sincerely yours,



Ruth Anne Tomlinson

**HB-1233**

Submitted on: 2/2/2025 11:27:23 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Allison Schaefer	Individual	Support	In Person

## Comments:

I am writing in support of HB1233 which was modeled after several recommendations published in the first Hawaii Water Safety Plan that was published in January. The plan was completed by the Hawaii Water Safety Coalition, which falls under the umbrella of the Hawaiian Lifeguard Association, and is comprised of a broad network of water safety advocates across the state.

This bill was inspired and named for my courageous daughter Charlotte “Sharkey” Schaefer, who drowned Feb. 28, 2004 saving a childhood friend who was struggling in a detention pond, which suddenly flooded because the pipe inside of it was 89% clogged. The clog turned an area of rolling hills between the playground and backyards in our neighborhood into a lake that was about a quarter of the size of a football field, filled with pitch black water, and slippery mud. Getting out of that death pit was impossible for a child, and seriously challenging for the adults (many of them trained navy divers) who formed a grid to search for Sharkey, and came up short for more than 10 minutes.

Please help me prevent more deaths in detention and retention ponds by supporting legislation that requires safety provisions and monitoring. While most Hawaii residents drown in the ocean, our keiki under the age of seven are more susceptible to drowning in pools, bathtubs, retention and detention ponds and even puddles.

Detention and retention ponds are meant to hold stormwater. However, while detention and retention ponds help manage stormwater and control flooding, mitigating risk for these systems is critical in minimizing threats to public health and safety. Hawaii's high drowning rate — the second worst in the nation for residents— necessitates developing retention and detention pond safety programs.

The urgency is made even greater by climate change which has created more frequent and intense rainfall resulting in increased use of retention ponds, which are designed to hold water year-round, and detention ponds, which remain dry until a major rain. The latest version of the Ala Wai Flood Risk Management Project has one detention pond planned for the Ala Wai Golf Course; however, earlier variations of the plan contemplated building large detention ponds in Oahu parks, including Kapiolani Park, Makiki District Park, Manoa Valley District Park, Palolo Valley District Park. Please note that while these alternatives were considered for flood control, other alternatives were selected as it was determined based on feedback “that the use of public parks as detention facilities could reduce acceptability by the public.”

Simply put, without mitigation, these ponds are hidden hazards. Retention and detention ponds are usually located in the public areas of housing developments, in park spaces, often near playgrounds — so without safety measures they often become attractive nuisances that are mistaken for recreational ponds. They may help to make less desirable low-lying and wetland areas suitable for building so they are more often found in less affluent neighborhoods, making this legislation an equity issue too. Data in the Hawaii Water Safety Plan shows that Hawaii's Native Hawaiian and Pacific Islander residents make up about 27% of Hawaii's population but about 36% of the resident drowning deaths.

This bill offers a common-sense approach to regulating retention and detention ponds. First it does not ban retention or detention ponds, and the safety, maintenance, and inspection requirements are things that responsible owners should incorporate anyway. Secondly, it only applies to new retention and detention ponds, which eases the burden of establishing a new program as well as the roll out. It includes a survey of existing ponds so that the state may eventually expand the regulations to cover them.

I want to preemptively discuss some of the objections that you might hear. Some may say that the Department of Health does not have the capacity and has too many hiring challenges to establish a retention and detention safety program. But we should do hard things when they are right. I know because nothing is more challenging than watching your child die from a preventable drowning and then mustering the courage to live your life without her and to advocate for drowning prevention. We need to make sure that this situation never happens again to another family in Hawaii, and the DOH is best agency to take on this role.

Some might argue that the counties should have responsibility for retention and detention pond security. However, this public health and safety issue is important enough to warrant a consistent statewide solution. This situation is not unlike public swimming pools, where the county permits their construction, but it falls to the Department of Health to enforce public swimming pool rules as they are a public safety concern. A similar relationship exists between the county and state when it comes to restaurants, which are permitted for construction at the county level but it is the DOH that makes sure they do not have public health and safety violations.

Developers may say additional rules increase construction costs; however, requiring fencing, a life buoy and signage would have a negligible impact on total construction costs, and the other safety requirements are just part of good maintenance plans. Moreover, drowning is costly and prevention pays off. The Centers for Disease Control and Prevention (CDC) estimates that fatal unintentional drownings in 2022 in the United States cost a combined \$5.68 billion dollars, and the World Health Organization estimates that drowning prevention returns \$9 for every \$1 spent.

Developers sometimes protest that requiring them to install fencing, signage and ring buoys increases their liability. That isn't true if they are properly securing their retention and detention ponds. Moreover, doing nothing is costly — and it's not only a liability issue, it's a moral issue.

After Sharkey's death, my family was awarded a \$2 million wrongful death settlement, the largest at the time for the death of a child in Hawaii. I do not consider this a win, because nothing



could make up for the loss of my pint-sized powerhouse. Every night before bed, we would chant, "I am woman. I am smart. I will win."

She had such amazing potential.

I should be celebrating Sharkey turning 26 this month. Instead I'm testifying to ensure that no other parent meets the hell that my family has experienced. Her absence is a loss that is felt every day because to lose a child is to lose your future. I have been on the sidelines watching as Sharkey's friends went to their first day of kindergarten. I missed seeing her adorned with lei as she graduated high school and college. I never got to see Sharkey come into her own power as she embarked on a career. She should have had the chance to fall in love, get married and have children. This will never be Sharkey's legacy or mine.

Twenty-one years ago Sharkey stood on the banks of a flooded and improperly maintained detention pond and watched a friend struggling.

She had a decision to make, and she didn't hesitate to do the right thing. Sharkey saved her friend.

I challenge you to do the right thing too. If a five -year-old can be a hero, we can all be heroes.

Let's help Sharkey save more lives.

Mahalo for your time, Allison Schaefer

[allisonschaefer@gmail.com](mailto:allisonschaefer@gmail.com)

**HB-1233**

Submitted on: 2/2/2025 11:58:51 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Louise Ramsay	Individual	Support	Written Testimony Only

## Comments:

My granddaughter Charlotte "Sharkey" Schaefers died from drowning, Feb. 28, 2004. It has been 21 years , but there is not a day that I do not think about her. She could swim like a fish and had the courage of a lion. Her heart was so big that this little hero did not hesitate to jump into a dirty, faulty retaining pond to save a younger pal. While the older children looked on, she pushed him up to safety, but struggling, lost the battle herself. Of all of my grandchildren, Sharkey was the child that was almost a perfect copy of myself, The way she walked, turned her head, rolled her eyes, and that dimpled smile. Her "I can do it" attitude along with her grandma kisses and sweet laughter are unforgettable. My only comfort is that she knew and loved God and I am sure is waiting to welcome me with open arms. Please consider passing this bill so that other grandmothers are not deprived of those warm earthly hugs.

My beautiful Goddaughter, Charlotte Paige, was full of sunshine. She was my little sunshine. She had a smile that would light up a room. She was loved and is missed by many. I have no doubt that she is a saint with a little /S/. She did everything with love, exuberance, and gusto. I can only imagine what she would have done with her life. Imagine is the key word; I will have to imagine her first communion, her confirmation, her first boyfriend, her first kiss, her first dance, her high school graduation, her college graduation, her wedding, her first child.....because I never knew the last time I hugged and kissed her on my wedding day on December 6, 2003 would be my last time to see her alive. If I had known I would never have let her go.

The photos I am including are of her and myself from my wedding day, beautiful and full of life. She was having the best time with my other beautiful flower girl. She was living her best life. That dress she is wearing is also the one which she was buried in down to the tiara.

Charlotte "Sharkey" Schaefer, 5, would presumably be alive today if the developers who built a rainwater detention pond in her community had put up signage and fencing and kept the drainpipe clear. The drainpipe was 89% clogged and overnight turned rolling hills in her community into a lake. You cannot protect your children from hazards that you do not know exist.

The last time I had the privilege to talk to her was on her birthday, January 18, 2004. She had just turned 5. The next phone call I received was from my best friend telling me my Charlotte was dead. I will never forget that day. Sharkey died Feb. 28, 2004, while saving a friend from drowning. The message of heroism reverberates through my life because of her, remembering that if a 5-year-old can be a hero, we can all be heroes. Let us help Sharkey keep saving lives.



**HB-1233**

Submitted on: 2/2/2025 2:57:30 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ron Bregman	Individual	Support	Written Testimony Only

## Comments:

I am writing in support of HB1233 which was modeled after several recommendations published in the first Hawaii Water Safety Plan that was published in January. The plan was completed by the Hawaii Water Safety Coalition, which falls under the umbrella of the Hawaiian Lifeguard Association, and consists of a broad network of water safety advocates across the state.

**HB-1233**

Submitted on: 2/2/2025 3:55:42 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Fairchild	Individual	Support	Written Testimony Only

## Comments:

I'm writing in support of HB1233 to have better management and oversight of our stormwater management systems. Retention and detention ponds can create hidden drowning hazards. They are often placed in parks and near playgrounds, places we think to be generally safe for our small children. During rain and flooding events, these ponds can fill with water where there was previously none the day before, or become much deeper than they usually would be. With climate change causing more flooding and with increased pressure to build more housing, retention and detention ponds will continue to be a development tool. If we are going to place them in neighborhoods near houses, we need to provide proper warnings about the hazards they create, as well as safety rings so that bystanders can safely attempt rescue. We also need to hold developers and land owners responsible to make sure drainages systems are maintained. This will save lives.

**HB-1233**

Submitted on: 2/2/2025 5:37:53 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
joshua schaefers	Individual	Support	Written Testimony Only

## Comments:

I am the older brother of Charlotte "Sharkey" Schaefers, 5, who drowned Feb. 28, 2024 at an improperly maintained and flooded detention pond in Pearl City navy family housing. She saved her friend who was struggling in the water, but died in the process.

Several of the children in our neighborhood were put at risk that day because the developers did not do the right thing. They knew that the pipe in the detention pond was 89% blocked, but chose not to fix it.

The U.S. Navy has since fenced the pond where my sister died and requires it in housing. The state should adopt this standard too.

Please pass this critical piece of legislation so that other Hawaii children do not fall victim to these hidden hazards and other Hawaii families do not lose loved ones. I miss my little sister every day.

**HB-1233**

Submitted on: 2/2/2025 8:23:56 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nick Dubovsky	Individual	Support	Written Testimony Only

## Comments:

I am writing in support of HB1233 which is aimed at Hawai‘i water safety and helping to prevent deaths by drowning.

This bill was inspired and named after a child hero, Charlotte “Sharkey” Schaefer, who drowned 21 years ago while saving her little friend who slid into a detention pond that suddenly flooded because the pipe inside of it was 89% clogged. The clog turned an area of rolling hills between the playground and backyards into a deathtrap lake of pitch black water and slippery mud banks.

Please help prevent more deaths in detention and retention ponds by supporting legislation that requires safety provisions and monitoring. While most Hawai‘i residents drown in the ocean, keiki under the age of seven are more susceptible to drowning in pools, bathtubs, retention and detention ponds and even puddles.

Detention and retention ponds are meant to hold storm water. Hawai‘i’s high drowning rate — the second worst in the nation for residents — necessitates developing retention and detention pond safety programs.

Without mitigation, these ponds are hidden hazards. Retention and detention ponds are usually located in the public areas of housing developments, in park spaces, often near playgrounds — so without safety measures they often become attractive nuisances that are mistaken for recreational ponds. They may help to make less desirable low-lying and wetland areas suitable for building so they are more often found in less affluent neighborhoods, making this legislation an equity as well. Data in the Hawai‘i Water Safety Plan shows that Hawai‘i’s Native Hawaiian and Pacific Islander residents make up about 27% of Hawai‘i’s population but about 36% of the resident drowning deaths.

This bill offers a common-sense approach to regulating retention and detention ponds. First it does not ban retention or detention ponds, and the safety, maintenance, and inspection requirements are things that responsible owners should utilize anyway. Secondly, it only applies to new retention and detention ponds, which eases the burden of establishing a new program as well as the roll out.

We need to make sure that Charlotte’s tragedy never repeats itself with another family in Hawai‘i, and the DOH is the best agency to take on this role.



Sharkey would have been 26 years old now. However, on February 28, 2004 she knew that it was the right thing to do to jump into the pitch black water of an improperly maintained detention pond to help her friend.

She had a decision to make, and Sharkey saved her friend.

I respectfully ask that you be the heroes that Sharkey was and pass HB1233.

Please help Sharkey save more lives.

**HB-1233**

Submitted on: 2/3/2025 8:38:06 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dan Worden	Individual	Support	Written Testimony Only

## Comments:

Aloha, my name is Dan Worden, and I am writing in support of HB1233. I believe that updating our safety standards for retention and detention ponds is a crucial step toward protecting our communities and ensuring public safety.

With the increasing impacts of climate change, our state is experiencing more frequent and intense rainfall events. This shift has led to a greater reliance on these stormwater management systems, making it imperative that we implement comprehensive safety measures, such as proper fencing, signage, and routine inspections, to reduce potential hazards.

I beleive HB1233 is an important step to take in proactively safeguard our neighborhoods and public spaces, ensuring that our infrastructure evolves in step with our changing climate and community needs.

Mahalo,

Dan Worden

I am writing in support of HB1233 which was modeled after several recommendations published in the first Hawaii Water Safety Plan that was published in January. The plan was completed by the Hawaii Water Safety Coalition, which falls under the umbrella of the Hawaiian Lifeguard Association, and is comprised of a broad network of water safety advocates across the state.

This bill was inspired and named for my courageous daughter Charlotte “Sharkey” Schaefer, who drowned Feb. 28, 2004 saving a childhood friend who was struggling in a detention pond, which suddenly flooded because the pipe inside of it was 89% clogged. The clog turned an area of rolling hills between the playground and backyards in our neighborhood into a lake that was about a quarter of the size of a football field, filled with pitch black water, and slippery mud. Getting out of that death pit was impossible for a child, and seriously challenging for the adults (many of them trained navy divers) who formed a grid to search for Sharkey, and came up short for more than 10 minutes.

Please help me prevent more deaths in detention and retention ponds by supporting legislation that requires safety provisions and monitoring. While most Hawaii residents drown in the ocean, our keiki under the age of seven are more susceptible to drowning in pools, bathtubs, retention and detention ponds and even puddles.

Detention and retention ponds are meant to hold stormwater. However, while detention and retention ponds help manage stormwater and control flooding, mitigating risk for these systems is critical in minimizing threats to public health and safety. Hawaii’s high drowning rate — the second worst in the nation for residents— necessitates developing retention and detention pond safety programs.

Simply put, without mitigation, these ponds are hidden hazards. Retention and detention ponds are usually located in the public areas of housing developments, in park spaces, often near playgrounds — so without safety measures they often become attractive nuisances that are mistaken for recreational ponds. They may help to make less desirable low-lying and wetland areas suitable for building so they are more often found in less affluent neighborhoods, making this legislation an equity issue too. Data in the Hawaii Water Safety Plan shows that Hawaii’s Native Hawaiian and Pacific Islander residents make up about 27% of Hawaii’s population but about 36% of the resident drowning deaths.

This bill offers a common-sense approach to regulating retention and detention ponds. First it does not ban retention or detention ponds, and the

safety, maintenance, and inspection requirements are things that responsible owners should incorporate anyway. Secondly, it only applies to new retention and detention ponds, which eases the burden of establishing a new program as well as the roll out.

I want to preemptively discuss some of the objections that you might hear. Some may say that the Department of Health does not have the capacity and has too many hiring challenges to establish a retention and detention safety program. But we should do hard things when they are right. I know because nothing is more challenging than watching your child die from a preventable drowning and then mustering the courage to live your life without her and to advocate for drowning prevention. We need to make sure that this situation never happens again to another family in Hawaii, and the DOH is best agency to take on this role. I like that this bill helps the DOH with capacity by provisioning for four inspectors' positions.

Some might argue that the counties should have responsibility for retention and detention pond security. However, this public health and safety issue is important enough to warrant a consistent statewide solution. This situation is not unlike public swimming pools, where the county permits their construction, but it falls to the Department of Health to enforce public swimming pool rules as they are a public safety concern. A similar relationship exists between the county and state when it comes to restaurants, which are permitted for construction at the county level but it is the DOH that makes sure they do not have public health and safety violations. Developers may say additional rules increase construction costs; however, requiring fencing, a life buoy and signage would have a negligible impact on total construction costs, and the other safety requirements are just part of good maintenance plans. Moreover, drowning is costly and prevention pays off. The Centers for Disease Control and Prevention (CDC) estimates that fatal unintentional drownings in 2022 in the United States cost a combined \$5.68 billion dollars, and the World Health Organization estimates that drowning prevention returns \$9 for every \$1 spent.

Developers sometimes protest that requiring them to install fencing, signage and ring buoys increases their liability. That isn't true if they are properly securing their retention and detention ponds. Moreover, doing nothing is costly — and it's not only a liability issue, it's a moral issue.

After Sharkey's death, my family was awarded a \$2 million wrongful death settlement, the largest at the time for the death of a child in Hawaii. I do not consider this a win, because nothing could make up for the loss of my pint-sized powerhouse. Every night before bed, we would chant, "I am woman. I am smart. I will win."

She had such amazing potential.

I should be celebrating Sharkey turning 26 a few weeks ago. Instead I'm testifying to ensure that no other parent meets the hell that my family has experienced. Her absence is a loss that is felt every day because to lose a child is to lose your future. I have been on the sidelines watching as Sharkey's friends went to their first day of kindergarten. I missed seeing her adorned with lei as she graduated high school and college. I never got to see Sharkey come into her own power as she embarked on a career. She should have had the chance to fall in love, get married and have children. This will never be Sharkey's legacy or mine.

Twenty-one years ago Sharkey stood on the banks of a flooded and improperly maintained detention pond and watched a friend struggling. She had a decision to make, and she didn't hesitate to do the right thing.

Sharkey saved her friend.

I challenge you to do the right thing too. If a five -year-old can be a hero, we can all be heroes.

Let's help Sharkey save more lives.

**HB-1233**

Submitted on: 2/3/2025 12:27:32 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cary Kayama	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in full support on HB1233, on establishing safety requirement for retention and detention ponds statewide.

Retention and detention ponds are a good thing, but can be very dangerous to people, especially younger children who do not know how to swim.

By supporting this measure it could save a life.

Thank you,

Cary Kayama