

Testimony of Ku'uhaku Park
On Behalf of Matson Navigation Company, Inc.
Comments on HB528
Before the Committee on Transportation
February 5, 2021

Dear Chair Aquino, Vice Chair Ilagan, and Members of the Committee:

Matson Navigation Company, Inc. ("Matson") respectfully submits comments on HB528, Relating to Fireworks, and respectfully offers amendments. This measure, among other things, establishes a shipping container inspection program to randomly inspect shipping containers arriving in Honolulu for illegal fireworks and explosives smuggled into the State.

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 dependable and efficient cargo transportation and handling to service our residents and businesses.

Matson respectfully requests this measure be amended to require all container inspections conducted pursuant to this measure to occur at a secure facility away from the ports to allow timely removal of shipping containers and avoid off-loading delays. Matson's operations run twenty-four hours a day, seven days a week and our terminal is at full capacity. Any additional inspection that takes place at our terminal could cause significant delays in offloading and out-gating our cargo. Additional screening must take place outside of our terminals to avoid interference with operations. We also respectfully request that this measure be amended to require inspections be balanced with adverse impacts to the flow of commerce into our State.

This measure fails to address fireworks that enter the State through other methods beyond commercial shipping containers. All entities involved in moving cargo should be included in the inspection mandate. This could include the United States Postal Service, other mail carriers, airlines, air cargo carriers, recreational boat owners, and the related industry groups.

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

Page 2, lines 3 to 10 to read: "(1) Inspection of inventory [and], including the inspection of containers of aerial devices after they have arrived in shipment, at the time the containers are opened at the final point of delivery in the State, to verify that the contents and amounts of aerial devices shipped are consistent with the applicable manifest and that the person receiving the aerial devices has the proper license for those contents and in that amount; provided that a shipping container inspected under this section shall not be opened at a commercial harbor;"

Thank you for considering the suggested amendment.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

STATE OF HAWAII
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February 3, 2021

The Honorable Henry Aquino, Chair
Committee on Transportation
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: House Bill (HB) 528 Relating to Fireworks

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support HB 528, which authorizes the counties to expend revenue from fireworks license fees to offset costs related to inspecting shipped containers of aerial devices at the time the containers are opened.

Since the City and County of Honolulu's ban on aerial fireworks, there has been a steady increase in the use of illegal fireworks. The proliferation of illegal aerial fireworks use is evident by viewing numerous video recordings on YouTube of the Oahu skyline on New Year's Eve. It is highly probable that fireworks are making its way into the state via shipping containers. Thus, it is envisioned a shipping container inspection program will decrease the amount of illegal fireworks being shipped into the state.

While fireworks injuries occur primarily to children, an adult male who lived on Kauai succumbed to fatal injuries sustained from a fireworks explosion on December 31, 2020. Hawaii news media reports at least seven others, including juveniles, were injured from fireworks misuse on New Year's Eve 2020. The elimination or reduction of illegal fireworks would reduce the number of emergency response calls due to fires and injuries, thereby allowing fire, police, and emergency medical services to be available for other important emergency incidents. We also believe the inspection of shipping containers will help reduce the number of fires and injuries related to their usage.

The Honorable Henry Aquino, Chair
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February 3, 2021

HB 528 will allow the counties to have a limited degree of control over potential importation of illegal aerial fireworks. The report of the illegal fireworks task force to the legislature for the 2011 Regular Session, which was prepared in accordance with Act 170, Session Laws of Hawaii 2010, recommended giving county agencies the authority to inspect cargo containers at the harbors and other areas where cargo is unloaded. We would request careful consideration of the county fire department employees' legal authority to have open access to shipping containers containing declared fireworks contents on state harbor property. The SFC believes that HB 35 will have a greater positive impact in addressing the illegal importation of fireworks.

The SFC and the HFD urge your committee's support on the passage of HB 528.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

Sincerely,



MANUEL P. NEVES
Chair

MPN/GL:cs



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Transportation
Friday, February 5, 2021 at 10:00 A.M.
Via Videoconference**

RE: HB 528, RELATING TO FIREWORKS

Chair Aquino, Vice Chair Ilagan, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **offers comments on HB 528**, which authorizes counties to use fireworks license fee revenue to offset costs related to inspecting shipped containers of aerial devices when they are opened.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Hawaii is heavily reliant on commercial harbors for the importation of good to business and residents. As such, the reliable and timely receipt of goods and transportation of their materials and products across the state is essential to business operation.

The Chamber appreciates the intent of this measure but notes that additional screenings could result in delays of these good and products to their final destinations from commercial harbors, and potential loss of perishable shipments. We need to ensure that any additional inspections are properly implemented to avoid these types of delays and work with our cargo, harbor and inspection partners.

If the Committee intends to pass the measure, we respectfully ask that the consideration be given to encourage inspections away from commercial harbors to allow for timely removal of shipments and avoid off-loading delays. Having additional screenings away from the port would help to avoid any interference with the companies that utilize the ports for their operations.

Thank you for this opportunity to provide testimony.



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Executive Officers

Joe Carter, Coca-Cola Bottling of Hawaii, *Chair*
Charlie Gustafson, Tamura Super Market, *Vice Chair*
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Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Beau Oshiro, C&S Wholesale Grocers, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*

Committee on Transportation
Rep. Henry J.C. Aquino, Chair
Rep. Greggor Ilagan, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 5, 2021
TIME: 10am
PLACE: Via Videoconference

RE: HB528 Relating to Fireworks

Position: Comments with Requested Amendments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

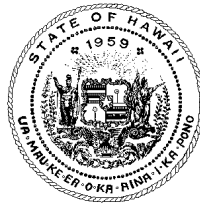
The vast majority of the food we eat, and other essential items and consumers goods pass through our harbors. As written this measure could have the unintended consequence of impeding the movement of goods into the state. Mandating inspections at the harbor will interrupt the movement and flow of goods through the harbors and make it harder for shipping companies to get them to customers in a timely fashion.

In order to avoid this problem we ask that this measure be amended to require all container inspections conducted pursuant to this measure to occur at a secure facility away from the ports to allow timely removal of shipping containers and avoid off-loading delays.

Specifically, we ask for the following amendment:

Page 2, lines 3 to 10 to read: “(1) Inspection of inventory [and], including the inspection of containers of aerial devices after they have arrived in shipment, at the time the containers are opened at the final point of delivery in the State, to verify that the contents and amounts of aerial deices shipped are consistent with the applicable manifest and that the person receiving the aerial devices has the proper license for those contents and in that amount; provided that a shipping container inspected under this section shall not be opened at a commercial harbor.”

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 528
RELATING TO FIREWORKS.

By
Max N. Otani, Director

House Committee on Transportation
Representative Henry J.C. Aquino, Chair
Representative Greggor Ilagan, Vice Chair

Friday, February 5, 2021; 10:00 a.m.
Via Video Conference

Chair Aquino, Vice Chair Ilagan, and Members of the Committees:

The Department of Public Safety (PSD) offers comments on House Bill (HB) 528, which would authorize the counties to use fireworks license fees to offset their costs in inspecting shipping containers to find aerial fireworks devices.

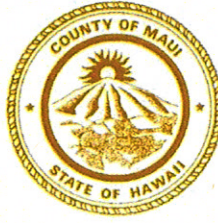
PSD is supportive of measures that stem the use of illegal fireworks in the State of Hawaii. However, the Department respectfully suggests that HB 528 be expanded to include all consumer fireworks (Department of Transportation [DOT] Classification 1.4) and display fireworks (DOT Classification 1.3), rather than be limited to the inspection and audit of aerial devices.

Thank you for the opportunity to provide this testimony.

MICHAEL P. VICTORINO
Mayor

DAVID C. THYNE
Fire Chief

BRADFORD K. VENTURA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

February 3, 2021

The Honorable Henry Aquino, Chair
Committee on Transportation
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: House Bill (HB) 528, Relating to Fireworks

I am David C. Thyne, member of the Hawaii State Fire Council (SFC), and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support HB 528, which authorizes the counties to expend revenue from fireworks license fees to offset costs related to inspecting shipped containers of aerial devices at the time the containers are opened.

Since the City and County of Honolulu ban on aerial fireworks, there has been a steady increase in the use of illegal fireworks. The proliferation of illegal aerial fireworks use is evident by viewing numerous video recordings on YouTube of the Oahu skyline on New Year's Eve. It is highly probable the fireworks are making their way into the state by way of shipping containers. Thus, it is envisioned the shipping container inspection program will curb the amount of illegal fireworks coming into the state.

While fireworks injuries occur primarily to children, an adult male of Kapaa, Kauai, succumbed to fatal injuries sustained from a fireworks explosion on December 31, 2020. Hawaii news media reports at least 7 others, including juveniles, were injured from fireworks misuse on New Year's Eve 2020. The elimination or reduction of illegal fireworks would reduce the number of emergency response calls due to fires and injuries, thereby allowing fire, police, and emergency medical services to be available for other important emergency incidents. We also believe the search of shipping containers will help reduce the number of fires and injuries related to their usage.

The Honorable Henry Aquino, Chair

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February 3, 2021

HB 528 will allow the counties to have a limited degree of control over potential importation of illegal aerial fireworks. The report of the illegal fireworks task force to the legislature for the regular session of 2011, which was prepared in accordance with Act 170, Session Laws of Hawaii 2010, recommended giving county agencies the authority to inspect cargo containers at the harbors and other areas where cargo is unloaded. We would request careful consideration of the legal authority of county fire department employees to have open access to shipping containers containing declared fireworks contents on State harbor property. The SFC believes that HB 35 will have a greater positive impact in addressing the illegal importation of fireworks.

The SFC and the MFD urge your committee's support on the passage of HB 528.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or lrogers@honolulu.gov.

Sincerely,



DAVID C. THYNE
Fire Chief



LATE

TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 5, 2021

Re: HB 35 Relating to Fireworks
HB 528 Relating to Fireworks

Good morning Chair Aquino and members of the House Committee on Transportation. 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, RMH is a statewide, not for profit trade organization committed to 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, local, national, and international retailers, chains and everyone in between.

While we recognize the intent of the bill to curtail illegal fireworks coming into our State, RMH is **OPPOSED to HB 35 Relating to Fireworks and HB 528 Relating to Fireworks**. HB 35 establishes the shipping container inspection program and shipping container inspection program special fund; increases the maximum fine for each violation of the fireworks law; and requires PSD to submit reports to the legislature on implementation of the shipping container inspection program. HB 528 authorizes counties to use fireworks license fee revenue to offset costs related to inspecting shipped containers of aerial devices when they are opened.

RMH is concerned about the timing of receiving goods from the docks if every single shipping container has 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, would we have to wait weeks or months for ALL the containers to be inspected. This would prolong retailers from receiving their merchandise. Currently retailers are already struggling to get their merchandise. Manufacturers were also closed down due to the pandemic and thus slowing production of goods. Shipping schedules have been reduced. And let's not forget some foods and beverage items shipped have an expiration date and cannot be sitting on a dock waiting for inspection for too long.

We also wonder how the state will be paying to set up and maintain this new program, especially when the state deficit is in the billions of dollars. Are the inspector trained to determine the legal fireworks from the illegal variety? Will the containers be inspected in a secure site. We want to be sure that our goods are not compromised.

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

Mahalo again for this opportunity to testify.