



STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on HB1545, HD1
RELATING TO NOISE POLLUTION**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
REPRESENTATIVE LISA KITAGAWA, VICE CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: 2/23/2022 Room Number: Via Videoconference
Conference Room
329

- 1 **Fiscal Implications:** No funding is provided to support this measure. Funding needed to adopt
2 rules and regulate noise from vehicles is currently unknown, but will require substantial
3 resources for development, implementation and enforcement of vehicle noise use and sales.
- 4 **Department Testimony:** This measure seeks to prohibit the use and sale of vehicles which emit
5 noise and requires the Department of Health (DOH) to adopt rules banning such activities.
- 6 The Department shares your concerns about vehicle noise in the community. However, the
7 intent of Title 19, Hawaii Revised Statutes (HRS), Chapter 342F and Title 11, Hawaii
8 Administrative Rules (HAR) Chapter 11-46 is to regulate noise emanating from stationary
9 equipment and equipment related to agricultural, construction and industrial activities. These
10 types of sources are either fairly constant in nature, stationary or restricted to a certain location
11 and can be efficiently enforced by the Department.
- 12 The Department has concerns, however, about 342F-30.5(b) of this measure, the mandate to
13 adopt rules regulating the sale and use of vehicles which emit noise. Title 17, HRS Chapter 286
14 currently regulates motor vehicles for sale, ownership, registration and inspection for proper
15 operating conditions (vehicle registration and certificates of inspection). Also, Title 17, HRS
16 Chapter 291-24 and 291-24.5 prohibits the modification of exhaust systems on motor vehicles as
17 well as mopeds and motorcycles in a manner which will amplify or increase the noise emitted by

1 such vehicles. Therefore, adequate mechanisms currently exist to ensure proper operating
2 conditions of vehicles and associated equipment .

3 Further, vehicular noise surveys by DOH were discontinued when HAR Chapter 11-42,
4 “Vehicular Noise Control for Oahu” was repealed by Act 283 of the 2000 Legislature due to the
5 limited success rate in obtaining violations as well as reductions in program personnel and
6 resources. As such, the intent of this bill may be better served within Title 17, HRS Chapters
7 286 and 291 for motor and other vehicles.

8 **Offered Amendments:** None.

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



/AIKIKI NEIGHBORHOOD BOARD NO. 9

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February 22, 2022

House Committee on Consumer Protection and Commerce

House Bill 1545

Aloha Chair Johanson and Committee,

Mahalo for the opportunity to testify in Favor of the Concept of House Bill 1545.

Bill 1545 can provide a way to curb the current high levels of both amplified music and vehicle noise generated on the streets in Waikiki.

There is currently no accurate way for the Honolulu Police Department to “ticket” a noisy vehicle that will be held up in court. While hand held devices are available to measure the amount of noise generated from a vehicle or sound system on a sidewalk, the use of these devices and the noise standards have yet to be defined.

The Waikiki Neighborhood Board has taken citizen complaints about noise for many years and hopes that the City Bill 43 can be supported by House Bill 1545 to establish noise standards for Waikiki.

Mahalo again,

Robert Finley
Chair

HB-1545-HD-1

Submitted on: 2/18/2022 7:15:30 PM

Testimony for CPC on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mike Moran	Kihei Community Association	Support	No

Comments:

Aloha Chair and Committee.

Our non profit Kihei Community Association (KCA) in South Maui is in full support. Please support this measure. We are continuously assaulted with increasing volume of unneeded irritating noise produced by selfish individuals in a wide variety of vehicles. We are exposed to it day and night. Studies continue to show it is a health hazard to both humans and overall natural environment Any action that can mitigate this will make for a better community. Mahalo

Mike Moran for KCA

HB-1545-HD-1

Submitted on: 2/22/2022 1:53:18 PM

Testimony for CPC on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ted Bohlen	Environmental Caucus of the Democratic Party	Support	Yes

Comments:

To: The Honorable Aaron Ling Johanson, Chair, the Honorable Lisa Kitagawa, Vice Chair, and members of the House Consumer Protection and Commerce Committee

From: Environmental Caucus of the Democratic Party (by Ted Bohlen)

Re: Hearing: HB1545 HD1 **RELATING TO NOISE POLLUTION.**

Hearing: Wednesday, February 23, 2022, 2:00 p.m., Rm. 211 and by videoconference

Position: **STRONG SUPPORT, with amendments in PROPOSED HD2 below!**

Aloha Chair Johanson, Vice Chair Kitagawa, and members of the House Consumer Protection and Commerce Committee:

Noise pollution is a prevalent and increasing problem in the State. Exposure to excessively loud and unabated noises can result in physiological, psychological, and economic damage. There is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas. Excessively loud vehicles, such as motor vehicles with after-market modifications to engine or exhaust systems, **and small off-road engines such as combustion leaf blowers and lawnmowers**, are a significant source of noise pollution in the State, impair the peace and tranquility that is part of the beauty of the Hawaiian islands, and constitute a public nuisance.

Citizens of Hawaii are entitled to a healthy and peaceful environment. They have the right to be free from noise pollution that may be hazardous to their health or welfare. Efforts to protect this right have been codified under chapter 342F, Hawaii Revised Statutes, and administrative rules. However, existing regulatory measures are not effectively enforced and do not adequately address noise pollution emitted by excessively loud vehicles or **small off-road engines**.

The purpose of this Act is:

(1) Require the department of health to adopt rules for the control, prevention, and abatement of noise pollution emitted by excessively loud vehicles in the State; and

(2) Prohibit the operation or sale of vehicles that emit excessive noise.

Noise pollution can harm human health, causing increased stress levels, sleep disturbance, or hearing damage.

The Environmental Caucus of the Democratic Party **STRONGLY SUPPORTS** this measure, but proposes an amendment to require DOH also to regulate excessive noise from small off-road engines such as leafblowers and lawnmowers. The Environmental Caucus of the Democratic Party asks the Committee to adopt the following **PROPOSED HD2**.

Mahalo!

Environmental Caucus of the Democratic Party (by Ted Bohlen)

PROPOSED HD2:

RELATING TO NOISE POLLUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that noise pollution is a prevalent and increasing problem in the State. Exposure to excessively loud and unabated noises can result in physiological, psychological, and economic damage. There is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas.

The legislature further finds that excessively loud vehicles, such as motor vehicles with after-market modifications to engine or exhaust systems **and small off-road engines in lawn and garden equipment such as leafblowers and lawnmowers** are significant sources of noise pollution in the State, impair the peace and tranquility that is part of the beauty of the Hawaiian islands, and constitute a public nuisance.

Citizens of Hawaii are entitled to a healthy and peaceful environment. They have the right to be free from noise pollution that may be hazardous to their health or welfare. Efforts to protect this right have been codified under chapter 342F, Hawaii Revised Statutes, and administrative rules. In addition, section 46-17, Hawaii Revised Statutes, authorizes any county to adopt ordinances regulating noise, among other things. The Legislature finds that existing regulatory measures are not effectively enforced and do not adequately address noise pollution emitted by excessively loud vehicles.

Accordingly, the purpose of this Act is:

(1) Require the department of health to adopt rules for the control, prevention, and abatement of noise pollution emitted by excessively loud vehicles **and small off-road engines** in the State; and

(2) Prohibit the operation or sale of vehicles **and small off-road engines** that emit excessive noise.

SECTION 2. Chapter 342F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§342F- Noise control; excessively loud vehicles and small off-road engines.** (a) By June 30, 2023, the department shall adopt rules in accordance with chapter 91 that shall use the dBC and dBA sound level measurement systems for the control, prevention, and abatement of noise pollution emitted by vehicles in the State.

(b) It shall be unlawful for any:

(1) Person to operate a vehicle or **small off-road engine** that emits a noise in excess of the decibel limitations adopted pursuant to this section;

(2) Owner of a vehicle or **small off-road engine** to allow a vehicle or **small off-road engine** to emit noise in excess of the decibel limitations adopted pursuant to this section; and

(3) Person to sell or offer for sale a vehicle or **small off-road engine** that emits noise in excess of the decibel limitations adopted pursuant to this section.

(c) Any county may adopt a rule or ordinance that places stricter limitations on noise pollution emitted by vehicles **or small off-road engines** than are established by rule pursuant to this section. In case of a conflict between the limitations of this section and any county rule or ordinance regarding noise pollution emitted by vehicles **or small off-road engines**, the more restrictive requirement shall apply."

SECTION 3. Section 342F-31, Hawaii Revised Statutes, is amended to read as follows:

"~~[§342F-31]~~ **Rules; specific.** The director may establish by rule[=

~~(1) The control of vehicular noise; and~~

~~(2) Other]~~ other specific areas for control of excessive noise, thereby allowing for varying conditions."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

Report Title:

Vehicles; **Small off-road engines**; Noise; Pollution; Nuisance; Rules

Description:

Requires the department of health to adopt rules for the control, prevention, and abatement of noise pollution emitted by vehicles **and small off-road engines** in the State. Prohibits the use, ownership, and sale of excessively loud vehicles **and small off-road engines**. Effective 7/1/2060. (**proposed HD2**)

HB-1545-HD-1

Submitted on: 2/18/2022 6:01:09 PM

Testimony for CPC on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Bickel	Individual	Support	No

Comments:

As a resident of Waikiki, I endure a great deal of noise. It bothers residents and visitors alike. This bill will address this problem.