



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

LATE TESTIMONY

In reply, please refer to:  
File:

## House Committee on Health

### HB 384, Relating to Public Safety

#### Testimony of Chiyome Leinaala Fukino, M.D. Director of Health

February 3, 2009, 8:30am

1 **Department's Position:** The Department shares the public's concern to minimize the number of  
2 drownings but cannot support HB 384 as we need to prioritize our water safety prevention resources and  
3 focus on ocean and pool-related drownings that pose the greatest risk to Hawaii's population. However,  
4 many of our current prevention efforts include the population addressed in this measure, as well.

5 **Fiscal Implications:** There is no funding specified for the costs associated with establishing and  
6 coordinating a water safety task force in the department of health on retention pond safety.

7 **Purpose and Justification:** This bill requests that the Department of Health establish a task force to  
8 investigate and examine the advisability of expanding its water safety curriculum to include a retention  
9 pond safety program. The retention pond safety program includes working with developers to adopt a  
10 maintenance and inspection plan to ensure adequate safety, and encouraging installation of fencing and  
11 signage to deter children from playing in and around ponds.

12 Drowning is the fifth leading cause of injury-related deaths in Hawaii with 333 drownings  
13 occurring in Hawaii's ocean (n=271), rivers and streams (n=17), swimming pools (n=27), bathtubs  
14 (n=13), and other environments (n=3) in the five-year period between 2003 and 2007. Two of the total  
15 drownings during this period (in 2003 and 2004) occurred in detention, retention, or catchment ponds.

1 All drownings that could have been prevented are tragic, especially when they involve young children.  
2 However, individuals, including children, are at much greater risk of drowning in the ocean (n=81% of  
3 all drownings) and in rivers and swimming pools (8 % of all drownings), and are therefore the focus of  
4 our prevention efforts and available resources. Furthermore, there is a statewide Injury Prevention  
5 Advisory Committee (IPAC) comprised of government agencies and community organizations that  
6 works with the department of health to review, recommend and address injury prevention measures that  
7 are a priority for Hawaii, including water safety. Although this bill is well-intended, we respectively  
8 recommend that it be held.

9 Thank you for the opportunity to testify.

LINDA LINGLE  
GOVERNOR OF HAWAII



LATE TEST



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
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CHAIRPERSON  
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KEN C. KAWAHARA  
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AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
HEALTH**

**Tuesday, February 3, 2009  
8:30 AM  
State Capitol, Conference Room 329**

**In consideration of  
HOUSE BILL 384  
RELATING TO PUBLIC SAFETY**

House Bill 384 establishes a task force to collect data and examine advisability and effectiveness of a detention pond safety program. The Department of Land and Natural Resources (Department) defers to the position of the Department of Health on this measure. Should this measure move forward, the Department offers the following amendments:

- Referencing SECTION 2, the task force should include the Federal agencies that typically assist the Counties and State on planning, design and construction of these types of facilities, such as U.S. Army Corps of Engineers and U.S. Department of Agriculture's Natural Resources Conservation Service.
- Referencing Page 4, Line 17. Add "department of land and natural resources or other appropriate county agencies and develop."

# ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES  
of Hawaii

# LATE TESTIMONY

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February 2, 2009

EMAILED TESTIMONY TO: [HLTtestimony@Capitol.hawaii.gov](mailto:HLTtestimony@Capitol.hawaii.gov)

**Hearing Date: Tuesday, February 3, 8:30 a.m., Conference Room 329  
(House Committee on Health)**

Honorable Representatives Ryan I. Yamane, Chair, Scott Y. Nishimoto, Vice Chair, and  
Members of the House Committee on Health

Subject: **HB 384, Relating to Public Safety**

Dear Chair Yamane, Vice Chair Nishimoto, and Committee Members,

The American Council of Engineering Companies of Hawaii (ACECH), representing 70 consulting engineering firms, **supports the concept of HB 384 with revisions and comments.** HB 384 seeks to establish a task force to collect data to examine advisability and effectiveness of a detention pond safety program.

We believe a task force should more closely examine the statistics cited for Hawaii's high drowning rates, to assess the frequency of drowning associated with rainwater retention and detention ponds (rather than with the ocean or pools) and whether the risks from storm water systems warrant additional safety measures. We note that the referenced recommendations for fencing from the American Academy of Pediatrics and Consumer Product Safety Commission appear related to household pools and not storm water detention systems. We are concerned that, in many cases, fencing of storm water detention areas may not be possible or practical.

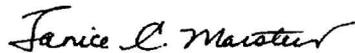
However, ACECH understands the concerns of the proponents of this bill, and could support establishment of such a task force, but only with an expanded make-up of the task force. Many of the issues surrounding rainwater detention systems are technical ones involving design, and it is imperative that such a task force includes the practical expertise of qualified design professionals. We also believe that the task force should contain representatives of the Federal, State and County agencies that have jurisdiction over the design and maintenance of storm water retention systems. Specifically, we believe the task force members should include:

- Representatives from the professional design community;
- DAGS, DOT, DOE and UH;
- County public works departments; and
- Army Corps of Engineers, Navy, and Air Force.

We appreciate your time and the opportunity to present our testimony in regards to HB 384. Please do not hesitate to contact us if you have any questions regarding our testimony.

Respectfully submitted,

ACEC Hawaii



Janice Marsters  
National Director

LATE

## Cronin, Fried, Sekiya, Kekina & Fairbanks

*Attorneys at Law, A Law Corporation*

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Brian T. Toma  
Gregory Y. P. Tom

February 2, 2009

Rep. Scott Y. Nishimoto  
Vice Chair, House Committee on Health  
21<sup>st</sup> Representative District  
Hawaii State Capitol, Room 441  
415 South Beretania Street  
Honolulu, HI 96813

Dear Rep. Nishimoto:

Please schedule a hearing on HB 384. I offer the following testimony in support of this resolution:

I urge you to support HB 384, which relates to retention, detention and catchment pond safety. Written in memory of a five-year-old girl who drowned in a Pearl City naval housing complex detention pond while trying to save the life of her childhood friend, the resolution seeks to improve the health, safety and welfare of the citizens of this state.

I represented the child's family. It was an egregious situation that was permitted to exist that could have easily and inexpensively been made safe. This bill will encourage the people or companies responsible for rainwater detention and retention ponds to make them safer. This bill's passage will have the effect of minimizing, not increasing, litigation.

Hawaii has the highest drowning rate in the nation and must take action immediately to improve safety for citizens as well as to improve the state's image as a safe as well as pleasurable visitor destination and place to live. Unregulated and poorly maintained rainwater detention and retention ponds pose a serious health and safety risk, particularly to Hawaii's children.

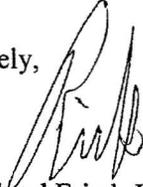
Passing legislation that establishes a task force to collect data and examine advisability and effectiveness of a detention pond safety program is necessary for the health and safety of Hawaii's citizens.

The death of Sharkey Schaefer could have been prevented. Those responsible for the construction of the pond were well aware of the hazardous conditions that this particular rain catchment basin presented. If regulations had existed to ensure responsible parties had built and maintained a safe system, the Schaefer's family would not have lost their precious child.

Rep. Scott Y. Nishimoto  
February 3, 2009  
Page 2

Hawaii has many proactive laws that protect the environment, now it seems we need to advocate for laws that afford our citizens the same rights and privileges. I would appreciate your support for HB 384 and I look forward to hearing a response from your office.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Richard Fried, Jr.", written in a cursive style.

L. Richard Fried, Jr.

LRF:lo

LATE

February 3, 2009

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Hawaii has many proactive laws that protect the environment, now it seems we need to advocate for laws that afford our citizens the same rights and privileges. I would appreciate your support for HB 384 and I look forward to hearing a response from your office.

Sincerely,

Sonja Swenson

469 Ena Rd., #703

Honolulu, HI 96815

**nishimoto2-Bryce**

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**From:** Danielle Bass on behalf of Rep. Ryan Yamane  
**Sent:** Tuesday, February 03, 2009 7:32 AM  
**To:** HLTtestimony  
**Subject:** FW: support for HB 384

LATE

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**From:** Scott [mailto:angel\_fan67@yahoo.com]  
**Sent:** Monday, February 02, 2009 11:34 PM  
**To:** Rep. Ryan Yamane  
**Subject:** support for HB 384

Rep. Ryan I.  
Yamane  
Chairman, House Committee on Health

37th Representative District

Hawaii State Capitol, Room 419  
415 South Beretania Street  
Honolulu, HI 96813

Dear Rep. Yamane:

Please schedule a hearing on HB 384. I offer the following testimony in support of this resolution:

I urge you to support HB 384, which relates to retention, detention and catchment pond safety. Written in memory of a five-year-old girl who drowned in a Pearl City naval housing complex detention pond while trying to save the life of her childhood friend, the resolution seeks to improve the health, safety and welfare of the citizens of this state.

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Hawaii has many proactive laws that protect the environment, now it seems we need to advocate for laws that afford our citizens the same rights and privileges. I would appreciate your support for HB 384 and I look forward to hearing a response from your office.

Sincerely,

Name: Scott Schaefer

nishimoto2-Bryce

---

**From:** Danielle Bass on behalf of Rep. Ryan Yamane  
**Sent:** Tuesday, February 03, 2009 7:32 AM  
**To:** HLTtestimony  
**Subject:** FW: H.B. 384  
**Attachments:** image001.jpg

LATE

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**From:** Ruth Anne S. Tomlinson, M.D. [mailto:ratomlinson@mac.com]  
**Sent:** Tuesday, February 03, 2009 4:19 AM  
**To:** Rep. Ryan Yamane  
**Subject:** H.B. 384

## House Health Committee

### Rep. Ryan I. Yamane

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Chairman, House Committee on Health

37th Representative District  
Hawaii State Capitol, Room 419  
415 South Beretania Street  
Honolulu, HI 96813  
phone 808-586-6150; fax 808-586-6151  
E-mail [repyamane@Capitol.hawaii.gov](mailto:repyamane@Capitol.hawaii.gov)

Dear Rep. Yamane

I am writing to urge you to support proposed H.B. 384, written in memory of Charlotte "Sharkey" Schaefers, relating to retention, detention and catchment pond safety.

Charlotte, or Sharkey as she loved to be called, was my niece. She drowned in a Pearl City naval housing complex detention pond while trying to save the life of her childhood friend.

Unfortunately the drainage pond was not properly maintained. Although the pond was next to the children's playground there was no fence surrounding it. Sharkey's death was preventable.

Those responsible for the construction of the pond had been notified of the hazardous conditions that this rain drainage area presented. They chose to do nothing. If state regulations had existed to ensure that the catchment basin was built and maintained safely, I would not have lost my niece. Charlotte was five years old at the time of her death. She was such an amazing little girl with so much potential.

Proposed H.B. 384 seeks to improve the health, safety and welfare of the citizens of Hawaii. As a pediatrician, mother, and aunt I am especially concerned for the children of your state.

Drowning is the leading cause of death among the children in Hawaii. Unregulated and poorly

maintained rainwater detention and retention ponds pose a serious health and safety risk, particularly to Hawaii's children. Passing a law that regulates these systems and monitors them for safety is necessary to ensure the safety of Hawaii's citizens and to reduce the drowning rate. The Charlotte "Sharkey" Schaefer's law can reduce that death rate and save so many families like mine such terrible heartache.

Hawaii has many proactive laws that protect the environment. Now we need to advocate for laws that afford our citizens the same rights and privileges. I would appreciate your support for HB 384, and I look forward to hearing a response from your office.

Sincerely,

Ruth Anne Tomlinson, M.D.  
Cowboy Kids Pediatrics  
P.O. Box 4755  
Jackson, WY 83001  
307-734-0242  
[ratomlinson@mac.com](mailto:ratomlinson@mac.com)

# LATE TESTIMONY

nishimoto2-Bryce

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**From:** Pat Gee [geewiz2@hawaiiantel.net]  
**Sent:** Monday, February 02, 2009 10:55 PM  
**To:** HLTtestimony  
**Subject:** HB 384

I offer the following testimony in support of HB 384:

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Sincerely,

Pat Gee

381-3770

LATE

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Vice-Chair, House Committee on Health  
21st Representative District  
Hawaii State Capitol, Room 441  
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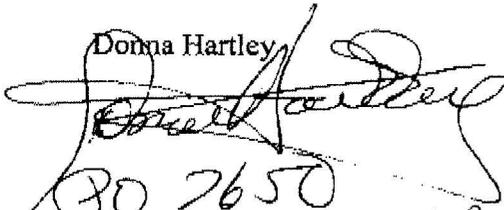
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Sincerely,

Donna Hartley

  
80 7650  
Tahoe Ave (A-96145)  
(530) 581-2005