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SYLVIA LUKE
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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Testimony of the Department of Commerce and Consumer Affairs

Before the
House Committee on Public Safety
Friday, March 21, 2025
9:00 a.m.
Conference Room 411

On the following measure:
H.C.R. 69 / H.R. 62, REQUESTING THE OFFICE OF THE STATE FIRE MARSHAL
TO CONVENE A VEGETATION MANAGEMENT WORKING GROUP TO STUDY,
EVALUATE, AND MAKE RECOMMENDATIONS FOR REGULATIONS THAT DEFINE
PROPERTY OWNER OBLIGATIONS FOR VEGETATION MANAGEMENT
ON PUBLIC AND PRIVATE PROPERTY TO MITIGATE WILDFIRE RISK

Chair Belatti and Members of the Committee:

My name is Michael Angelo, and I am the Executive Director of the Department of Commerce and Consumer Affairs (Department) Division of Consumer Advocacy. The Department supports this resolution.

The purpose of this resolution is to request that the Office of the State Fire Marshal to convene a Vegetation Management Working Group (Working Group) to study, evaluate, and make recommendations for regulations that define property owner obligations for vegetation management on public and private property to mitigate wildfire risk. In its review of vegetation management, the Working Group is to consider the: (1) wildfire risk mitigation actions being proposed as part of the Hawaiian Electric Company's Climate Adaptation Transmission and Distribution and Resilience Program and Wildfire

Safety Strategy filed with the Public Utilities Commission (Commission) as Docket No. 2022-0135 and Docket No. 2025-0156, respectively; and (2) the hazard mitigation plans of electric utilities, including the Kauai Island Utility Cooperative, filed with the Commission as part of a non-docketed proceeding under Case No. 2023-04661 in response to the Order No. 40396. Further, the resolution requests that: (1) the State Fire Marshal, or the Director of Labor and Industrial Relations' designee, serve as the chairperson of the Working Group; (2) a representative of the Division of Consumer Advocacy of the Department, with experience in matters related to regulated public utilities, be appointed by the Director of the Department to serve as a member of the Working Group (while also naming a number of other agencies and stakeholders for inclusion in the Working Group), (3) the Working Group submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than 20 days prior to the convening of the Regular Session of 2026, and (4) the Working Group be dissolved on June 30, 2026.

The tragedy and devastation of the wildfires that arose on Maui during the August 8, 2023, windstorm must be prevented from reoccurring. Vegetation management (including the creation of firebreaks and the removal of buildup of flammable vegetation), is viewed as essential for the mitigation of wildfire risks and the promotion of safer conditions for our communities and the environment. Thus, the Department supports the convening of a Working Group to make recommendations for regulations that define property owner obligations for vegetation management on public and private property to mitigate wildfire risk, as advanced by this resolution.

The Department appreciates that the resolution specifically requests that the Working Group consider the Commission's on-going proceedings regarding wildfire safety and climate adaptation and resilience, as applicable, for the electric utilities. As we noted with respect to similar measures, the Department believes that it is important to incorporate the results of these reviews into best practices for vegetation management to mitigate wildfire risk.

Thank you for the opportunity to testify on this resolution.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

March 21, 2025

To: The Honorable Della Au Belatti, Chair,
The Honorable Kim Coco Iwamoto, Vice Chair, and
Members of the House Committee on Public Safety

Date: Friday, March 21, 2025

Time: 9:00 a.m.

Place: Conference Room 411, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.C.R. 69, REQUESTING THE OFFICE OF THE STATE FIRE MARSHAL TO CONVENE A VEGETATION MANAGEMENT WORKING GROUP TO STUDY, EVALUATE, AND MAKE RECOMMENDATIONS FOR REGULATIONS THAT DEFINE PROPERTY OWNER OBLIGATIONS FOR VEGETATION MANAGEMENT ON PUBLIC AND PRIVATE PROPERTY TO MITIGATE WILDFIRE RISK.

The **DLIR appreciates the intent** of this measure, which requests the convening of a Vegetation Management Working Group to study, evaluate, and make recommendations to mitigate wildfire risk. While Act 209 (SLH 2024) established the Office of the State Fire Marshal within the DLIR, the Legislature is currently deliberating its permanent, executive placement.

The Governor's Package includes HB1064, which proposes transferring the Office of the State Fire Marshal and the State Fire Council to the Department of Defense (DOD). Given the DOD's mission in disaster readiness, response coordination, and public safety, it is a more appropriate agency for overseeing fire protection and emergency management functions. The current version of HB1064 places the Office of the State Fire Marshal under the DOD.

The DLIR lacks the expertise in vegetation management, hazard mitigation, and utilities regulation necessary to effectively support the objectives of this measure. Therefore, the department respectfully requests the removal of the Director of Labor and Industrial Relations as Chairperson of the Vegetation Management Working Group, as well as the removal of DLIR from its role in providing administrative support to the Group.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



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Testimony of the Public Utilities Commission

To the
House Committee on
Public Safety

March 21, 2025
9:00 a.m.

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

Measure: H.C.R. 69 / H.R. 62

Title: REQUESTING THE OFFICE OF THE STATE FIRE MARSHAL TO CONVENE A VEGETATION MANAGEMENT WORKING GROUP TO STUDY, EVALUATE, AND MAKE RECOMMENDATIONS FOR REGULATIONS THAT DEFINE PROPERTY OWNER OBLIGATIONS FOR VEGETATION MANAGEMENT ON PUBLIC AND PRIVATE PROPERTY TO MITIGATE WILDFIRE RISK.

Position:

The Public Utilities Commission ("Commission") supports this resolution and offers the following comments for consideration.

Comments:

The Commission appreciates the intent of these resolutions to develop regulations defining property owner obligations for vegetation management on public and private property to mitigate wildfire risk.

The combination of an electric utility's numerous easement and right-of-way agreements, along with the fragmented ownership of public and private lands in a state where land with limited land availability, poses significant challenges to developing clear and consistent vegetation management regulations. The Commission is committed to participating in the working group and working with the other members to find viable solutions.

The Commission would also suggest looking into how other states have addressed electric utility liability for removing vegetation, such as in Washington¹ and Oregon.²

The Commission recommends the following amendments to improve this resolution:

- Change the term “Wildfire Safety Strategy” to “wildfire mitigation plan” on Page 2 Line 35:

(1) Wildfire risk mitigation actions being proposed as part of the Hawaiian Electric Company’s Climate Adaptation Transmission and Distribution and Resilience Program and ~~Wildfire Safety Strategy~~wildfire mitigation plan filed with the Public Utilities Commission as Docket No. 2022-0135 and Docket No. 2025-0156, respectively; and

- Include consideration of Kauai Island Utility Cooperative’s wildfire mitigation plan on Page 2 Line 39 to Page 3 Line 2:

(2) The natural hazard mitigation ~~plans-reports~~ and wildfire mitigation plans of electric utilities, including the Kauai Island Utility Cooperative, filed with the Public Utilities Commission as part of a non-docketed proceeding under Case No. 2023-04661 in response to Public Utilities Commission Order Nos. 40396 and 41075; and

Thank you for the opportunity to testify on this resolution.

¹ Revised Code of Washington (RCW) §64.12.035 Cutting or removing vegetation—Electric utility—Liability—Definitions. <https://app.leg.wa.gov/rcw/default.aspx?cite=64.12.035>

² Oregon Revised Statutes (ORS) §758.282 Immunity of electric utility for pruning or removing vegetation in certain cases and §758.282 Immunity of electric utility for pruning or removing vegetation in other cases. https://oregon.public.law/statutes/ors_chapter_758



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

THIRTY-THIRD LEGISLATURE, 2025

Joint House Committee on Public Safety

HEARING DATE: Friday, March 21, 2025

TIME: 09:00 a.m.

PLACE: Senate Committee Room 411

RE: House Concurrent Resolution 69/ House Resolution 62 - **IN STRONG SUPPORT with Amendments**

Aloha Honorable Chair Au Belatti, Vice-Chair Iwamoto, and Committee Members;

The International Brotherhood of Electrical Workers Local 1260 (IBEW 1260) would like to offer the following testimony **in SUPPORT of HCR69 and HR62 with proposed amendments.**

IBEW Local 1260, is comprised of approximately 3,000 members throughout Hawaii and Guam and consists of a diverse and highly-skilled workforce that supports the electric utility infrastructure across our state as well as government service contracts and broadcasting. We are committed to protecting the well-being of the members we serve and the community at large.

The two resolutions offered request the Office of the State Fire Marshall to convene a vegetation management working group to study, evaluate, and make recommendations for regulations that define property owner obligations for vegetation management on public and private property to mitigate wildfire risk.

IBEW Local 1260 strongly supports the intent of the resolutions, however, we would respectfully request that you insert language to include discussion regarding the training and qualifications required to perform line clearance tree trimming around and/or near electric utility facilities.

The Bureau of Labor Statistics has reported that the Tree Industry average annual fatal-incident rate is thirty (30) times greater than the All-Industry average annual fatal-incident rate¹. Senate Bill 11 which was introduced to address wildfire vegetation management included language that required minimum standards of training and qualification based on Occupational Safety and Health Administration and American National Standards Institute Safety Standards. California has already adopted state law² where it states in part that *“All electrical line clearance tree trimmers performing work to comply with the trim list vegetation management requirements in an electrical corporation’s wildfire mitigation plan shall be qualified line clearance tree trimmers or trainees under the direct supervision and instruction of qualified line clearance tree trimmers.”*
Requiring minimum safety standards for those performing work at or near electric utility facilities not only ensures the safety of the public, but of those performing this extremely hazardous work.

¹ See “Tree-Work Safety By The Numbers” By John Ball, Ph.D., BCMA, CTSP, TCI Magazine, April 1, 2023; <https://tcimag.tcia.org/safety/tree-work-safety-by-the-numbers/>

² See CA SB247 (Regular Session 2019-2020) Wildland fire prevention: vegetation management, section 4742(b).
700 Bishop Street, Suite 1600, Honolulu, Hawaii 96813



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

Respectfully, we request that HCR69 and HR62 be amended to include the following:

HCR62/ HR69 Propose Amendments:

Requesting the office of the state fire marshal to convene a vegetation management working group to study, evaluate, and make recommendations for REGULATIONS that define property owner obligations for vegetation management on public and private property TO MITIGATE wildfire RISK, and make recommendations that define a line clearance tree trimmer and establish minimum safety standards, training, and qualifications for individuals performing line clearance tree trimming at or near electric utility facilities.

WHEREAS, on August 8, 2023, catastrophic wildfires swept through various communities on the island of Maui; and

WHEREAS, the wildfires significantly impacted human life and the health, community housing, education, economy, and environment of Maui residents; and

WHEREAS, the presence of grass, trees, and other vegetation adjacent to or under electric utility lines is a significant fire risk; and

WHEREAS, in response to the wildfires, in 2023 the House of Representatives established six interim working groups, including the Wildfire Prevention Working Group, which were charged with evaluating specific topics related to the Lahaina wildfire and making recommendations for specific legislative action; and

WHEREAS, the Wildfire Prevention Working Group found that people are the primary drivers of wildfires in Hawaii, as ninety-nine percent of wildfires are caused by human ignitions; and

WHEREAS, the Wildfire Prevention Working Group also found that guinea grass, fountain grass, molasses grass, and buffelgrass can form continuous fuel beds, ignite easily, attain extremely high fine fuel loads, and grow back more vigorously in the post-fire environment than the majority of native vegetation; and

WHEREAS, utility companies have miles of utility lines installed throughout the State on public and private lands, including within the public rights of way and mountainous areas of the State; and

WHEREAS, a significant portion of these public lands is covered with unmanaged grasses, trees, and other vegetation that may pose a significant wildfire risk; and



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

WHEREAS, the Bureau of Labor Statistics has reported that the Tree Industry average annual fatal-incident rate is thirty (30) times greater than the All-Industry average annual fatal-incident rate; and

WHEREAS, the Legislature recognizes that other state jurisdictions have recognized the additional hazard presented to individuals performing line clearance tree trimming at or near electric utility facilities and have adopted state law requiring minimum safety standards, training and qualifications for individuals performing such work; and

WHEREAS, additional study into appropriate vegetation management will enable the State to develop appropriate policies, regulations, and guidance for the parties responsible for the management of vegetation on public and private lands to mitigate wildfire risk and establish minimum safety standards, training, and qualifications for individuals performing line clearance tree trimming at or near electric utility facilities; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-third Legislature of the State of Hawaii, Regular Session of 2025, that the Office of the State Fire Marshal is requested to convene a Vegetation Management Working Group (Working Group) to study, evaluate, and make recommendations for regulations that define property owner obligations for vegetation management on public and private property to mitigate wildfire risk, as well as minimum safety standards, training, and qualifications for individuals performing line clearance tree trimming at or near electric utility facilities; and

BE IT FURTHER RESOLVED that in its review of vegetation management, the Working Group is requested to consider the following:

(1) Wildfire risk mitigation actions being proposed as part of the Hawaiian Electric Company's Climate Adaptation Transmission and Distribution and Resilience Program and Wildfire Safety Strategy filed with the Public Utilities Commission as Docket No. 2022-0135 and Docket No. 2025-0156, respectively; and

(2) The hazard mitigation plans of electric utilities, including the Kauai Island Utility Cooperative, filed with the Public Utilities Commission as part of a non-docketed proceeding under Case No. 2023-04661 in response to Public Utilities Commission Order No. 40396; and

BE IT FURTHER RESOLVED that the Working Group is requested to include the following members:

(1) The State Fire Marshal, or the Director of Labor and Industrial Relations' designee, who is requested to serve as the chairperson of the Working Group;



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

(2) The Director of Transportation, or the Director's designee;

(3) The Chairperson of the Public Utilities Commission, or the Chairperson's designee;

(4) A representative of the Department of Commerce and Consumer Affairs' Division of Consumer Advocacy with experience in matters related to regulated public utilities, to be appointed by the Director of Commerce and Consumer Affairs;

(5) A representative of the Hawaii Invasive Species Council;

(6) A member of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(7) A member of the Senate, to be appointed by the President of the Senate; and

(8) The mayor of each county, or the mayor's designee; and

BE IT FURTHER RESOLVED that the Working Group is requested to invite the following individuals to be members of the Working Group:

(1) A representative of a cooperative electric utility;

(2) A representative of an investor-owned electric utility;

(3) A representative of a telecommunications carrier;

(4) A representative of the International Brotherhood of Electrical Workers, Local 1260; and

(5) A landowner that owns more than one thousand acres of land in the State; and

BE IT FURTHER RESOLVED that the Working Group is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2026; and

BE IT FURTHER RESOLVED that the Department of Labor and Industrial Relations is requested to provide administrative support to the Working Group, including drafting of the report; and

BE IT FURTHER RESOLVED that the Working Group is requested to dissolve on June 30, 2026; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of Labor and Industrial Relations; Director of Transportation; Director of Commerce and Consumer Affairs; Chairperson of the Public Utilities Commission, who is requested to transmit copies of this Resolution to all regulated telecommunications carriers; Mayors of the Counties of Maui, Kauai,



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

and Hawaii and Mayor of the City and County of Honolulu; President and Chief Executive Officer of the Hawaiian Electric Company, Inc.; Chairperson of the Board of Directors of the Kauai Island Utility Cooperative; and President of the International Brotherhood of Electrical Workers, Local Union 1260.

Mahalo for the opportunity to provide testimony on this measure.



TESTIMONY BEFORE THE HOUSE COMMITTEE ON PUBLIC SAFETY

HCR 69 / HR 62

Requesting the Office of the State Fire Marshal to convene a Vegetation Management Working Group to study, evaluate, and make recommendations for regulations that define property owner obligations to perform vegetation management on public and private property to mitigate wildfire risk

Friday, March 21, 2025
9:00 AM
State Capitol, Conference Room 411

Wendy Oda
Manager, Land & Rights of Way
Hawaiian Electric

Aloha Chair Belatti, Vice Chair Iwamoto, and Members of the Committee,

My name is Wendy Oda and I am testifying on behalf of Hawaiian Electric in **strong support** of HCR 69 / HR 62, which requests the Office of the State Fire Marshal to convene a Vegetation Management Working Group (“Working Group”) to study, evaluate, and make recommendations for regulations that define property owner obligations to perform vegetation management on public and private property to mitigate wildfire risk.

Hawaiian Electric believes that the formation of a Working Group, consisting of representatives of the State, the Counties, public and private utilities, large private landowners and other stakeholders, is a critical step in addressing the risk of future wildfires in the State. The Working Group will consider needed wildfire mitigation measures such as regulations identifying the vegetation management obligations of public and private landowners as well as a practical vegetation management program for landowners and public utilities.

Thank you for this opportunity to testify in strong support of HCR 69 / HR 62.

HR-62

Submitted on: 3/20/2025 9:56:07 AM

Testimony for PBS on 3/21/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Guy Cellier	Hawaii Forest Industry Association	Support	Written Testimony Only

Comments:

Dear Chair Belatti, vice Chair Iwamoto and PBS Committee Members,

As a group of landowners/managers, conservationists and foresters we are incredibly familiar with the importance of land and vegetation management in regards to wildfire prevention. The Hawai'i Forest Industry Association (HFIA) is in support of HCR69.

Guy Cellier

HFIA President

HR-62

Submitted on: 3/18/2025 3:33:22 PM

Testimony for PBS on 3/21/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.