JOSH GREEN LIEUTENANT GOVERNOR



JOANN A. VIDINHAR DEPUTY DIRECTOR

STATE OF HAWAII DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS 830 PUNCHBOWL STREET, ROOM 321 HONOLULU, HAWAII 96813 <u>www.labor.hawaii.gov</u> Phone: (808) 586-8844 / Fax: (808) 586-9099 Email: dlir.director@hawaii.go

February 3, 2022

The Honorable Aaron Ling Johanson, Chair Committee on Consumer Protection and Commerce House of Representatives State Capitol, Room 436 Honolulu, Hawaii 96813

Dear Chair Johanson:

Subject: House Bill (HB) 1604 Relating to Fireworks

I am Steven Goble, Vice Chair of the Hawaii State Fire Council (SFC). The SFC supports HB 1604, which establishes the 2022 illegal fireworks task force within the department of the attorney general.

There is a general sense that the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. A search of youtube.com using the term "aerial fireworks Hawaii New Years" reveals pervasive use of illegal aerial fireworks in many neighborhoods. As a consequence, serious injuries, property damage, and fatalities have occurred.

The general welfare, public safety, and property protection are priorities for the SFC and we respectfully request your committee's passage of HB 1604.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

STEVEN GOBLE Vice Chair

SG/GL

DAVID Y. IGE GOVERNOR



STATE OF HAWAII DEPARTMENT OF PUBLIC SAFETY 1177 Alakea Street, 6th Floor Honolulu, Hawaii 96813 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 1604 RELATING TO FIREWORKS. by Max N. Otani, Director Department of Public Safety

House Committee on Consumer Protection and Commerce Representative Aaron Ling Johanson, Chair Representative Lisa Kitagawa, Vice Chair

> Friday, February 4, 2022; 2:00 p.m. State Capitol, Via Videoconference

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

The Department of Public Safety (PSD) offers comments on House Bill (HB) 1604, which would establish an illegal fireworks task force within the Department of the Attorney General to develop a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into the State.

PSD supports the implementation of a program to disrupt the flow of illegal fireworks into the State of Hawaii. However, to establish a viable enforcement program, the task force will require authorization to hire and train five law enforcement officers (LEO) in the detection, safe handling, and disposal of explosive materials. These LEOs must further be trained in the recognition and classification of consumer fireworks (Department of Transportation (DOT) classification 1.4) and display fireworks (DOT classification 1.3). An additional explosive detection canine and handler is also required.

The task force must also develop a shipping container inspection program and be given authorization to review domestic and foreign shipping manifests to narrow the scope of shipping containers to be inspected. In addition to National Testimony on HB 1604 House Committee on Consumer Protection and Commerce February 4, 2022 Page 2

Guard assets, the task force must coordinate with the U.S. Coast Guard Service, the federal Consumer Product Safety Commission, State of Hawaii DOT Harbors Division, PSD and the U.S. Department of Homeland Security. Ideally, appropriations of approximately \$1,309,750 per year should be allocated to the task force for the effective detection, safe storage, and disposal of illegal fireworks.

Thank you for the opportunity to provide this testimony.

Mitchell D. Roth Mayor

> Lee E. Lord Managing Director



Kazuo S. K. L. Todd Fire Chief

> Eric H. Moller Deputy Fire Chief

County of Hawai'i HAWAI'I FIRE DEPARTMENT 25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720 (808) 932-2900 • Fax (808) 932-2928

February 3, 2022

The Honorable Aaron Ling Johanson, Chair Committee on Consumer Protection and Commerce House of Representatives State Capitol, Room 436 Honolulu, Hawaii 96813

Dear Chair Johanson:

Subject: House Bill (HB) 1604 Relating to Fireworks

I am Kazuo S. K. L. Todd, Fire Chief of the Hawai'i Fire Department. I support HB 1604, which establishes the 2022 illegal fireworks task force within the department of the attorney general.

Illegal aerial fireworks and improvised explosive devices have substantially increased in recent years. As a consequence, serious injuries, property damage, and fatalities have occurred. Something needs to be done and I support the creation of this task force.

The general welfare, public safety, and property protection are priorities for emergency services, and I respectfully request your committee's passage of HB 1604.

Should you have questions, please contact me at 808-932-2903 or kazuo.todd@hawaiicounty.gov.

Sincerely,

KAZUO S. K. L. TODD Fire Chief Hawai'i Fire Department

KT:lk

MICHAEL P. VICTORINO Mayor BRADFORD K. VENTURA

Fire Chief

GAVIN L.M. FUJIOKA Deputy Fire Chief





DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI 200 DAIRY ROAD KAHULUI, HI 96732

February 3, 2022

The Honorable Aaron Ling Johanson, Chair Committee on Consumer Protection and Commerce House of Representatives State Capitol, Room 436 Honolulu, Hawaii 96813

Dear Chair Johanson:

SUBJECT: HOUSE BILL (HB) 1604 RELATING TO FIREWORKS

I am Bradford Ventura, member of the Hawaii State Fire Council (SFC) and Fire Chief of Maui Fire Department (MFD). The SFC supports HB 1604, which establishes the 2022 illegal fireworks task force within the department of the attorney general.

There is a general sense that the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. A search of youtube.com using the term "aerial fireworks Hawaii New Years" reveals pervasive use of illegal aerial fireworks in many neighborhoods. As a consequence, serious injuries, property damage, and fatalities have occurred.

The general welfare, public safety, and property protection are priorities for the SFC and we respectfully request your committee's passage of HB 1604.

If you have questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or <u>glum@honolulu.gov</u>.

Sincerely,

BRADFORD K. VENTURA Fire Chief

Submitted on: 2/2/2022 1:34:05 PM Testimony for CPC on 2/4/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
lynne matusow	Individual	Oppose	No

Comments:

Waste of time. All task forces do is delay action. And, another new year will commence before any action is taken.

Submitted on: 2/2/2022 2:25:54 PM Testimony for CPC on 2/4/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lillie Andrews	Individual	Support	No

Comments:

Aloha kākou,

Thank you for the introduction of this bill. The use of illegal fireworks is dangerous and completely out of control in every single neighborhood. It wreaks havoc on our households and has ruined what was a cherised holiday in Hawai'i. Equally as bad, these fireworks are exploded all year long, increasing the discomfort of those with health concerns and that of our animals, whether pets, livestock, or wildlife.

This just has to stop. Please push this bill forward and add to the arsenal of tactics that we now need to fight back against a worsening illegal situation.

Mahalo,

L. Andrews

Submitted on: 2/2/2022 3:39:45 PM Testimony for CPC on 2/4/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lynn Murakami- Akatsuka	Individual	Support	No

Comments:

To Members of the House Committee on Consumer Protection & Commerce,

I strongly support the passage of HB 1604 this session. This completes the enforcement piece of the strategic plan to stop the importation of illegal fireworks and explosives into the State. The illegal fireworks and explosives have to be stopped entry into the State and Counties with severe penalties attached to it.

Thank you for the opportunity to testify in support of HB 1604.

Submitted on: 2/3/2022 6:29:48 AM Testimony for CPC on 2/4/2022 2:00:00 PM

Submitted B	organization	Testifier Position	Remote Testimony Requested
Jennifer Chiw	a Individual	Support	No

Comments:

Aloha Chairperson Johanson, Vice Chairperson Kitagawa and Members of the Committee on Consumer Protection and Commerce.

I am Jennifer Chiwa and have lived on Oahu my whole life.

Please support HB 1604.

Mahalo.

Submitted on: 2/3/2022 1:06:37 PM Testimony for CPC on 2/4/2022 2:00:00 PM

 Submitted By	Organization	Testifier Position	Remote Testimony Requested
Katie Bourke	Individual	Support	No

Comments:

To whom it may concern,

As a lifelong resident of Hawaii, I am in favor of establishing a Illegal Firework Task Force to stop the illegal importation of fireworks into our airports and harbors. Stopping fireworks from arriving in our islands is the first step in keeping fireworks out of our communities.

As a child, Fireworks were a joyous occasion and would occur a handful times a year (on Holidays). Now we have aerial fireworks going off almost every day and night, all year long, in my neighborhood of Ahuimanu. They are very loud, setting off car alarms, and some causing the house to shake. (It seems someone in my neighborhood has been making homemade fireworks, that sound more like bombs.) Every time the fireworks go off, it causes all the dogs in the neighborhood to start barking, no matter what the time. Fireworks go off at all hours of the night and day. Fireworks going off on a random Tuesday at 2am is a common occurrence.

My dog has become so terrified of the fireworks that she can cause physical damage to our belongings and the house if left unattended. She refuses to eat and visibly shakes for hours, and must be confined to a crate with a blanket covering it. The fireworks over the past two years have gotten so bad, and so frequent, that now my dog starts to get scared and anxious at dusk, simply because she knows the fireworks are coming.

The Fireworks have been disrupting my sleep, waking me up multiple times a night. Not good for my health. The only solution to the constant "BOOMs" of the fireworks, is to close all the windows and run the AC, in an attempt to block out the noise. Running the AC for this reason seems really silly when it's 60 degrees out in the winter time next to the Koolaus. But closing the windows and running the AC is the only way to get sleep and do my job the next day. But running the AC costs me extra \$\$ every night and is a waste since the natural weather is so pleasant most of the time. We run the AC more during the winter time, than we do during the hot summer, simply because of the fireworks.

It has gotten so bad that my Husband and I have talked about moving to the mainland simply because the Fireworks have been negatively affecting us so much. I want to continue to live in Hawaii, it's my home, my family is here. Please help put a stop to all the illegal fireworks going off in our communities. Thank you.

LATE *Testimony submitted late may not be considered by the Commune for decision making purposes.

DAVID Y. IGE GOVERNOR



TESTIMONY BY:

JADE T. BUTAY DIRECTOR

Deputy Directors ROSS M. HIGASHI EDUARDO P. MANGLALLAN PATRICK H. MCCAIN EDWIN H. SNIFFEN

STATE OF HAWAII DEPARTMENT OF TRANSPORTATION 869 PUNCHBOWL STREET HONOLULU, HAWAII 96813-5097

February 4, 2022 2:00 p.m. State Capitol, Teleconference

H.B 1604 RELATING TO Fireworks

House Committee on Consumer Protection and Commerce

The Department of Transportation (DOT) is in **support** of this measure which would establish the 2022 illegal fireworks task force to develop a plan to stop the importation of illegal fireworks, promote compliance with state law and ensure the safety of our airports, harbors and institutions from the discharge of illegal fireworks.

The bill states that the task force shall use the findings of the legislative reference bureau's 2019 report, "Blast from the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011" as the basis for the development of the proposed plan.

The DOT recommends the Deputy Director of Harbors as DOT's sole member to the taskforce.

The fact that we are referencing efforts from three and eleven years ago suggests that past efforts to rein in this illegal activity have not worked and a new approach may be necessary.

Thank you for the opportunity to provide testimony.

HONOLULU FIRE DEPARTMENT

CITY AND COUNTY OF HONOLULU

Phone: 808-723-7139

636 South Street Honolulu, Hawaii 96813-5007 Fax: 808-723-7111 Inter

Internet: www.honolulu.gov/hfd

RICK BLANGIARDI MAYOR



February 4, 2022

The Honorable Aaron Ling Johanson, Chair **Committee on Consumer Protection** and Commerce House of Representatives State Capitol, Room 436 Honolulu, Hawaii 96813

Dear Chair Johanson:

Subject: House Bill (HB) 1604 Relating to Fireworks

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports HB 1604, which establishes the 2022 illegal fireworks task force within the Department of the Attorney General.

A search of aerial fireworks in Hawaii via a major video-sharing website reveals pervasive use of illegal aerial fireworks in many neighborhoods, thus confirming that the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. As a consequence, serious injuries, property damage, and fatalities have occurred.

The general welfare, public safety, and property protection are priorities for the HFD, and we respectfully request your committee's passage of HB 1604.

Should you have questions, please contact Administrative Specialist Gary Lum at 808-723-7169 or glum@honolulu.gov.

Sincerely,

Sheldon K. Han

SHELDON K. HAO **Fire Chief**



SHELDON K. HAO FIRE CHIEF

JASON SAMALA DEPUTY FIRE CHIEF

SKH/GL:cn





NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD, SUITE 160 • HONOLULU, HAWAII, 96817 PHONE (808) 768-3710 • FAX (808) 768-3711 • <u>http:///www.honolulu.gov/nco</u>

Chair Larry Veray, Vice-Chair Dion Mesta, Secretary Charmaine Doran, Treasurer Guy Inouye, Kuni Agard, Elayne Funakoshi, Jayden Liu, Lawrence Miyazono, Kelsey Poaha, Shanda Delos Reyes, Tony Velasco

RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL AND LEGISLATIVE REPRESENTATIVES TO REQUEST ASSISTANCE FROM THE FEDERAL GOVERNMENT TO EMPLOY THEIR RESOURCES TO STOP TONS OF ILLEGAL AERIAL FIREWORKS EXPLOSIVES BEING TRANSPORTED TO HAWAII

WHEREAS, several Hawaii residents have complained about illegal aerial fireworks that are negatively impacting their daily lives with bad actor neighbors and individuals launching low altitude extremely loud aerial bomb firework explosions at all hours of the day, all year around and primarily targeting neighborhoods late evenings while people are resting or at sleep, and

WHEREAS, bad actor individuals have modified illegal fireworks into Improvised Explosive Devices (IED) such as pipe bombs to create a much greater low altitude or ground extremely loud explosions which severely impacted the health and safety of the elderly in care homes, disabled Vets with PTSD, children and family pets with some running away from home and being hit by vehicles, and

WHEREAS, the State Legislature previously took action on illegal aerial fireworks with increasing fines and developing a task force in the year 2010 comprised of the Federal Government representatives from ATF, U.S Customs, U.S. Coast Guard, HPD, HFD and port facilities commercial shipping companies; however, this task force did not produce results or any interdiction of illegal fireworks at our port facilities due to the excuse of inspectors claiming there are too many containers to be inspected and the community perception of possible corruption with inspectors, and

WHEREAS, the Honolulu Police Department is overwhelmed with the number of 911 calls that come in all year round and especially for New Years celebrations but the current law requires police officers to actually witness bad actor neighbors and individuals lighting the fuse of illegal fire works before any citation can be initiated or any further City prosecution which is not realistic for arresting the bad actors, and

WHEREAS, the Federal Government such as ATF, FBI and Customs and Border Protection have the classified resources, technology and capabilities to identify, track, interdict and prosecute individuals involved in trans-national organized crime rings transporting and selling tons of explosive illegal aerial fireworks between China and the U.S., which support bad actor residents terrorizing Hawaii neighborhoods, and

WHEREAS, it is suspected by the community and others that the bulk of illegal fireworks are produced in Liuyang, China, transported to Shanghai where the product is loaded into shipping containers and onto Chinese cargo merchant vessels bound for Los Angeles where the product is suspect to be transited by ground to other destinations where the product is then placed into Trojan Horse non-declared explosive shipping containers disguised as high priority goods which are then shipped to major U.S. mainland cities and Hawaii, and

WHEREAS, the Federal Government agencies have the capability to track containers and those suspect containers could be inspected at Honolulu Ports by Federal Agents with trained sniffing dogs or technology devices previously used in the Middle East for detecting explosive material and IEDs, and

WHEREAS, deceptive shipping containers arrive in Hawaii, usually by October each year base on a spike in use of illegal aerial bomb fireworks and this material is temporary stored in commercial warehouses and neighborhood communities and it is only a matter of time where there could be a fireworks accident in this storage area blowing up a city block or residential neighborhood taking many lives of our residents, and

BE IT RESOLVED that the Pearl City Neighborhood Board is requesting our State Legislators and Congressional Representatives to request assistance from the Federal Government to employ their resources to stop illegal fireworks from entering Hawaii ports and to collect evidence for prosecution for all involved in the shipping and storage process to

include bad actor local government employees involved in the distribution of illegal fireworks that should be charged with Class "A" felonies and loss of retirement pensions, and

BE IT RESOLVED that the Pearl City Neighborhood Board requests the State Legislature to improve current illegal fireworks and explosive laws to increase fines and coordinate with the City and County of Honolulu and Judicial authority to develop a monetary reward amount to solicit information from residents on locations of storage of illegal fireworks in warehouses and residential areas to help mitigate this serious safety situation in our neighborhoods and commercial areas; and

BE IT FURTHER RESOLVED that the Pearl City Neighborhood Board requests that Hawaii District Court improve the timeliness for neighborhood residents to litigate potential law suits against bad actor neighbors and individuals to collect punitive damages for the terroristic loud explosions gravely impacting the health and safety of their families and pets with the use of eye witnesses reports coupled with video evidence, signed affidavits by neighbors and HPD police reports for each terroristic loud explosion event that will support the civil suit and possibly lead to criminal prosecution, and

BE IT FINALLY RESOLVED that copies of this Resolution be forwarded to Hawaii Congressional Representatives; Governor David Ige; Senator Clarence Nishihara; Senator Bennette E. Misalucha; Representative Gregg Takayama; Representative Roy Takumi; Mayor Rick Blangiardi Honolulu City Council, Bureau of Alcohol, Tabacco, Firearms and Explosives Honolulu Office; Federal Bureau of Investigation Honolulu Office; U.S. Customs and Border Protection Honolulu Office; Joint Interagency Task Force - West USINDOPACOM; and all Neighborhood Board Chairs.

The Pearl City Neighborhood Board No. 21 unanimously approved at its January 25, 2022 Regular Board meeting, by 10-0-0 vote.

Submitted By: Larry Veray, Chair

Jan AVery



TESTIMONY OF

LARRY S VERAY



HOUSE OF REPRESENTATIVES TO THE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

MOST STRONGLY SUPPORT HB 1604

RELATING TO FIREWORKS February 3, 2022

Aloha, Chair Johanson, Vice Chair Lisa Kitagawa and Committee members. Thank you for allowing me the opportunity to provide testimony on HB 1604.

I am Chair for the Pearl City Neighborhood Board No. 21 representing our board and all our residents, families and pets negatively impacted by the random, all hours of the day, terroristic loud aerial fireworks explosions impacting our lives daily. Our board unanimously approved our resolution on fireworks at our January 25, 2022 Neighborhood Board meeting to include mitigation recommendations for our Congressional Representatives and State Legislators.

We totally support the State Legislature initiating the requirement for a Task Force 2022; however importantly, we recommend the Federal Government lead the Task Force and develop an engagement plan to identify, track, engage, interdict illegal fireworks explosives before they arrive at Hawaii ports. Regretfully, the last task force from 2011 had zero impact on interdicting any illegal fireworks shipments arriving to Hawaii ports. One would think in ten years, there should have been at least some shipments identified. The public suspects corruption of State and City inspectors and other government personnel involved with the distribution and selling of the tons of illegal aerial fireworks arriving at our ports. The previous Task Force 2011 had the wrong participants part of the forum to put a plan together to interdict the fireworks but that plan totally failed. Task Force 2022 should be planned to have two groups of participants; the inner circle of Federal Agencies with their classified resources and capabilities and the outer circle of State and City contributors as not to compromise the engagement plan.

If Bill 1604 is approved, a properly formed Task Force could employ our countires best military and law enforcement capabilities to identify trans-national and inter-state shipping of Trojan Horse containers that could be interdicted prior to arriving to Hawaii. Furthermore, the success of this Federal Government engagement plan could also interdict those shipments to other large cities in the mainland that have been also negatively impacted by illegal aerial fireworks shipments to their areas. Lastly, the FBI needs to investigate and act on possible bad actor State and City employees involved with distribution and selling of illegal aerial fireworks. It should also be of grave concern; what other contraband could have been included in these non-declared shipments of explosives to Hawaii.

I most strongly urge you to support and approve HB 1604 coupled with the above recommended language for this bill. We are with you! Mahalo!

Very respectfully,

Larry S. Veray





improving the quality of lives of pets and their people.

Testimony by Alicia Maluafiti, Board President Poi Dogs & Popoki In support of HB 1604 - Relating to Fireworks House Committee on Consumer Protection & Commerce Friday, February 4, 2022, 2 pm – via Zoom

Aloha Chair Johanson and members of the Committee,

Poi Dogs & Popoki (PDP) is a nonprofit animal welfare organization with a mission to help people and their pets. We are offering comments on HB1604.

While we can appreciate the option of a task force to brainstorm strategy, it seems like a little too much lipstick and not enough action. We have been dealing with illegal fireworks for years and very little has ever been done. The prosecuting attorney's office was MIA at hearings (it'll be interesting to see if they show up this year). The police department participated in the hearings and even the drafting, but they failed to educate their frontline patrol officers who CONTINUE to tell people that they have to see the person who lights the fuse in order to file a report! The problems around enforcement and conviction are systemic.

While a task force may not hurt the effort, its just too little, too late. The public is demanding action now.



COMMITTEE ON CONSUMER PROTECTION & COMMERCE HEARING – FRIDAY, FEBRUARY 4, 2022

- To: Rep. Johanson, Chair and the Committee on Consumer Protection and Commerce
- Fr: Maureen Andrade, 70 year resident of Waipahu

<u>Subject: Testimony on all 7 fireworks bills (HBs1695, 1696, 2502, 1969, 2273, 2275 and 1604)</u>

Aloha Chair Johanson and members of the CPC Committee. My name is Maureen Andrade. I have been a resident of Waipahu for 70 years and during my younger years fireworks were a way to bring in the new year..."firecrackers, sparklers" and it was enjoyable.

Today, every single one of us have witnessed an alarming amount of illegal fireworks... explosives, canister type bombs, homemade bombs and aerials, jumping jacks etc. None of these are LEGAL right? None of these are done for "religious purposes" right?

I am the president of the Village Park Community Association, a little more 1800 homes. For more than 2 years now, every single night, we have been terrorized by very loud explosives, bombs and aerials. It starts at 6:30 pm into the late night and sometimes 1:00 - 3:00 am. We have not had a quiet night at all. I know that we are not the only community that are experiencing this, so in short...

I am in support of all the bills listed on this agenda, I just pray that one of them will find its way to the floor and gets the votes we need...

Mahalo for you time,

Maureen (mo) Andrade 808-386-5623 94-686 Kahue Place Waipahu, HI 96797 email: andrade_maulena@yahoo.com LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

<u>HB-1604</u>

Submitted on: 2/4/2022 12:02:04 AM Testimony for CPC on 2/4/2022 2:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Samuel Mitchell	Individual	Support	Yes

Comments:

I support HB1604 that's set up a Fireworks Tasks Force. But they need tools to stop illegal skyrockets in Hawaii. You can do this by buying the group two books. The North American & International Fireworks Buyers Guide. It shows the names, addresses, phone numbers, emails, and websites of all fireworks companies in the world You can find out more about these two books at https://www.youtube.com/watch?v=H4jdiEJZsdY Both the HPD and Department of Transportation should have a copy so when the Police do an investigation they will understand where the fireworks came from.

Samuel Mitchell (Makiki Neighborhood Board & Nextdoor Group Stop all illegal Fireworks)