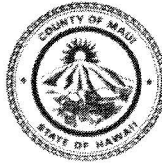


CHARMAINE TAVARES
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919

February 22, 2010

The Honorable Jon Riki Karamatsu, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Karamatsu:

Subject: H.B. 2790, H.D. 1 Relating to Fireworks

I am Jeffrey A. Murray, Fire Chief of the County of Maui Department of Fire and Public Safety (MFD) and a Member of the State Fire Council (SFC). The MFD and the SFC offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. We believe each county should determine the potential hazards of fireworks and the benefit to their community by 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. We support measures that make the arrest and prosecution for illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray".

For JEFFREY A. MURRAY
Fire Chief



COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihu'e, Kaua'i, Hawaii 96766

February 22, 2010

The Honorable Jon Riki Karamatsu, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Karamatsu:

Subject: H.B. 2790, H.D. 1 Relating to Fireworks

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD offer the following comments:

1. We support the statewide ban of consumer fireworks, with the exception of special events and professional public fireworks displays.
2. We believe each county should determine the potential hazards of fireworks and the benefit to their community by 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. We support measures that make the arrest and prosecution for illegal purchase, possession, setting off, igniting, or discharging of fireworks easier and increase the penalties and consequences for convictions of fireworks violations.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman".

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

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680 Iwilei Road, Suite 575
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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 Judiciary

FOR: Hearing Scheduled for 2:00 pm, Tuesday, February 23, 2010

**RE: TESTIMONY IN SUPPORT OF THE INTENT OF HB 2790, HD 1
RELATING TO FIREWORKS**

Chair Karamatsu, Vice Chair Ito and Committee Members:

The American Lung Association in Hawaii supports any that measure seeks to reduce the impact of fireworks. However with over 175,000 people in Hawaii, or nearly 13 percent of our population, suffering from some type of lung disease that is made worse by exposure to the particulate smoke from fireworks, **we believe a ban on consumer fireworks including novelty fireworks would do far more to protect our collective health** than would this measure aimed increasing penalties for violations. Assuring the cleanest air for everyone in Hawaii is important, especially with the recent increase in volcanic activity that compounds the danger of 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). Even people who do not have lung problems often report eye, throat and lung irritation on New Year's Eve.

It is time to act responsibly and stop this willful disregard for the health of our fellow citizens, especially those who might be unable to speak for themselves – our children and the elderly. Specific action to ban fireworks is what is called for. **We support a statewide ban or legislation that allows counties to have the authority to regulate fireworks.**

Respectfully, submitted,

Jean Evans, MPH
Executive Director
American Lung Association in Hawaii



LEGISLATIVE INFORMATION SERVICES OF HAWAII

1188 Bishop St., Ste. 608
Honolulu, HI 96813

PH: 533-6750 FAX: 599-2606
www.lish.info Email: lishawaii@aol.com

Tuesday, February 23, 2010 @ 2:00 p.m. in CR 325

To: COMMITTEE ON JUDICIARY
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

By Richard C. Botti, President
Lauren Zirbel, Government Relations

Re: HB 2790 HD1 RELATING TO FIREWORKS.

Chairs & Committee Members:

We support HB 2790 HD1 as addressing the problems created by the use of illegal aerial fireworks that have become far too popular, in spite of them being illegal. We do feel the penalties in current law need additional fine tuning, and we suggest that we jump ahead of the curve to include making it a violation to make improvised explosive devices to be used as fireworks. These devices are made from ingredients that are readily available, such as mixing sugar and potassium chloride, then lighting it. We can reasonably predict that this will be the next trend as we see increased enforcement against illegal fireworks.

This bill attempts to focus on an enforcement approach rather than a prohibition approach. We have said before that this is the right approach. We have consistently testified on all fireworks bills over the last 16 years, that the fundamental problem is either the lack of enforcement or, inadequate enforcement; or a need for more enforcement tools.

Testimony to: **HOUSE COMMITTEE ON JUDICIARY**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

By: Colleen Y. Aina, Owner
PINKY'S 5 EIGHT (retail, convenience store)
Papaikou, HI 96781
(808) 640-4745

Hearing Date: February 23, 2010
Hearing Time: 2:00 pm

Subject: H.B. 2790 H.D. 1 (Fireworks Penalties)

Position: SUPPORT PASSAGE OF HB 2790 HD1

We are in support of HB 2790 HD1 that would establish stricter penalties and fines for those who import, sell and ignite illegal fireworks.

There are three major problems in dealing with illegal fireworks:

Problem #1: ENFORCED **REPERCUSSIONS** TO THE INDIVIDUAL(S) SELLING AND IMPORTING ILLEGAL FIREWORKS.

Problem #2: MONITORING OF THE **IMPORTATION** OF ILLEGAL FIREWORKS.

Problem #3: **ENFORCEMENT** OF THE LAW.

HB 2790 HD1 will aid in addressing problem 1. Stricter fines and penalties to those engaged in the illegal fireworks business will definitely be a deterrent. The financial and legal consequences outlined in HB 2790 HD1 are a vital step in the elimination of the illegal trade. We strongly support passage of HB 2790 HD1.

Thank-you for this opportunity to testify.

HB2790 Testimony - Judiciary

February, 21, 2010

The Honorable Representative Jon Riki Karamatsu

COMMITTEE ON JUDICIARY

Re: Support for HB 2790 RELATING TO FIREWORKS

Mr. Chairmen and Members of the Committees:

I have noticed over the years an increase in the number of illegal fireworks being ignited for the 4th of July and New Years holidays. I recall one 4th of July holiday when there was virtually no wind and driving from Waipahu to Kapolei was a challenge since the smoke was so bad that it was like driving in fog.

During week leading up to and on New Years Eve 2010 I saw and heard some the largest aerial explosives in my 30 plus years living here. They even appeared to be bigger and louder than the artillery simulators we used in the US Army for training. These were so loud as to shake our building and set off car alarms in a one to two block radius.

Our Association of Apartment Owners has a section in the Rules and Regulations that prohibits fireworks. However, these rules are essentially unenforceable under the current laws. A number of the owners used our service roads to ignite aerals. I even recorded the violations and was confronted by one of the owners for doing so. This owner had clearly been drinking as were many of the owners igniting these illegal aerals. Another owner observed the sparks from several aerals raining down on the roofs of some of our buildings.

Some of these fireworks were even used by my neighbors on Feb 7th to celebrate the Super Bowl. I personally observed someone placing a box of aerals in the park area near our townhomes, igniting them then running away. They even left the box and the debris in the park area. A number of those very large and loud aerial devices were ignited as well.

I know from reading the newspapers that a number of fires and injuries were attributed to fireworks over New Years Eve. It is only a matter of time before someone is killed by or building destroyed by one of these larger explosive devices.

As a result of the events I have related I fully support HR 2970 and I urge you to support them as well. Thank you for this opportunity to testify in support of HB 2790.

David C. Kluempers

TESTIMONY TRANSMITTAL COVER

Testifier Name: Rosemarie & Richard Siersma, Private Citizens

Committee: House Committee on Judiciary

Date & Time: Tuesday, 2/23/2010 2:00 PM

Measure Number: HB 2790, H.D. 1

Number of Copies: 1 + original

TESTIMONY TRANSMITTAL COVER

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TESTIMONY TRANSMITTAL COVER

TO: Representative Har and Committee Members.

Please help us. I don't know how we can survive another "Holiday" Season. The explosions coming at unexpected times drive us to despair. Even now as I write this, I again experience the hopelessness that results from being among the weak, ignored and abused members of society. Why doesn't our government do something to protect us from the brutes who savage us with their contempt for the laws of our land?

I'm sure you have received many accounts of the terroristic behavior occurring in the generally quiet neighborhoods. For us it started this year (2009) on December 17th, when someone at the west end of Kuamu Street started exploding giant bombs. We could see the lightening-like flash through our blinds while the deafening blast shook the house. Soon after, the bombers in the house to the north, not to be outdone, began detonating their bombs. We called 911, but the line was busy for five minutes. When we finally got through, the operator indicated that calls had already been received about the incident. We were then put on hold and we eventually realized the futility of trying to make a report. Then, on the nights of December 13th, 15th and 17th, bombs were detonated next to our house as we attempted to sleep. Next, I was awoken at 1:30 am on December 25th by another horrible explosion next to the house. I then heard my infirm old cat crying out and moaning at which point I became furious and called 911 to report the explosion. Needless to say, Christmas was ruined for us as I never fell asleep again that night. Of course, December 31st was a complete evening and night of terror with bright flashing lights seen through the blinds, choking smoke filling up the house, the poor terrified cats, nerves jarred by the deafening noises. As 1:00 am approached, I hoped for some sleep, but the celebration continued until after 2:00 am. Then I fell asleep with the help of noise-canceling headphones until 4:30 when the explosions commenced and woke me up. To this day, we are still finding burnt pieces of bomb parts in our garden and the roof.

Our neighborhood is home to some very elderly sick people, retired older people like us, army and marine vets who can't tolerate loud noises, and many animals all squished together on tiny plots of land. Throughout most of the year, we all seem to be able to respect the needs of others. The time has come to stop the few scofflaws who are hurting the rest of us: the erstwhile silent majority.

If a law were passed that allowed private citizens a role in enforcement (see: Barking Dog Complaint Procedure) we would be happy to participate.

Thank you for the opportunity to tell our story.

Respectfully Submitted,

Rosemarie & Richard Siersma
92-1258 Hookeha Street
Makakilo

672-6456

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 3:42 PM
To: JUDtestimony
Cc: dloo-mcdowell@pjpn.com
Subject: Testimony for HB2790 on 2/23/2010 2:00:00 PM

Testimony for JUD 2/23/2010 2:00:00 PM HB2790

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Darlene Loo-McDowell
Organization: Individual
Address: 92-626 Anipeahi St. Kapolei, HI
Phone: 754-6136
E-mail: dloo-mcdowell@pjpn.com
Submitted on: 2/22/2010

Comments:
I support the fireworks ban being proposed.

While my family and I enjoy the occasional fire work show, we have found the firework abuse unrestrained in our neighborhood and from talking with family and co-workers the problem is island wide. There are all kinds of mortars going off months prior to the holidays and a few after the holiday.

We no longer have to put up with smoking in the buildings or restaurants. It does not seem fair that we have to put up with the massive smoke and noise that the abused fireworks cause. Each year it seems to get worse and worse. This year the noise was so loud that I am sure the fireworks were being placed in some kind of pipe or canister to create the boom that we were hearing.

We need to establish some laws to the lawlessness going on out there! It is really a war zone throughout the island.

Not only do the people with asthma suffer, our animals suffer from the terror they don't understand. Help!

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 5:55 PM
To: JUDtestimony
Cc: reiziss@hawaiiantel.net
Subject: Testimony for HB2790 on 2/23/2010 2:00:00 PM

Testimony for JUD 2/23/2010 2:00:00 PM HB2790

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: stann W. Reiziss, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: reiziss@hawaiiantel.net
Submitted on: 2/22/2010

Comments:
PLEASE SUPPORT HB2790

A recent NPR program concerning I.E.Ds. (improvised explosive devices), used effectively by the Taliban forces against our troops in Iraq and Afghanistan, cited casualty statistics as "alarming".

I'd like to point out to you that those casualty statistics were fewer in number to the casualty (injuries specifically) statistics resulting from fireworks reported by Hawaii doctors and hospitals this past New Year's season during the same period of time.

Therefore I must conclude that the term "fireworks" is merely a euphemism for I.E.Ds..

They are clearly terroristic, not celebratory devices and must be controlled and preferably outlawed.

Significant amounts, and various forms of contraband continuously flow into The State of Hawaii un-inspected by appropriate government authorities.

This presents an extremely dangerous potential and actual danger to all the inhabitants of our islands; human, animal, vegetable and mineral.

Fireworks and armaments, invasive species, drugs and possibly even human trafficking to name just a few of the obvious imports.

When the shipping companies are responsible for inspecting containers, they are looking out solely for their own financial interests. Not for the public's welfare.

Containers, in fact all cargo, needs scrutiny to insure homeland security as well as the protection of the health, safety and environmental quality of life citizens are expecting from governmental agencies; be they local, State or National.

- Between December 31 through January 2, 2010, one hundred and twelve persons were injured by fireworks; seven admitted a hospital. These numbers only account for reported injuries.
- The ages of those injured by fireworks ranged from two years old to eighty two.
- More children under sixteen years old were hurt from fireworks during this time frame than the entire month of injuries from auto accidents, poisonings, and assaults combined.

- No accurate account was even attempted to account for pets and wildlife emotionally traumatized or injured as a result of fireworks.
- Forty million, two hundred fifty thousand (8050 permits X 5000 firecrackers) were discharged. This number only accounts for fireworks requiring a permit. It obviously excludes all illegal discharges.
- According to the American Lung Association, there are at least 175,000 people in Hawaii with some type of lung disease.
- On a typical day in Honolulu, particulate matter ranges from 4 to 15 micrograms per cubic meter.
- On January 1st, 2010 the particulate matter from the fireworks explosions was measured by the Health Department as high as 632 micrograms per cubic meter. Far in excess of Federal standards.
- Surely even those living beings with healthy lungs were in jeopardy. Where does the EPA stand on this matter?
- Add to all this, the property damage from fireworks caused fires, the compression impact damage to property, and hearing damage caused by the numerous bottle bomb devices that punctuated the night.
- The Secret Service was put on alert in order to protect our vacationing President Obama and his family in case they were in danger of harm from fireworks, intentionally or inadvertently .
- At a recent Neighborhood Board meeting we are told by our State Representative, Pono Chong, that all these fireworks, legal and otherwise, freely enter our port un-inspected, and they are helpless to stop it.
- * What else of potential damage to our health and safety is streaming in via these un-inspected container? Drugs, human trafficking and a huge variety of contraband to name just a few.
- * If this isn't terrorism, a clear State and National security risk, please explain to me what is.
Plainly, all the ingredients and opportunities are omnipresent under the guise of "celebrating" the New Year and scaring away "evil" spirits through fireworks.
What could be more "evil" than the devastating effects of fireworks as outlined above?
- In my opinion, and in the opinion of the majority of the Hawaiian Island residents, this is clearly a Home Land Security issue.
- I implore you to immediately take every action you are empowered to use in order to mitigate, and preferably eradicate this clear, present, and continuing danger.

VOTE YES ON HB2790

Respectfully submitted,

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
House Committee on Judiciary

Ann S. Freed
95-227 Waikalani Dr. A403
Mililani, HI 96789
annfreed@hotmail.com
808-623-5676

I am in **strong support** of HB2790 HD1 RELATING TO FIREWORKS.

Although this bill does not go far enough in my opinion, enhanced penalties are a good start addressing this pernicious and persistent problem.

In the past five years Oahu has become a war zone for the months of December and January and to a certain extent July. Illegal fireworks are set off early in December and Continue past New Year's. In July the same thing happens.

Pyrotechnics are dangerous, produce horrendous noise and toxic smoke. They should be left to the experts and confined to public displays sanctioned by the counties.

The consequences of lax policies with respect to fireworks are grave. Those with allergies must stay indoors. Pets are terrified. Children are burned and/or killed. Houses burn down and property is damaged every year that this goes on. Not to mention the fact that most people can't even enjoy the peace of their own homes and are kept awake for many days before and after the holiday in question. The police can't seem to stop illegal displays that occur under the current law.

This past New Year's Eve I traveled to a party that was only a mile away and I couldn't read the street signs it was so smoky. There were numerous large types of fireworks in the middle of the roads, all the more dangerous because I couldn't see them to avoid running over them.

I don't agree with those who believe that their "culture" demands a fireworks free-for-all at certain times of the year. Those who are proponents of this point of view should have compassion for the majority of the people who are tired of suffering from this selfish practice. The fire department is sick of having to deal with the consequences and we should help by putting a stop to it.

I would like a total ban on all non-professional pyrotechnics. This bill represents a good start.

Please pass this bill out of committee.

Regards,

Ann S. Freed
95-227 Waikalani Dr. A403
Mililani, HI 96789