

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 1226
RELATING TO FIREWORKS
Before the Senate Committee on
PUBLIC SAFETY AND MILITARY AFFAIRS,
TRANSPORTATION AND CULTURE AND THE ARTS
Wednesday, February 5, 2025, 3:00 PM
State Capitol Conference Room 225, & Videoconference
WRITTEN TESTIMONY ONLY

Chair Elefante, Chair Lee, Vice Chair Wakai, Vice Chair Inouye, and members of the Committees:

The Department of Law Enforcement (DLE) is offering comments on Senate Bill 1226. This bill establishes a Shipping Container Inspection Program to detect and prevent illegal fireworks importation into Hawaii. The program will utilize fireworks and explosive-sniffing dogs, implement a risk-based inspection system, and coordinate with federal and state partners to enhance port security measures. DLE supports the bill's intent of taking proactive steps to inspect shipping containers more meaningfully but is concerned for two reasons.

First, DLE is concerned about SB 1226 because it would require "random" inspections of shipping containers by implementing a risk-based inspection system to prioritize inspection resources. The term, "random" as used in SB 1226, is broad and seemingly in contradiction of the "risk-based" inspection system that SB 1226 envisions. In a broad explanation, the United States Constitution requires law enforcement to have

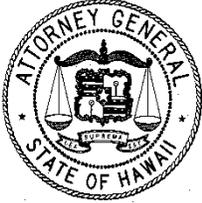
articulable “reasonable suspicion” to believe a crime may be afoot before it can even “momentarily” detain or stop a container while it is in the usual course of commerce. Thus, any resulting “stop” or detention of a shipping container for inspection would be based on articulable reasonable suspicion leading investigators to believe a crime was afoot. Consequently, because the process of container inspections is done based on articulable “reasonable suspicion”, and not at “random”, DLE recommends removing the term “random” from the measure.

Second, while the appropriation of \$750,000 for fiscal years 2025-2026 and 2026-2027 is appreciated in the measure, DLE believes that this is not enough funding to meaningfully fund the inspection program envisioned in SB 1226. SB 1226 requires the inspection of all legally imported fireworks shipping containers. This alone could create costs for staffing, transportation, and use of offsite loading and unloading facilities. Also, DLE envisions that to meaningfully run the program, it will have to acquire additional explosives dogs and their support apparatus (handler training, vehicle, canine supplies, etc.) This is because police canine dogs have a limited effective work time before they must rest and there are potentially a lot of containers that may have to be inspected. The costs of two additional dogs are estimated to be approximately \$600,000 and DLE believes that in addition to dogs, the container inspection system envisioned will have other high costs. As well, in addition to inspections of legally imported fireworks containers, SB 1226 may require off-site inspection and unloading of suspect containers and this would involve transportation of the suspect container to the off-site location and other additional costs to unload and repack suspect containers. As there are an unknown number of suspect containers yet to be found, it is difficult to gauge what the potential high costs would be if additional fireworks were found if SB 1226 becomes law. Moreover, additional storage sites may have to be procured or constructed because of future increased discoveries of illegal fireworks and the subsequent costs of disposal if this measure becomes law are very difficult to determine (Note: Fireworks are hazardous materials and are complicated to transport and store).

Third, SB 1226 requires the DLE to adopt administrative rules to manage its inspection program and to have its program in place no later than October 1, 2025. Respectfully, DLE recommends that it continue its practice of following long established interdiction practices, in lieu of creating administrative rules. If administrative rules are required by the Legislature, then DLE believes that there is not enough time to draft and implement administrative rules before October 1, 2025, and requests more time.

Finally, inspections (i.e., “searches”) are not an exact science. Even with articulable reasonable suspicion and subsequent probable cause, there is a significant possibility that a container will be taken out of commerce, moved offsite, and then inspected only to find legal contents. The significant time removed from commerce could lead to spoilage of contents, delays in receiving shipped products, and ultimately; financial losses for the recipients of such containers. SB 1226 does not provide immunity for State officials who may act in accordance with law and yet create unintended damages. Consequently, DLE respectfully suggests that SB 1226 should contain immunity language for officials who act within the authority of SB 1226, should it become law.

Thank you for the opportunity to testify and offer comments on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 1226, RELATING TO FIREWORKS.

BEFORE THE:

SENATE COMMITTEES ON TRANSPORTATION AND CULTURE AND THE ARTS
AND ON PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Wednesday, February 5, 2025 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lisa M. Itomura, Deputy Attorney General

Chairs Lee and Elefante and Members of the Committees:

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

This bill amends chapter 266, Hawaii Revised Statutes (HRS), to add a new section requiring the Department of Law Enforcement (DLE) to collaborate with other government agencies, the United States armed services, and private organizations to develop and implement a program to conduct random inspections of shipping containers. The bill also requires the shipping container inspection program to begin no later than October 1, 2025, and requires DLE to adopt rules for the program under chapter 91, HRS.

The title of the bill is "Relating to Fireworks." The bill's requirement that DLE inspect for illegal explosives in addition to illegal fireworks (page 4, lines 3 and 19), may be subject to challenge as violating article III, section 14, of the Hawai'i State Constitution, which provides that "[e]ach Law shall embrace but one subject, which shall be expressed in its title." The inclusion of illegal "explosives" in the program may be found to go beyond the scope of the subject expressed in the title of the bill. To address this constitutional concern, we recommend deleting the words, "and explosives" from page 4, lines 3 and 19, of the bill.

We note that the Posse Comitatus Act, 18 USCA § 1385, restricts the use of federal military personnel in domestic law enforcement activities, which may limit the participation of the United States armed services in the inspection program.

We also note that the bill requires the program to begin no later than October 1, 2025. DLE will probably require additional time to adopt administrative rules, and to plan and implement the shipping container inspection program.

Thank you for the opportunity to provide these comments.



Hawaiian Humane Society
People for animals. Animals for people.

Date: Jan. 31, 2025

To: Chairs Sens. Brandon J.C. Elefante & Chris Lee
Vice Chairs Sens. Glenn Wakai & Lorraine R. Inouye
and Members of the Committees on Public Safety and Military Affairs;
& Transportation and Culture and the Arts

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 1226: Relating to Fireworks
Wednesday, Feb. 5, 2025, 3 p.m., Room 225 & Videoconference

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 1226, which establishes the Shipping Container Inspection Program; requires the Department of Law Enforcement to submit reports to the Legislature on implementation of the Shipping Container Inspection Program; and appropriates funds.

This measure supports the incredible work of the Illegal Fireworks Task Force, which has seized 187,000 pounds - or more than 93 tons - of illegal fireworks found in shipping containers since it was established. Add that to the ample evidence that tons of illegal fireworks are still making it onto the local black market and the magnitude of this insidious problem is staggering.

Hawaiian Humane supports any attempt to restrict fireworks from residential neighborhoods. After the tragic deaths and injuries on O'ahu this year, it should be clear to our community that lighting off explosives in our neighborhoods poses an unacceptable risk. 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 without warning. 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, mental and physical health.

Please pass SB1226, support the work of our law enforcement agencies, and prevent future tragedies. Mahalo for your consideration.



Hawaii Representatives & Senators:

On behalf of the Libertarian Party of Hawaii, I am writing to express our strong opposition to any prohibitions and enforcement measures targeting fireworks. We believe Hawaiians have the right to pursue and engage in any activities that bring them joy and fulfillment.

Fireworks prohibitions and regulations infringe upon the freedom of our citizens to partake in this time-honored custom, diminishing the spirit of celebration and unity that fireworks bring.

Implementing strict enforcement measures to crack down on fireworks usage would only serve to burden law enforcement resources, and divert needed attention away from more pressing issues. Prohibitions and heavy enforcement will lead to unnecessary conflict between police and citizens, eroding trust and creating an atmosphere of fear and animosity. Causing harm against another person is already illegal, and crimes can already be prosecuted without these new tyrannical enforcement measures.

The Libertarian Party of Hawaii stands firm in our support of individual freedom and opposes any measures that encroach upon our citizens' rights.

In Freedom,

Abbra Green

Executive Secretary, Libertarian Party of Hawaii

lphisecretary@gmail.com



Testimony for SB 1226, Relating to Fireworks

Senate Committee on Public Safety & Military Affairs
Senate Committee on Transportation & Culture & the Arts

February 5, 2025

Aloha Chairs Elefante & Lee, Vice Chairs Wakai & Inouye, and members of the committees,

The Hawaii Harbors Users Group is respectfully **opposed** to SB 1226, Relating to Fireworks.

This bill establishes the Shipping Container Inspection Program, mandates the Department of Law Enforcement to submit implementation reports to the Legislature, and appropriates funds. The Hawaii Harbors Users Group opposes this bill due to concerns over increased operational costs, shipment delays, and logistical inefficiencies. The mandate for random shipping container inspections, especially those involving explosive-detection dogs, may lead to delays in cargo handling, disrupt supply chains, and impose significant financial strain on shipping companies. Conducting these inspections within port terminals also poses serious safety risks to workers, nearby businesses, and surrounding areas. The potential for accidental detonation or mishandling of hazardous materials could result in significant damage, further obstructing the smooth flow of commerce. This measure calls for inspections without a clearly defined and standardized process, raising concerns about its practical implementation and overall effectiveness.

Prioritizing inspections of "high-risk" containers while exempting certain government and military shipments may create inconsistencies in enforcement, raising concerns about fairness and effectiveness. The potential for increased consumer costs due to these delays and regulatory burdens could also negatively impact businesses and the broader economy.

Thank you for considering our testimony.



LATE

**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
FEBRUARY 5, 2025
SB 1226 RELATING TO FIREWORKS**

Good afternoon, Chair Elefante and Chair Lee and members of the Senate Committee on Public Safety & Governmental & Military Affairs and the Senate Committee on Transportation & Culture & the Arts. 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 SB 1226. This measure establishes the Shipping Container Inspection Program; requires the Department of Law Enforcement to submit reports to the Legislature on implementation of the Shipping Container Inspection Program; and appropriates funds.

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.

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. RMH respectfully requests this measure be amended to require all container inspections conducted pursuant to this measure to occur at a secure and safe facility **not at a terminal and away from commercial harbors in all circumstances** to allow timely discharge of shipping containers at each of the commercial harbors and avoid unnecessary delays and traffic congestion. Commercial harbor 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. Container inspections occurring at a commercial harbor can threaten the safety and security of every person working at or near the harbor. 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. On January 29, 2025, KHON2 reported the corrections officer

has pled guilty to having the boxes mailed to the correctional facility that he had a duty to secure. 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 Law Enforcement shall have jurisdiction over and take possession of any fireworks or explosives found in connection with the container inspections conducted.

If your Committees intend to pass this measure, we request the following amendments:

Page 4, lines 12 through 20: "~~§266- [Shipping container] Cargo inspection program. (a) The department of law enforcement, 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 5, lines 1 through 5: "(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 container terminal and commercial harbor;"

Page 5, lines 14 to 18: "(3) Inspect all ~~[shipping containers] cargo~~ containing legal fireworks from illegal fireworks at a designated secure site ~~[and, if logistically necessary,]~~ located away from a container terminal and commercial harbor; and"

Page 6 lines 18 to 21: "(c) The department of law enforcement shall coordinate and conduct the random inspection of ~~[shipping containers] cargo~~ at a secure and safe location away from a container terminal and 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 law enforcement shall take possession of and retain jurisdiction over any illegal fireworks or explosives found in an inspection of cargo. The department of law enforcement shall conduct random inspections of all cargo in a manner that allows for the timely delivery of goods and return of intermodal equipment."

Additionally, we urge your Committees to ensure it has carefully considered the jurisdictional issues that may arise with private-sector organized labor.

Mahalo again for considering the proposed changes and this opportunity to testify.

SB-1226

Submitted on: 1/30/2025 12:21:03 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Espero	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Chairs and Committee,

I am writing in support of a random inspection program of shipping containers to find illegal fireworks entering Hawaii. Random inspections should act as a deterrent for those shipping from the mainland. It is a good start to battle the criminals, and strong penalties must follow to stop the illegal flow of explosives.

Our state sheriffs and National Guard should be equipped to carry out this task.

Thanks for considering this measure.

Will Espero

Ewa Beach Resident

SB-1226

Submitted on: 1/31/2025 11:48:59 AM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Sumi	Individual	Support	Written Testimony Only

Comments:

I am in total support of this bill with possibly a change to include businesses in good standings with the DCCA. Random inspections should include all private businesses and receivers of goods from abroad. There should also be a minimum number of inspections done over a period of time, i.e. weekly/monthly/quarterly/ etc. Video inspections should also be required to hold the inspectors accountable. With the task force already in place, there seems to be too many loop holes or overlooking of containers at this current time due to all the illegal fireworks already in the hands of individuals. If bargaining unit employees can not do quality work then private contractors should be used at reasonable cost. Bottom line is something needs to be done with the large volume of illegal fireworks being brought into our ports and this bill helps to address the root cause.

Thank you for your service and time.

SB-1226

Submitted on: 1/31/2025 2:48:55 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

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

Comments:

I SUPPORT this bill.

SB-1226

Submitted on: 1/31/2025 5:57:43 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
joanna p milo	Individual	Support	Written Testimony Only

Comments:

Help us seniors and animals

SB-1226

Submitted on: 1/31/2025 6:41:58 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

We have to find the fireworks when they come in. Let's do this.

SB-1226

Submitted on: 1/31/2025 10:33:27 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

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

Comments:

Please pass this important bill that will help people and animals who suffer from the noise and smoke created by fireworks.

SB-1226

Submitted on: 1/31/2025 9:43:36 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

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

Comments:

I am in full support of every bill which will work to stop the lawlessness of illegal fireworks. We need to take a holistic approach to the problem, to make the community safe from the horrific noise, injuries, death of what clearly is not cultural behavior, to save those with PTSD from more trauma, and to spare our pets from this terror. Please support all fireworks bills and increase enforcement.

SB-1226

Submitted on: 1/31/2025 10:38:14 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
JANICE FUKUDA	Individual	Support	Written Testimony Only

Comments:

Honorable Senators,

I support this bill and ask that it be expanded to include random inspection of all commercial and private vessels and aircrafts entering the state. To limit random inspection to shipping containers will not address the flow of illegal fireworks via private or smaller commercial vessels into our state.

The coast guard is able to board private vessels for safety inspections so why not include inspections for contraband?

SB-1226

Submitted on: 1/31/2025 10:55:02 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marian Hussenbux	Individual	Support	Written Testimony Only

Comments:

We would like to endorse SB1226 , which supports the incredible work the Illegal Fireworks Task Force has done interdicting illegal fireworks at your ports.

We think that the fewer fireworks are available, the better, as per our testimony to SB 302.

They are a potential danger to all sectors of society.

SB-1226

Submitted on: 2/1/2025 5:25:40 AM

Testimony for TCA on 2/5/2025 3:00:00 PM

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

Comments:

Please support this bill to reduce the entry of illegal fireworks through Hawaii's ports. Preventing entry of contraband fireworks will reduce the risk of these fireworks landing in the hands of Hawaii's residents which can wreck destruction, devastation and death as shown with the Aliamanu Fireworks Explosion 2025.

SB-1226

Submitted on: 2/1/2025 5:40:23 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Serena Stefanic-Phillip	Individual	Support	Written Testimony Only

Comments:

I am in support of Bill SB1226.

SB-1226

Submitted on: 2/2/2025 5:24:03 AM

Testimony for TCA on 2/5/2025 3:00:00 PM

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

Comments:

Aloha Chair Senator Elefante, Vice Chair Senator Wakai and Members of the Committee on Public Safety and Military Affairs, and Chair Senator Lee, Vice Chair Senator Inouye and Members of the Committee on Transportation and Culture and the Arts.

Please vote for SB 1226, which I strongly support, to help the Department of Law Enforcement intercept the importing of illegal fireworks.

Mahalo.

Jennifer Chiwa

Makiki and life long resident of Oahu

SB-1226

Submitted on: 2/2/2025 10:40:29 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
J. Takane	Individual	Support	Written Testimony Only

Comments:

I fully support stronger laws against illegal fireworks especially those responsible for importing them, those that knowingly buy them which result in substantial bodily injury or death and destruction to property. So I would like to see a shipping container inspection program installed to find out who is bringing in these products and stop them from being distributed. Stopping them at the port of entry is the first step to keeping them out of our neighborhoods.

SB-1226

Submitted on: 2/3/2025 9:29:16 AM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheri Iha	Individual	Support	Written Testimony Only

Comments:

I support SB1226.

SB-1226

Submitted on: 2/3/2025 10:59:16 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gordon B. Lindsey	Individual	Support	Written Testimony Only

Comments:

I am in support of SB1226

SB-1226

Submitted on: 2/4/2025 7:56:24 AM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bill Dixon	Individual	Support	Written Testimony Only

Comments:

My name is Bill Dixon, and I live with my wife in Kaneohe. We believe it's time to demilitarize our neighborhoods, eliminate deadly impacts on children and families, and protect our islands from fires by banning most fireworks.

SB1226 Relating to Fireworks will build on 15 years of work by state and county agencies to clamp down on the illegal importation of fireworks into the state – the pipeline for the munitions that are killing our neighbors. In just the past two years, these collaborative efforts have led to the seizure of more than 200,000 pounds of illegal fireworks. But more needs to be done, as the tragic incident on New Year's Eve showed..

SB1226 will strengthen the fight against illegal fireworks by doing the following:

Establishing a shipping container inspection program to randomly inspect shipping containers arriving in the State for illegal fireworks and explosives, including the use of fireworks- or explosive-sniffing dogs to inspect the containers.

Appropriating funds to the department of law enforcement for the effective detection, safe storage, and disposal of illegal fireworks.

I urge the committees to advance this important legislation.

SB-1226

Submitted on: 2/4/2025 9:03:58 AM

Testimony for TCA on 2/5/2025 3:00:00 PM

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

Comments:

Aloha Chairs Elefante and Lee, Vice Chairs Wakai and Inouye, and Committee Members,

I STRONGLY SUPPORT SB1226 that Establishes the Shipping Container Inspection Program; Requires The Department of Law Enforcement to submit reports to the Legislature on implementation of the Shipping Container Inspection Program and Appropriates funds.

The Illegal Fireworks Task Force under the Department of Law Enforcement has done an excellent job in planning, coordinating and interdicting illegal fireworks shipments. About 187,000 pounds of illegal fireworks were seized from shipping containers at Honolulu Harbor from December 2023 until the beginning of January. This has led to ongoing criminal investigations and realizing the importance of having a Shipping Container Inspection Program. If the flow of incoming illegal fireworks can be reduced at the ports, it will be much easier for police to increase enforcement of end-users violating the law.

Utilizing fireworks or explosive-sniffing dogs to randomly inspect shipping containers could help speed up searches to detect illegal fireworks or explosives.

Violators are making an abundance of money from illegal fireworks so the fines and penalties need to be tough and attack the problem from all angles to start seeing improvements.

The Aliamanu tragedy was sad, and it is hopeful that the lives lost and those suffering from life-changing critical injuries were not in vain but will provide the wake-up call to take the use of illegal fireworks seriously. This all starts with legislators creating laws to invoke stiffer penalties and higher fines, and allows enforcement to the fullest extent of the law to instill a fear of getting caught and induce deterrence. This may require more appropriations committed this year to be effective, but how do you put a price on lives lost, life-changing deformities, and psychological issues that may require medical attention for the rest of one's life? Yes, enough is enough.

Please pass SB1226 to prevent another tragedy like Aliamanu from happening again.

Thank you for the opportunity to testify.

SB-1226

Submitted on: 2/4/2025 2:04:07 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Heide Weber	Individual	Support	Written Testimony Only

Comments:

I am a member of the Pearl City Neighborhood Board but submitting testimony as an individual in support of SB1226. I have only been a resident of Hawai'i for 17 years but have seen the ebb and flow of fireworks over these years. As new laws are passed, firework use decreases for a period of time until a work-around is devised by the importers and sellers. In the aftermath of the horrible disaster in Aliamanu on January 1, 2025, I predict there will be a quiet period for illegal fireworks as Hawai'i residents rethink their decisions to purchase and use them; however, memory is a fickle thing, and soon, the memory of the horrors of that night and the days that followed will be pushed aside in favor of short-term entertainment. It is, therefore, incredibly important that lawmakers use this time and the strong current of public support to enact effective and airtight laws and penalties and to appropriate funds in support of this cause.

The fact that all goods imported to Hawai'i arrive either by ocean or air narrows the initial search field for these illegal goods as they enter the State; therefore, it makes good sense to focus effort and funding at these points. A 2021 study revealed that of all goods used in Hawai'i, approximately 85% are imported and of that 91% comes through Hawai'i's Harbors System (The Value of Hawai'i's Commercial Harbor System, SMS 2021)

While shipping fireworks by air is strictly prohibited by the Federal Aviation Administration, in 2022, a prison guard at Halawa Correctional Facility received approximately 95 pounds of aerial fireworks through the mail, and between June 2020 and June 2022, postal inspectors determined a Pennsylvania man who admitted to selling and illegally mailing fireworks shipped at least 254 packages to Hawai'i weighing 7,611 pounds.

Increased detection at harbors and airports across the State is paramount to a successful effort to protect innocent lives and the lives of those who put short-term pleasure over everything. A successful shipping container and air freight inspection program implemented by the State will stem the tide of illegal fireworks entering our islands. In addition to Honolulu Harbor, increased inspections at outer island harbors will provide an additional line of detection to trace these illegal imports from source to seller.

I support SB1226 in establishing and appropriating funds for a shipping container inspection program; however, I advise the bill be amended to specify a percentage of containers per ship and quotas of inspected containers per day. Furthermore, I urge the State of Hawai'i to work with shipping companies and port authorities to detect illegal fireworks bound for Hawai'i and seize those shipments at ports of origin.

Thank you,

Heide Weber

SB-1226

Submitted on: 2/3/2025 9:00:08 PM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Oppose	Written Testimony Only

Comments:

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

I am submitting testimony in strong opposition to this bill, which significantly expands government surveillance, violates constitutional protections, burdens businesses and consumers, and wastes taxpayer dollars on an ineffective approach to fireworks enforcement.

1. Fourth Amendment Concerns: Unreasonable Searches and Government Overreach

This bill grants the government broad power to conduct random, warrantless searches of shipping containers under the guise of combating illegal fireworks. While customs officials have the authority to inspect incoming shipments at ports of entry under the border search exception, this bill expands that authority in a way that raises serious Fourth Amendment concerns:

- **Random Inspections Without Probable Cause** – Once cargo has entered Hawai‘i, it is no longer at an international border, meaning random searches by state agencies—especially away from ports—could violate the Fourth Amendment’s protection against unreasonable searches and seizures.
- **State vs. Federal Jurisdiction** – Federal customs officers already have established authority to inspect incoming shipments for contraband. However, this bill gives state agencies the power to conduct random, suspicionless searches, which courts may find unconstitutional if conducted outside of clearly defined federal customs procedures.
- **Dangerous Precedent for Expanded Government Surveillance** – If the state can conduct random, warrantless searches of private shipments under the justification of fireworks enforcement, what stops the government from expanding this authority to search for other items? This bill opens the door for increased government intrusion into private commerce and property.

The Fourth Amendment exists to protect against precisely this kind of government overreach, where the state assumes all private shipments are suspect and subjects them to invasive, warrantless searches.

2. Economic Burden on Businesses and Consumers

Beyond the constitutional concerns, this bill will increase costs for businesses and consumers by introducing new bureaucratic obstacles in Hawai‘i’s already complex import system.

- Supply Chain Disruptions – Requiring additional inspections of shipping containers will lead to delays in imports, affecting both small businesses and large retailers. These delays will be especially harmful to small businesses that rely on timely shipments to keep their operations running.
- Higher Costs for Consumers – Increased inspections and regulations mean added costs that will ultimately be passed down to consumers, worsening Hawai‘i’s already high cost of living.
- Wasted Taxpayer Dollars – The bill seeks \$750,000 in new taxpayer funding for law enforcement agencies to conduct these inspections, yet provides no guarantee of effectiveness. Instead of focusing resources on real public safety threats, the state is wasting money on a flawed enforcement strategy.

3. A Failed Approach: Prohibition Does Not Work

This bill follows a prohibitionist mindset, assuming that banning or restricting a product will eliminate its use. However, history has proven that prohibition fails—whether it’s alcohol, firearms, or fireworks.

- Black Market Expansion – Restricting legal access to fireworks will not stop their use; it will only push the market underground. This will lead to riskier smuggling methods and potentially more dangerous products being used.
- Increased Burden on Law Enforcement – Rather than focusing on actual crime, this bill diverts law enforcement resources toward inspecting shipping containers for fireworks, which does not improve public safety in any meaningful way.

4. Community-Based Solutions Over State Enforcement

Instead of expanding government power and restricting individual freedoms, the state should pursue community-driven solutions:

- Education campaigns on safe and respectful fireworks use.
- Neighborhood agreements and private enforcement rather than state-mandated bans.
- Local event permits that allow for safe, designated fireworks displays.

Hawai‘i residents should not have their freedoms curtailed because some individuals misuse fireworks. The best solutions come from local communities, not top-down government enforcement.

For these reasons, I urge you to vote NO on this bill.

Mahalo for your time and consideration,

Nicholas Zehr

SB-1226

Submitted on: 1/30/2025 10:33:06 AM

Testimony for TCA on 2/5/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill it is unconstitutional.