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Mayor



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Fire Chief

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Deputy Fire Chief

County of Hawai'i

FIRE DEPARTMENT

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February 2, 2010

TO : REPRESENTATIVE FAYE P. HANOHANO, CHAIR, COMMITTEE ON PUBLIC SAFETY
REPRESENTATIVE RYAN L. YAMANE, CHAIR, COMMITTEE ON HEALTH

FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT

SUBJECT: HB 2068 RELATING TO FIREWORKS
DATE/TIME OF HEARING: THURSDAY, FEBRUARY 4, 2010, 8:30 A.M.
COPIES REQUESTED: 3 COPIES

I would like to thank you for taking up the issue of fireworks and the impact fireworks related activities have on our various island communities. Over the years, the Hawaii State Fire Council has strived to encourage and promote legislation that would support the effective enforcement, controls, and regulation of fireworks.

As one member of the State Fire Council and the Fire Chief for the County of Hawaii, I would like to ask for your support of legislation that may provide for any of the following:

1. Support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. Support a "home rule" concept that would allow each county to determine the potential hazards of fireworks and the benefit to their community and permit further restricting fireworks use based on each county's needs and resources. Chapter 132D-17, Hawaii Revised Statutes states that no county may enact stricter laws or rules relating to the present fireworks law.
3. Support measures that make the arrest and prosecution for the illegal purchase, possession, selling off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.
4. Support gradually increasing random container inspections by the various federal, state and private agencies to help control the illegal importation of fireworks.

I realize and appreciate the cultural significance fireworks have and continue to play in our community; however, I feel it is imperative that we balance those values and beliefs with responsible and safe practices. The aforementioned measures would provide for the opportunity to better regulate and effectively control the use of fireworks and support the enforcement efforts of the fire departments and law enforcement agencies across our state.

Sincerely,


DARRYL OLIVEIRA
Fire Chief

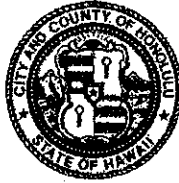
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CITY AND COUNTY OF HONOLULU

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RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE

February 4, 2010

The Honorable Faye P. Hanohano, Chair
and Members
Committee on Public Safety
House of Representative
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hanohano and Members:

Subject: House Bill 2068, Relating to Fireworks

I am Michael Moses, Major of the Kapolei Station, District 8, Honolulu Police Department (HPD), City and County of Honolulu.

The Honolulu Police Department supports House Bill 2068, relating to fireworks, which will allow counties to enact more restrictive fireworks ordinances or rules than the state law under fireworks.

The Honolulu Police Department, Honolulu Fire Department and Emergency Medical Services respond to numerous calls for service regarding fireworks related incidents. These calls for service put a strain on the resources of all emergency service providers. Allowing counties to enact more stringent fireworks laws or rules will help to inhibit the illegal purchase and use of fireworks and illegal pyrotechnics and reduce the number of calls for service for emergency service providers.

The Honolulu Police Department urges your support in passing House Bill 2068.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Moses", is written over a horizontal line.

MICHAEL MOSES, Major
District 8

APPROVED BY:

A handwritten signature in black ink, appearing to read "Louis M. Kealohe", is written over a horizontal line.
LOUIS M. KEALOHA
Chief of Police

Serving and Protecting With Aloha

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Improving Life One Breath at a Time

Founded in 1904, the
American Lung Association
includes affiliated associations
throughout the U.S.



**TO: House Committee on Public Safety
House Committee on Health**

FOR: Hearing Scheduled for 8:30 am, Thursday, February 4, 2010

**RE: TESTIMONY IN SUPPORT OF HB 2068 RELATING TO
FIREWORKS**

Chairs Hanohano & Yamane, Vice Chairs Aquino & Yamane, and and
Committee Members:

The American Lung Association in Hawaii strongly supports HB that allows
the counties to enact or adopt more restrictive fireworks ordinances or rules
than the state law.

Over 175,000 people in Hawaii - or nearly 13 percent of our population -
that's more than all those on Maui and Kauai combined - suffer from some
type of lung disease, which is made worse by exposure to the particulate
smoke from fireworks. Hawaii has the second highest rate in the nation for
childhood asthma and many adults, especially the elderly, suffer from
chronic lung disease including emphysema and COPD (Chronic Obstructive
Pulmonary Disease). For those who struggle to breathe one night can be
deadly - even people who do not have lung problems often report eye, throat
and lung irritation on New Year's Eve. The situation is made even worse as
people are facing more breathing problems as a result of increasing volcanic
activity and vog.

With so many people experiencing breathing problems directly related to
fireworks, the American Lung Association in Hawaii strongly supports this
measure that will allow each county to clear the air. We receive many calls
for assistance related to fireworks and some who have had to seek
emergency medical treatment because of the exposure. All we are able to
do is suggest that those with lung problems stay indoors with the windows
and doors closed, avoid physical exertion, get plenty of rest, keep
medications available should they need them and seek immediate medical
help should their condition worsens. Some people find that a particle mask
helps, while for others a mask makes it harder to breathe. We hear that
some people flee to remote parts of the Neighbor Islands, or rent an air-
conditioned hotel room for the duration. However, for most of the 175,000
people these options are neither practical nor affordable.

We support this measure as an alternative to a statewide ban because we
believe county leadership understand the dangers posed by fireworks in their
municipalities.

Respectfully submitted,
Jean Evans, MPH, Executive Director



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February 4, 2010

To: Committee on Public Safety
Rep. Faye P. Hanohano, Chair
Rep. Henry J.C. Aquino, Vice Chair

By: Richard C. Botti, President
Lauren Zirbel, Government Relations
(LISH represents fireworks retailers a supplier)

RE: HB 2068 RELATING TO FIREWORKS

Chairs and Committee Members:

We are opposed to HB 2068 for the following reasons:

In 1994, we helped write the current fireworks law that banned use of aerial fireworks except when a permit had been issued by the county. The law was written to establish a single, state-wide standard for all legal importation, sale and use of all fireworks. Why was the law written to establish that single state-wide standard? Because, the four counties had different ordinances that allowed different kinds of fireworks and, obviously, banned different kinds of fireworks. So, what was happening in 1993 and all the years before that new law was enacted in 1994? Aerial fireworks were being legally imported into one county and the shipped by air and sea to the other 3 counties and sold there. So, the Legislature passed and the Governor signed into law a bill that set the same standard state-wide and banned all aerial fireworks throughout the state.

Each year since 1994, we have been a part of efforts to address the continuing problem of importation, sale and use of aerial fireworks. We worked continuously and carefully in 2000 and in subsequent years to further improve the enforcement tools. We do not import, store, sell or use aerial fireworks. We do not condone their illegal use. In 2010 as in years past, we want to be part of the solution, which is to allow a reasonably short period of time for our citizens to meet their cultural and religious beliefs, while providing our police with proper enforcement tools so they can't say that they can't enforce the law because they didn't see the crime being committed.

Enacting HB 2068 will bring us backwards in our efforts to force moderation in the cultural and traditional use of fireworks by controlling what can be legally sold and by allowing for the legal and controlled use of fireworks by the vast majority of our citizens

Enacting HB 2068 will ensure that Hawaii loses control of fireworks, encourage those who already import and sell aerial fireworks illegally to do more of the same. Creating a situation where different counties have different ordinances will create an even bigger opportunity for an already healthy and thriving black market for all fireworks.

From: Meryle Hirotsu [mhiro2006@yahoo.com]
Sent: Wednesday, February 03, 2010 7:46 AM
To: PBStestimony
Subject: Ban of Fireworks

I am writing in favor of stricter laws pertaining to fireworks. The police and fire departments have recommended the ban of fireworks. It is dangerous to the safety of children, the elderly, pets, military veterans, and the public. I feel that fireworks should be completely banned and allowed only at public parks where it can be controlled.

In 2008 I had to place 2 of my dogs in a Northshore Boarding facility to house them away from fireworks. My neighbors on Aamanu Street in Pearl City would dump fireworks in a trash bin, magnifying the noise so much that my walls and windows in my house would vibrate. One of my dogs hid under the bed and never came out for 3 days.

In 2009 I moved to Wahiawa from Pearl City to get away from fireworks. However, I still found that some of my neighbors made homemade bombs that go off even now at all hours of the day on Nichols Street.

Fireworks are banned in Portland, Oregon; Duarte, CA and other parts of the nation. Fireworks should be banned in HI for public safety.

Meryle Hirotsu
1626 Royal Palm Dr.
Wahiawa, HI 96786
ph. 456-1915

aquino1-Ruffalyne

From: Chris Blanchard [blanchardce@earthlink.net]
Sent: Wednesday, February 03, 2010 9:06 AM
To: PBStestimony
Cc: Rich Witek; Lisa Valle Lange; takai2-Desiree; John Hansen
Subject: TESTIMONY FOR HB 2909, Dangerous Weapons; 2271, Explosives; 2068 Fireworks; 2114, Fireworks

Follow Up Flag: Follow up
Flag Status: Flagged

The following testimony is submitted in support HB 2909, Dangerous Weapons; 2271, Explosives; 2068 Fireworks; 2114, Fireworks, hearing on Relating to Consumer Fireworks, hearing on February 4, 2010 at 8:30 a.m. .

On January 31, 2010, a neighbor reinforced the need for the State of Hawaii to act to restrict the use of fireworks by setting off a series of explosions on what was otherwise a quiet Sunday evening in Kailua.

If you reside anywhere near my Ohana Street home, you would agree that from Thanksgiving and into the first week of each New Year, the noise, negative impact on the environment, and potential emotional and physical hazards of both legally and illegally obtained and used fireworks far exceed an acceptable level. As a veteran of 26 years of active duty military service including three combat deployments, I can assure you that the noise generated by homemade and modified fireworks used in our Kalama Tract neighborhood routinely exceeds that produced by many of the weapons systems employed by the military; the same can be said for the attendant smoke.

This past year a New Year's Eve, I experienced the window shaking noise well past midnight. Such noise began in early December and extended until even the night of January 6, 2010. That explosions not only stirred me from my sleep but were heard and felt by friends on the far end of Kuulei Tract and in Akahi Park.

I have neighbors who leave their Kalama Tract home each New Year's Eve, the night the month of noise reaches its crescendo. Others give their pets sedatives. My wife and I took the precaution of asking friends who reside on the Marine Corps Base to care for our pets, rather than expose them to the noise which makes them cower and seek refuge in dark closets or under beds. A friend in Hauula vowed to never again subject her daughter to the noise and smoke and will stay in a hotel on New Year's Eve in the future. To be driven from our homes is simply unacceptable.

I provided the Director of the Legislative Research Bureau information regarding one particularly simple explosive device popular in our neighborhood: the dry ice bomb. The dry ice bomb is an extremely simple homemade device and comes in a variety of sizes. All that is required is a container, a plastic water bottle or empty five gallon paint drum both work fine. Fill the container with water, add the dry ice, seal the container and wait for the gas to expand inside the container. Depending upon a variety of factors, temperature outside, the size of the container are tow, the container will explode, sometimes merely blowing the top of the container or in other cases burst the container and generating shrapnel. There is no attendant flash with the dry ice bombs.

Modifications to legally obtained fireworks enable the generation of the same explosive force and noise as dry ice bombs, but with increased smoke and risk of fire. The Senate legislation to ban fireworks will help eliminate this dangerous practice but will not stop the Thanksgiving to New Year's explosions hear throughout Hawaii. I encourage the House to work with members of the Senate to pass legislation that includes prohibition on the use of dry ice and other homemade bombs.

In closing I must state that the seeming absence of state agencies in addressing this matter startles me. Within the Department of Health alone, the Office of Environmental Quality Control and the Indoor and Radiological Health Branch, each have responsibilities which pertain to the effects of fireworks and other explosive devices that degrade our environment and impact the health of Hawaii's citizens. Perhaps it is time the agencies responsible for protecting the environment and the health of the people of Hawaii get involved in this discussion.

It is not enough to pass legislation outlawing fireworks or the detonation of them outside the allowed hours. The State must make a more concerted effort to pressure the City and County to enforce the laws already on the books.

Very respectfully,

Christopher E. Blanchard
156 Ohana Street
Kailua, Hawaii

Date: February 3, 2010

To Member of the House Committee on Public Safety

To: Members of the House Committee on Health

Subj: TESTIMONY IN SUPPORT OF HB2068

I have personally witnessed the setting off of aerial bomb-type fireworks by others within my Pearl City community. The resulting explosions and smoke are an overkill of the original intent for the use of fireworks for traditional ceremonial purposes.

Via the TV and newspaper media, I have heard and read comments by those who advocate personal fireworks usage. The following are some examples:

- "it occurs only once a year so it should be enjoyed proudly and be part of Hawaii's celebrations"
- "it is part of Hawaii's proud tradition that is unique to the rest of the Country or the world"
- "it is part of Hawaii's ethnic and cultural diversity that should proudly remain"

These advocates, however, refer only to their experiences at a time which setting off fireworks instilled a sense of cultural pride and was therefore encouraged or tolerated by a larger part of the population. Though I have no facts or figures, the fireworks back in their time was just as noisy and polluting as it is today. However, I also state that Hawaii has recognized for a number of years now, that the hazards of allowing personal use of fireworks far outweigh its proud use and Hawaii has become more cognizant of the health and safety issues and the destructiveness of its uncontrolled use which has been restricted somewhat by law recently. HB2068 may not lead to a total ban but it does allow individual Counties to receive input from and respond to its respective taxpayers about this issue. It is a good start.

I support HB2068, and any such bill that is intended to effectively restrict the selling or private use of fireworks within areas of the City & County of Honolulu.

Russell Hirata
Pearl City, HI 96782
Email: rshpc1893@gmail.com