



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

H.B. NO. 2790, RELATING TO FIREWORKS.

BEFORE THE:

HOUSE COMMITTEES ON TOURISM, CULTURE, AND INTERNATIONAL AFFAIRS
AND ON PUBLIC SAFETY

DATE: Thursday, February 11, 2010 **TIME:** 11:20 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Mark J. Bennett, Attorney General, or
Mark K. Miyahira, Deputy Attorney General

Chairs Manahan and Hanohano, and Members of the Committees:

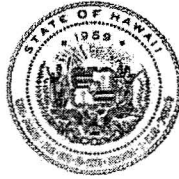
The Department of the Attorney General has concerns about one provision of this bill.

The bill would broaden the authority of law enforcement officers to enforce the fireworks law by creating two statutory provisions that would designate certain facts as prima facie evidence of an offense. The bill would also enhance the penalties for firework violations and prohibit firework sales from tents and other temporary structures.

Section 1 of this measure is unconstitutional. Section 701-117, Hawaii Revised Statutes, states that "Prima facie evidence of a fact is evidence which, if accepted in its entirety by the trier of fact, is sufficient to prove the fact." However, the Hawaii Supreme Court in State v. Dwyer, 57 Haw. 526 (1977), held "The requirements of due process impose limitations on the power of the legislature to authorize inferences of fact to be drawn" and that "the statute may authorize the inference only if there is a natural and rational evidentiary relation between the facts proven and the ultimate fact which the statute authorizes to be found." There is no natural and rational

evidentiary relation between the facts set out in section 1 and the prima facie evidence that is to be drawn from these facts.

We respectfully request that section 1 of this bill be deleted.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
State Fire Council
830 Punchbowl Street
Honolulu, Hawaii 96813

February 10, 2010

The Honorable Faye Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

The Honorable Joey Manahan, Chair
Committee on Tourism, Culture and
International Affairs
House of Representatives
State Capitol, Room 421
Honolulu, Hawaii 96813

Dear Chairs Hanohano and Manahan:

Subject: H.B. 2790 Relating to Fireworks

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD 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

000009

The Honorable Faye Hanohano, Chair
The Honorable Joey Manahan, Chair
Page 2
February 10, 2010

easier and increase the penalties and consequences for convictions of fireworks violations.

Should you have any questions, please call SFC Administrator Socrates Bratakos at
[REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA
Chair

KGS/LR:bh

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William P. Kenoi
Mayor



Darryl J. Oliveira
Fire Chief

Glen P. I. Honda
Deputy Fire Chief

County of Hawai'i
FIRE DEPARTMENT

25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

February 9, 2010

TO : REPRESENTATIVE JOEY MANAHAN, CHAIR, COMMITTEE ON TOURISM, CULTURE, &
INTERNATIONAL AFFAIRS

REPRESENTATIVE FAYE P. HANOHANO, CHAIR, COMMITTEE ON PUBLIC SAFETY

FROM : DARRYL OLIVEIRA, FIRE CHIEF, HAWAII FIRE DEPARTMENT

SUBJECT: HB 2790 RELATING TO FIREWORKS
DATE/TIME OF HEARING: THURSDAY, FEBRUARY 11, 2010, 11:20 A.M.

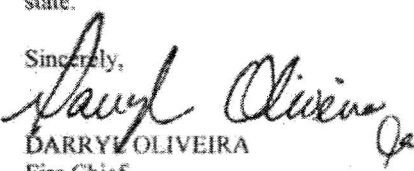
I would like to thank you for taking up the issue of fireworks and the impact fireworks related activities have on our various island communities. Over the years, the Hawaii State Fire Council has strived to encourage and promote legislation that would support the effective enforcement, controls, and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

DO:lk

Hawai'i County is an Equal Opportunity Provider and Employer.



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COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihue, Kauai, Hawaii 96766

February 9, 2010

The Honorable Joey Manahan, Chair
Committee on Tourism, Culture and International Affairs
House of Representatives
State Capitol, Room 421
Honolulu, Hawaii 96813

The Honorable Faye Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chairs Manahan and Hanohano:

Subject: H.B. 2790 Relating to Enforcement

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 (██████████) should you have any questions regarding this matter.

Sincerely,

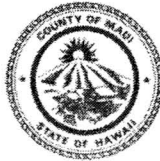
A handwritten signature in black ink that reads "Robert Westerman".

Robert Westerman
Fire Chief, County of Kauai

RFW/eld

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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 10, 2010

The Honorable Joey Manahan, Chair
Committee on Tourism, Culture and
International Affairs
House of Representatives
State Capitol, Room 421
Honolulu, Hawaii 96813

The Honorable Faye Hanohano, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 303
Honolulu, Hawaii 96813

Dear Chairs Manahan and Hanohano:

Subject: H.B. 2790 Relating to Enforcement

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.

000013

The Honorable Joey Manahan, Chair
The Honorable Faye Hanohano, Chair
Page 2
February 10, 2010

Should you have any questions, please call SFC Administrator Socrates Bratakos at
[REDACTED]

Sincerely,



JEFFREY A. MURRAY
Fire Chief

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Oahu
680 Iwilei Road, Suite 575
Honolulu, HI 96817
Tel: (808) 537-5966
Fax: (808) 537-5971
lung@ala-hawaii.org

Maui
95 Mahalani Street,
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Tel: (808) 244-5110
Fax: (808) 242-9041
alahmaui@ala-hawaii.org

Hawaii
39 Ululani Street
Hilo, HI 96720
Tel: (808) 935-1206
Fax: (808) 935-7474
alahbi@ala-hawaii.org

Website:
www.ala-hawaii.org

E-mail:
lung@ala-hawaii.org

Lung HelpLine
1-800- LUNG-USA
(586-4872)

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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 Tourism, Culture & International Affairs
House Committee on Public Safety**

FOR: Hearing Scheduled for 11:20 am, Thursday, February 11, 2010

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

Chairs Manahan & Hanohano, Vice Chairs Tokioka & Aquino 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 enhancing penalties for violations and broadening enforcement. 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

000015



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

Thursday, February 11, 2010 @ 11:20 a.m. in CR 309

To: COMMITTEE ON TOURISM, CULTURE, & INTERNATIONAL AFFAIRS
Rep. Joey Manahan, Chair
Rep. James Kunane Tokioka, Vice Chair

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

Re: HB 2790 RELATING TO FIREWORKS.

Chairs & Committee Members:

We appreciate the opportunity to testify on this measure. 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.

Nevertheless, we are deeply troubled by and strongly opposed some of the specific provisions in the bill.

We oppose Sections 1 of the bill as it over-reaches and would, I suggest, be found unconstitutional.

Section 1(a) says that if it happens on your property, you are presumed to be guilty of the crime. You might not even be there and you are presumed guilty? You might be there but incapacitated, bed-ridden, and have no ability to control or stop what others--known to you or not--are doing on your property and you are presumed guilty? Surely, there has to be some rational nexus between mere ownership and control over what is happening in order to meet a hurdle of presumed guilt! Commission of a crime the penalty for which is either a misdemeanor or a felony and monetary damages and possibly seizure of one's property has to be related to actually affirmatively doing something. Section 1(a), as drafted, cannot be allowed to become law.

Section 1(b) is also of concern. It is one thing to be standing 10 feet away and actively participating in the commission of a crime--handling the illegal fireworks, handling the illegal explosive devices or in some other way being involved in the events occurring. But, you could

000016

also be walking by and have no involvement. You could be driving in your car as it goes by or as it sits at a stop sign or a stop light and be within 10 feet and in both instances, you would be presumed to be guilty of a crime by Section 1(b). You might even be standing within 10 feet trying to get the person to stop shooting off those illegal fireworks or those illegal explosive devices and, under Section 1(b) you are presumed to be committing a crime. Section 1(b), as drafted, cannot be allowed to become law.

We oppose Sections 2.

Section 2 of the bill would prohibit the sale of legal, non-aerial consumer fireworks from tents or other temporary structures. Across the United States, our client provides legal, consumer fireworks from more than 20,000 tents and temporary structures. Everywhere, fire and other safety officials support sales from tents and temporary structures. They are safe, have to meet all applicable codes and provide substantial levels of safety to all. In most instances, the retail operators of these tents and temporary structures are charitable, church, school or non-profit organizations that use the revenues from their sales to fund their worthwhile programs. It is no different in Hawaii. One of the tents operating during the recent New Year's Eve selling season was associated with a Farrington High School organization, PATSCO. Proceeds from the sales benefited the school. Furthermore, there is no obvious, automatic, reasonable basis to assume that, if the sales occur out of tents or temporary structures, the sales are of illegal fireworks items.

We support the intent of Section 3, but propose amendments.

Section 3 would modify the penalty provisions in 132D-14 of the current statute. We think that this is the section of the law that should be enhanced to strengthen enforcement tools. However, we think that the new language in the bill that is added to 132D-14(1) should also be added to 132D-14(3). 132D-14(1) prohibits importation without the required licenses. The penalty should include monetary fines and responsibility for the injuries and fires that occur because of the use of the illegally imported fireworks. 132D-(3) prohibits sales without the required license. Selling illegally imported fireworks is the next step after the illegal importation. We think the person or persons who sell illegally imported fireworks or who sell fireworks without the required license are equally guilty as are the persons who imported them.

Section 3 of the bill also modifies 132D-14(2). This part of the current law sets penalties for purchasing, possessing and setting off aerial fireworks, display fireworks or articles pyrotechnic without the require permit. We support that the new language that would be added to this subsection by this bill.

We urge the Committee to strike Sections 1 and 2 from the bill; change Section 3 to make 132D-14 (1) and 132D-14(3) the same and pass out this enforcement bill.

From: [REDACTED]
Sent: Wednesday, February 10, 2010 7:06 AM
To: TCItestimony
Subject: Bill H.B. 2790 - RELATING TO FIREWORKS

Bill H.B. 2790 - RELATING TO FIREWORKS

DATE: Thursday, February 11, 2010
TIME: 11:20 a.m.
PLACE: Conference Room 309
State Capitol
415 South Beretania Street

To: Hawaii State Legislature

Re: Fireworks

I am outraged that this state and its lawmakers cannot come to terms with the issue of banning fireworks completely or at the very least passing laws that are enforceable. This is a serious public safety issue that affects the health and well-being of many of the state's citizens, especially on the island of Oahu.

My husband has asthma and my mother has COPD, both could not leave their bedrooms, the only areas of the house with air-conditioning, on New Year's Eve. I have friends that rent a room in Waikiki to get their children out of the smoke every New Year's Eve. Why should anyone have to do this?

The smoke from the legal fireworks would be bad enough for those with health issues but adding the illegals to the mix seriously increases the problem. The news reported that 8,055 fireworks permits were issued by the City and County of Honolulu. Oahu has a population pushing 1,000,000 people -- does the term minority mean anything to you? Those with health issues are held hostage in their homes for what benefit?

My neighborhood in Pearl City has had illegal aerals and many massive booming explosions since before Thanksgiving. Why do this state's citizens have to deal with this?

If the issue is that it is cultural, I just don't buy it. My family has been here since 1881 and we don't find it necessary to discomfort our neighbors. Let's legalize cockfighting too -- isn't that argued as being cultural?

Law-abiding citizens think nothing of shooting off illegal aerals and the other bombs. Does it even occur to these people that they are teaching their children and grandchildren that it is alright to break the law if you don't like the law or, so what, it doesn't apply to me?

The police themselves say they are about powerless to enforce the existing weak ban on illegal fireworks. I tried to call 911 twice on New Year's Eve at 630 and 700 p.m. to report a house about 6 doors down that was setting off illegal aerals from the middle of the street, my total wait time was about 20 minutes -- I gave up.

Yearly the police department and fire department call for a complete ban on all fireworks and yearly our lawmakers do not deal with the problem. There will be no solution to this problem until and unless there is a total ban or stiffer penalties and stricter enforcement. Baring a total ban on all fireworks, culpability should begin with possession of the illegal fireworks, not the current 'caught in the act' scenario.

There is no 'if' to the fact that a serious tragedy will occur due to illegal fireworks, just a 'when'. When it does occur, the citizens of the state can hold accountable their legislators who chose to not effectively address the problem.

Charlene M. Arjona
[REDACTED]
[REDACTED]
[REDACTED]

tokioka1-Elijah

From: [REDACTED]
Sent: Wednesday, February 10, 2010 12:30 PM
To: TCItestimony
Subject: HB2790-RELATING TO FIREWORKS

Dear Committee Members:

The proliferation of aerial fireworks and "bombs" is outrageous. The people shooting off these things are not doing it for religious or cultural reasons; these types of fireworks have never been part of religious or cultural rites. They start shooting them off around Thanksgiving, and since when are fireworks a part of Christmas? It's hard to assist the police in identifying the culprits because the aerials are flying all over the place, and the loud "bombs" echo all around. It's like being in the middle of a battlefield; I don't believe most citizens like having this cacophony imposed on them year in and year out—it ruins the holidays for the majority of residents. If people want to see those kinds of pyrotechnics, they should go to a display conducted by professionals away from residential areas; it would be more sensible and safer. How many fires and injuries will it take to get action? When will there be some aloha for those with respiratory problems? Why should they have to lock themselves in air-conditioned rooms during the holidays? Both the Fire Department and the Police Department support a total ban on fireworks; we should back them up. Banning fireworks is a no-brainer for those with brains.

Respectfully submitted,
Danny S. Clark

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Wednesday, February 10, 2010 2:29 PM
To: TCItestimony
Subject: HB 2790

To the Committee Chairmen,

First let me begin by stating that I support the ability of citizens to buy and use fireworks and I would allow them to also use aerial fireworks.

With regard to the proposed legislation there are a great many problems and I urge the members to vote against it.

The first troubling language is the prima facie evidence of guilt by merely owning property upon which an alleged violation of law occurs. This is completely un-American. Knowledge on a crime is an essential aspect of the American legal system. Just because a person owns property upon which someone else allegedly commits a crime does not make the first person complicit in any way. The second troubling proposed language is even worse. It states that merely being in close proximity to another person's act makes the second person guilty of a crime. I am not sure this is even constitutional, but at any rate it is horrible policy. Just because law enforcement is either unable or unwilling to gather evidence such that a conviction be garnered later by the prosecutor's office does not mean that we throw well established principles of law out the window and cast a wide net gathering up whoever happens to be nearby. This proposed language is draconian and should never be considered.

With regard to the proposed language pertaining to sales from a temporary structure, I think it is inappropriate to micromanage businesses in this way. If it is legal to operate a business from a temporary structure under current laws, then it should remain so. Either it should be legal for all businesses, should they desire, to operate from a temporary structure or it should not, or a licensing authority, such as the DCCA, should promulgate rules regarding which businesses, based on general characteristics, fall outside the general rule that a business can be run from a temporary structure. It is inappropriate for the legislature to micromanage in this way.

Proposed 132D-14 is also troubling. It purports to make the importer of aerial devices without a license as liable for injuries caused by said devices. However, there is no mechanism for ascertaining which aerial device caused which injury and linking any particular aerial to the injury. Additionally, if an aerial caused a particular injury and that person or their attorney were able to divine which aerial caused the injury and which importer brought that aerial into the state and sold it and used the device, then presumably the injured person would file a lawsuit and would name the person who used it, the importer and anyone else involved. Surely the lack of a proper license would be raised as well and would not help the importer. Yet someone, in addition to being liable, someone, a fine is also available, though it is not clear how that would be enforced either or the standard for linking the aerial that caused injury to the importer.

Proposed 132D-14(2) is also troubling as it makes no distinction between merely possessing fireworks without a license, discharging them, causing property damage and causing injury and it also automatically makes the person liable for injury but does not provide a mechanism for the establishment of causality.

In sum, I do not see the benefit of this proposed legislation and in fact there are a great many dangers. I urge a vote of no on the legislation.

Sincerely,

Kevin O'Grady, Esquire.

The Law Office of Kevin O'Grady, LLC

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

WWW.CriminalAndMilitaryDefenseHawaii.com

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Testimony in Favor of House Bill 2790

To The Chair(s) and members of the House Committee on Tourism, Culture and International Affairs
and the House Committee on Public Safety

Date: Thursday, 2/11/10

Time: 11:20 am

Place: Room 309, State Capitol

My name is Dennis Freitas and I am submitting testimony in FAVOR of House Bill 2790

I am in favor of House Bill 2790. I, like many of your constituents, are tired of the endless illegal exploding of fireworks. Since the industry and the individuals who are in favor of fireworks can not police themselves we need the State to make and enforce laws that will stop this endless plague on our society. I am all in favor of a total ban of all fireworks and the laws needed for enforcement.

The islands, Oahu in particular because of its growing population and density, can no longer sustain fireworks. Further, it seems that there is no end to the constant exploding of fireworks. Here it is February and daily there are people in communities are over the island exploding illegal fireworks. It's disturbing, polluting the environment, hazardous to our health, poses a fire risk and scares the animals. Need I go one?

The time is now for a total ban on the importation, sale, procession and exploding of fireworks of any kind with the exception for cultural/religious purposes and only with a permit. We are tired of laws that have no bite in them. House Bill 2790 enhances the penalties for fireworks violations and broadens the authority of officers to enforce the fireworks law. We ask that you listen to the local Fire and Police departments and not only ban fireworks but give them the tools to enforce the law.

Let's not put this measure off for yet another year. You must stop pandering to the selfless and inconsiderate few. Please, now is the time to put an end to this nonsense.

000023

Date: February 10, 2010

To House Committee on Culture & International Affairs

To: House Committee on Public Safety

Subj: TESTIMONY IN SUPPORT OF Bill HB2790 –

Hearing Date/Time: 2/11/2010, 11:20 AM, Conference Room 309

It is apparent to me at least that the existing laws in effect for a number of years have been ineffective in restricting use of highly-explosive gunpowder-type fireworks (aerial and home-made in particular) in our neighborhoods. It is well-known that fireworks can and have led to serious and permanent injury and fire loss. If it were not for the fire department and the individual property owners who feel they have no choice but to stand guard to protect their property on the days or weeks before New Year's Eve, there would be a lot more injuries and damage.

I have personally witnessed hearing extremely loud explosions of aerial bomb-type fireworks set off by others within my Pearl City community. The bombs rattle my walls, jalousie windows, unnerve my pets, interrupt my sleep and leave unwanted debris on my car, my yard and sidewalk. I have had to purchase tranquilizers for my pets and have had to leave my neighborhood (with my pets) to spend evenings away at my relative's air-conditioned home because of the noise and smoke.

I remember, before aerial fireworks became the fad, that the Christmas season was a time of peace and joy. Recently, I equate the holidays with the sound of exploding bombs. This activity begins a few days before Halloween, through Thanksgiving, Christmas, New Year's Day and were even being set off yesterday in my neighborhood during the Super Bowl telecast and before the final outcome of the game itself.

I respect traditional and cultural practices but aerial fireworks could not possibly be a part of that tradition and practice. I, therefore, believe that our laws should restrict usage from and penalize those that have very little or no respect for the rights or safety of others.

I support SB2790, and any such bill that is intended to effectively restrict the selling or private use of fireworks within areas of the State of Hawaii. Such a ban hopefully will effectively eliminate the uncontrolled use of extremely loud and harmful fireworks.

Russell Hirata

Email: [REDACTED]

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tokioka1-Elijah

From: [REDACTED]
Sent: Wednesday, February 10, 2010 1:04 PM
To: TCItestimony
Subject: testing- Bill H.B. 2790 - RELATING TO FIREWORKS

Aloha !

I strongly back Bill H.B. 2790 - RELATING TO FIREWORKS.

I live in Mililani, and three month before
NewYears, and up to that time.
We were hit with some one or group,
Seting off High Explosive Ariel and ground
Fire works.
From about 8:00pm to 3:00am.

They would set off one on lonikahana st.,
Drive by set. Second one off and then 10 min.
Set one off on the other side of H1.
(lower end of Mililani).

The power of these boast had a average
"Report" (after blast sound), that would run up to 2 to 5 seconds.
This is an average way to deturman
The size of the power load; or
Explosives. The longer the report, the more powerful the bomb.

HPD was no where to be seen or herd to stop or apprehend the brain less
Culprest of this loud and dangers prank !

And on New Years night, we could not breath for hours unitll the smoke cleared. Pluss all the eleagle size fire
works going off all night.

To Dam much noise!!!!!!!

If all fire works should be band with the exseption ; under profesinal events.
I would be most impressed and
Finaly thinking of Voting this year for the backer and those whom push this Bill thru to Law.

Please for give my spelling.

May All Good Days Be Yours!
Bob Hurlock
[REDACTED]
[REDACTED]

February, 10, 2010

The Honorable Representative Joey Manahan

COMMITTEE ON TOURISM, CULTURE, & INTERNATIONAL AFFAIRS

The Honorable Representative Faye P. Hanohano

COMMITTEE ON PUBLIC SAFETY

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

tokioka1-Elijah

From: [REDACTED]
Sent: Wednesday, February 10, 2010 5:15 PM
To: TCItestimony
Cc: [REDACTED]
Subject: Testimony for HB2790 on 2/11/2010 11:20:00 AM

Testimony for TCI/PBS 2/11/2010 11:20:00 AM HB2790

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Darlene Loo-McDowell
Organization: Individual
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 2/10/2010

Comments:

While my family and I enjoy the occasional fire work show, we have found the firework abuse rampid in our neighborhood. All kinds of mortars going off months prior to the holiday (July 4th, New Year or now Chinese New Year) and a few after the holiday just because.

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 cannister 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.

Help!

000027

tokioka1-Elijah

From: [REDACTED]
Sent: Wednesday, February 10, 2010 11:21 AM
To: TCItestimony
Cc: [REDACTED]
Subject: House Bill 2790/ Comments via email.

Dear Committee Members:

Pacific Fireworks has been in the Fireworks Business 40 years and has had the pleasure of doing business for the last 12 years in Hawaii. Some of you may know us as Duck Firecracker Factory. Our band has a long history in Hawaii market. We would encourage you to continue the work on the illegal fireworks Market, as it effects all main stream licensed imports in Hawaii. HB 2790 also is a great safety bill because selling fireworks out of tents is just not safe. No state allows the sale of fireworks out of a tent where customers may enter like we have just seen on Oahu. The state of Oklahoma is the only state that allows the sales out of tents ,however customers are not allowed in the tent, for safety reasons. We would encourage you to pass this bill for the safety reasons included in the bill. I would also think every fire department would be in favor of this bill.

Thank You
Larry Lomaz
Pacific Fireworks
[REDACTED]

tokioka1-Elijah

From: [REDACTED]
Sent: Wednesday, February 10, 2010 7:15 AM
To: TCItestimony
Cc: Rep. Joey Manahan; Rep. James Tokioka; Rep. Cindy Evans
Subject: H.B. 2790 - Testimony

HB2790

DATE: Thursday, February 11, 2010
TIME: 11:20AM
PLACE: Conference Room 309
State Capitol
415 South Beretania Street

IN FAVOR
I will not be able to attend.

Aloha,

Haven't we had enough!?

We lost a 13 year member of our family this New Years. Our cat 'Shadow', while already frail, just could not deal with all the bombs and smoke. We miss her beyond words.

It is time to BAN all personal aerial fireworks and explosive percussive devices in Hawaii during the next legislative session and at the City/County level. My wife and I went thru the 'celebration' where the windward side looked and sounded like WWII. My lungs, eyes and ears still hurt! The problem is not just on Oahu however our dear friend Karen Jennings lost her Dog of 10 years due to fireworks.

I am all for celebration, you know we Irish love to party, but how much longer will we allow a rabid few who won't follow the law harm the lungs and peace of mind of the rest of us? Where are those that say they care about the aina and kai?

A few other points to consider....

- 1) In addition to several cats and dogs dying from fireworks, a horse died on NY Eve, too. Also, service dogs upon whom the disabled depend for lifesaving tasks can be permanently injured or killed themselves, leaving the disabled person up the creek without a paddle for an indefinite period of time, exposing them to danger, and incurring great expense to replace the service dog.
- 2) Fireworks contain, in addition to lead and arsenic, radioactive barium, carcinogenic perchlorate, and MANY other highly toxic compounds that stay in the environment indefinitely, and have been shown to contaminate drinking water.
- 3) The percussive blasts of even legal fireworks are enough to cause permanent hearing damage. The blast levels from the illegal _military grade explosions_ can cause traumatic brain injuries or death, as have been sustained by many of our troops.
- 4) Endangered species are put at risk from fireworks displays. Between the noise, lights, debris, and toxic air and runoff the potential for damage is very likely. Sea turtles in Florida have been known to ingest fireworks debris that ends up in the ocean, and with increasing numbers of our critically endangered monk seals breeding in the main islands, they are being put in even more danger, too.

5) The term "cultural purposes", as it pertains to fireworks use, opens up a HUGE loophole that will undoubtedly be used by those who want to set off fireworks indiscriminately. It needs to be deleted from the bill.

Today's modern aerial fireworks are a threat to public safety, the environment and our health. Please contact your representatives and let your voice be heard. Never again should the citizens of Hawaii and Oahu have to put up with this. And I look forward to actively campaigning against any public official who refuse to see the wisdom of this course

Mahalo nui loa for listening,

Tom & Sharon McAuliffe

[REDACTED]
[REDACTED]
[REDACTED]

tokioka1-Elijah

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2010 7:11 AM
To: TCItestimony
Cc: [REDACTED]
Subject: Testimony for HB2790 on 2/11/2010 11:20:00 AM

Testimony for TCI/PBS 2/11/2010 11:20:00 AM HB2790

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Hans O. Nielsen
Organization: Individual
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 2/10/2010

Comments:

I fully support a Statewide ban of all fireworks as outlined in this Bill.

Evan Rapoport

Tuesday, February 9, 2010

HB 2790, RELATING TO FIREWORKS

I support a ban on consumer fireworks (except for in cultural and religious ceremonies) and have submitted this testimony for current bills that work towards that goal. I support the efforts of HB 2790 to increase fines for violators and improve our police force's ability to arrest violators. However, I do not support the changes that would seemingly allow sales of fireworks from stores that are not tents or other temporary structures. If other bills pass to ban fireworks completely, I presume this component of the bill would be made null and void. In regards to the problem fireworks and fireworks enforcement:

I am outraged by the abundance of fireworks and the lack of enforcement of existing laws this past New Year's Eve (and in the past on New Year's and July 4th). I support a total ban on fireworks (except for limited use in cultural and religious ceremonies).

I sat in my home in Kailua on New Year's Eve listening to the sounds of the neighborhood and feeling like I lived in a war zone. It began at sundown and lasted through the night (actually, it began weeks before New Year's). The use of fireworks in Kailua, and the rest of the island, is simply out of control. Over the past few years, both on July 4th and New Year's Eve, I've been dumbfounded as to how our state allows this to continue. Whatever benefit that a minority of people are deriving from setting off explosives cannot even begin to justify the negative consequences of these fireworks. It has gotten to the point where I hope for torrential rains to thwart the craziness.

At the end of my letter I have included a list of relevant statistics that were compiled by a friend of mine who is an industrial safety expert here on Oahu. I hope these hard facts he has provided will complement my own thoughts.

First and foremost, I believe it is the duty of elected officials to use their powers to protect the public welfare. Fireworks present a clear and present danger to everyone, not just those who use them. I've witnessed fires in the middle of the streets from people who leave the smoking remains of their ten second explosive pleasures; cars must swerve to avoid them or wait for them to finish burning. I've watched irresponsible parents sit on their lawns as they allow small children to stand by the street and play with fire. Twice, I've seen four foot flames rise from busy streets while explosions shot off in all directions as little kids stood next to them. I've listened to enormous explosions that cause houses to shake, my neighbors' babies to cry, our dogs to bark, and car alarms to sound. I've had to close the windows to my house to prevent noxious smoke and ash from stinking up my home and hurting my eyes, but usually to no avail.

I ask you this: Will it take an unprecedented disaster before we act to ban fireworks? How many children must lose their fingers or their lives, how many homes must burn before we do something to stop this? I am not being melodramatic; these things happen every year and yet nothing changes. And when the economy gets better and people can afford more fireworks, it's only going to get worse.

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Second, the negative effects of fireworks hardly end when the festivities are over. Fireworks are composed of toxic chemical that pollute our air, contaminate our drinking water, leave trash all over our streets (there is still residue on my street over a month after New Year's), leave residue in our watershed thus harming plants and animals, and contribute to marine debris that threatens the health, safety, and aesthetics of our beaches and coasts. This results in violations of the Clean Air Act and a number of other environmental laws. Please see the link below for more information. This is a very bad thing for our State, particularly when we claim to be stewards of the environment or position our state as eco-friendly.

<http://environment.about.com/od/healthenvironment/a/toxicfireworks.htm>

Third, there seems to be almost no enforcement of fireworks laws. I suspect this is a very difficult thing to do as someone must be caught in the act, which is why I am in support of a ban. People who were launching loud aerials evaded arrest all night long even though they were clearly coming from the same locations, over and over, hour after hour. I made several calls providing locations of these violations, but nothing changed. As a relevant aside, on New Year's the Secret Service needed to intervene on a fireworks situation to ensure President Obama's safety; this is an embarrassment to Honolulu, to Hawaii, to our police force, and to me as a citizen.

There are a number of incredible public fireworks displays that people all over the island can attend. There is no reason that people should be allowed to launch these stupid, selfish, dangerous fireworks in residential neighborhoods that put everyone else at risk and deprive us from the right to peaceful enjoyment of our holidays. Whatever traditions or religious beliefs that people claim to be celebrating do not justify the risk to public safety that results. I highly doubt that any religion or culture condones the use of explosives, particularly illegal ones, by people (including children) with no expertise in how to use them safely. I also suspect that very few of the people who are launching fireworks are doing so because of their cultural and/or religious beliefs.

I used to look forward to New Year's and July 4th, but now I just worry about the health and safety of our families, our neighbors, our pets, our oceans, and our `aina. We need to give much more support to our hardworking policemen and firemen so they can prevent the proliferation of illegal fireworks and catch people who use legal ones irresponsibly. More importantly, we need to enact legislation that stops the use and sale of fireworks altogether.

Please, please, please, do something about this so that good, respectful, responsible citizens can enjoy themselves on holidays and not have their safety jeopardized by a loud, reckless minority. Please, take a stand against fireworks!!!

Some Scary Fireworks Statics:

Fireworks...

-Cause significant fires and related loss of life. Each year HFD responds from 20-100 fires over New Years Eve. A 2000 house fire in Palolo valley caused a fatality.

000033

-Cause serious burns and injuries. The CPSC estimates that in 2008 about 7,000 people were treated in hospital emergency rooms for injuries associated with fireworks. More than half the injuries were burns and most of the injuries involved the hands, eyes, and legs. People ranging in age from 15 to 19 years old had the highest per capita injury rate among all age groups.

-Cause significant health conditions. Studies have found a dramatic increase in emergency room visits due to asthma and other chronic obstructive pulmonary disorders (COPD) during firework activities.

-Cause environmental degradation. The many colors in fireworks are due to burning metals. Specifically, green colors are caused by burning Barium. Barium is a characteristic EPA and DOH hazardous waste and can accumulate in water and soil. Additionally, particulate matter and sulfur dioxide frequently build up in the air in significant concentrations.

-Cause increased risk to air, water and land travel and shipping. Illegal fireworks are improperly brought to Hawaii , increasing the risk to all those that travel and ship goods. The FAA has noted that the majority of illegal fireworks brought on planes are bound for Hawaii .

-Cause significant disturbances to the peace. Aerial fireworks produce noise levels around 150 decibels, disrupting neighborhoods, causing stress to both residents and pets.

Thank you for your time. I hope you will do the right thing and ban the use of amateur explosives in our state.

000034

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2010 1:00 PM
To: TCItestimony
Cc: [REDACTED]
Subject: Testimony for HB2790 on 2/11/2010 11:20:00 AM

Testimony for TCI/PBS 2/11/2010 11:20:00 AM HB2790

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Stann W. Reiziss, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: [REDACTED]
Submitted on: 2/9/2010

Comments:

Please Support HB2790
Justification for supporting HB2790:

- 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.
- 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 .

- * If this isn't terrorism, a clear State 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, fireworks must be banned for use by amateurs, and stringent laws of enforcement must be implemented.

- 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 dangerous problem.

Please support HB2790, and additional legislation designed to keep fireworks out of the hands of amateurs, and provide enforcement

Respectfully submitted

000036

TO: Representative Har and Committee Members.

2/10/10

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
[REDACTED]
[REDACTED]
[REDACTED]

000037

February 9, 2010

To: House Committee on Tourism, Culture and International Affairs and the House Committee on Public Safety

I wish to offer the following regarding fireworks in Hawaii in support of HB 2790.

I have never lived in a place such as this, where fireworks are uncontrolled and barely regulated. I would add that this issue is no longer about "firecrackers" but rather about the use of illegal aerals and what can only be called bombs.

Peace and quiet is shattered throughout the state. There is absolutely no place to escape to in an effort to avoid the bomb blasts and smoke. I cannot drive to another county or another state; I and my pets are trapped in my house. My animals are frightened beyond belief and I find myself jumping out of my chair as aerial bombs continually blast high into the sky. Thick acrid smoke hangs in the air and I have to sit in my house with the windows closed and no air conditioning.

I ask why should I and many others have to suffer? The air pollution is obvious but what most Hawaiians do not understand that the pollution doesn't just blow away, it contributes to air pollution everywhere. So many Hawaiians claim to be so concerned about the land, if true, why would they ever allow all of those harmful chemicals and metals to leach into the soil and into the ocean? Paper, plastic, gun powder, and residue lay in the streets after and end up washed into the drains.

How many injuries this year? Two children severely burned as a result of a silly old tradition. Is it really worth it? Those two children will be scarred for life. Each year the Fire Chief and Police Chief urge the City, County, and State to enact a ban on all personal fireworks but those educated, professional pleas go unheeded. The fire department has to go on high alert and chase down fires all over Oahu and the state. A needless waste of resources that endangers our citizens and our firefighters. The police are stretched to the maximum chasing down "ghost" offenders who cannot be identified, meanwhile the police are diverted from their primary mission to fight crime and protect citizens. 911 lines are so tied up with complaints that critical 911 emergency callers are forced to wait several minutes which could be the difference between life and death. Absolutely absurd in all respects. As stated below, **"would you trust the quality of your air to China?"**

It is time for Hawaii to grow up and learn that often we must recognize and change old traditions as we learn that they are harmful and of little social benefit.

There is no reason why Hawaii cannot move into the 21st century and allow only professional fireworks displays that folks can enjoy safely and sanely. It is time for sanity to rule instead of emotion. I urge your complete support for HB 2790. I also thank Rep. Har for her support.

Sincerely,
J. Such

000038

Please see the following as support:

See: <http://environment.about.com/od/healthenvironment/a/toxicfireworks.htm>

Dear EarthTalk: Do fireworks celebrations cause any significant pollution?

—David Hiebert, Scottsdale, PA

Perhaps it should come as no surprise that the fireworks displays that go on around the U.S. every Fourth of July are still typically propelled by the ignition of gunpowder—a technological innovation that pre-dates the American Revolution itself. And the fall-out from these exhibitions includes a variety of toxic pollution that rain down on neighborhoods from coast to coast, often in violation of federal Clean Air Act standards.

Fireworks Can Be Toxic to Humans

Depending on the effect sought, fireworks produce smoke and dust that contain various heavy metals, sulfur-coal compounds and other noxious chemicals. Barium, for instance, is used to produce brilliant green colors in fireworks displays, despite being poisonous and radioactive. Copper compounds are used to produce blue colors, even though they contain dioxin, which has been linked to cancer. Cadmium, lithium, antimony, rubidium, strontium, lead and potassium nitrate are also commonly used to produce different effects, even though they can cause a host of respiratory and other health problems.

Fireworks Contribute to Environmental Pollution

The chemicals and heavy metals used in fireworks also take their toll on the environment, sometimes contributing to water supply contamination and even acid rain. Their use also deposits physical litter on the ground and into water bodies for miles around. As such, some U.S. states and local governments restrict the use of fireworks in accordance with guidelines set by the Clean Air Act. The American Pyrotechnics Association provides a free online directory of state laws across the U.S. regulating the use of fireworks.

Fireworks Add to Worldwide Pollution

Of course, fireworks displays are not limited to U.S. Independence Day celebrations. Fireworks use is increasing in popularity around the world, including in countries without strict air pollution standards. According to *The Ecologist*, millennium celebrations in 2000 caused environmental pollution worldwide, filling skies over populated areas with “carcinogenic sulphur compounds and airborne arsenic.”

Disney Pioneers Innovative Fireworks Technology

Not usually known for championing environmental causes, the Walt Disney Company has pioneered new technology using environmentally benign compressed air instead of gunpowder to launch fireworks. Disney puts on hundreds of dazzling fireworks displays every year at its various resort properties in the U.S. and Europe, but hopes its new technology will have beneficial impact on the pyrotechnics industry worldwide. The company has made the details of new patents it has filed for the technology available to the pyrotechnics industry at large with the hope that other companies will also green up their offerings.

Do We Really Need Fireworks?

While Disney’s technological breakthrough is no doubt a step in the right direction, many environmental and public safety advocates would rather see the Fourth of July and other holidays and events celebrated without the use of pyrotechnics. Parades and block parties are some obvious alternatives. Meanwhile, laser light shows can wow a crowd without the negative environmental side effects associated with fireworks.

And: http://www.backcountryattitude.com/toxic_fireworks.html

Fireworks - Cheap Thrills with Toxic Consequences

Pollution from Fireworks is an Unnecessary Risk to Our Personal and Environmental Health

Why Celebrate those Special Occasions by Polluting?

Is poisoning the air and water a patriotic way to recognize the 4th of July??

Is unnecessary air pollution a good way to ring in the New Year??

Do you consider yourself environmentally conscious and responsible?? You might not know that all those colorful explosives used to celebrate special occasions.... (your firecrackers, skyrockets, Roman candles and yes even those so-called "harmless" sparklers)... pose a serious environmental and health danger from heavy metals and other toxic firework fallout. So the next time you are about to set off or buy some cheap fireworks or even attend an outdoor fireworks display, ask yourself..... **Is a few minutes of pyrotechnic entertainment really worth needlessly polluting the environment?**

What's fun about the pollution from fireworks?

How Fireworks Cause Pollution

Fireworks contribute to polluting or damaging our planet in various ways throughout their life cycle.

- **Manufacturing:** Raw materials and energy are used to create the final firework product. Firework ingredients often come from elements that need to be mined from the earth. Mining is not exactly environmentally friendly. Minerals then need to be processed and isolated... often with chemicals. Fireworks use plastic plus paper & cardboard (which kills trees) and are all made at factories that pollute.
- **Transportation:** Firework components are transported to the firework assembly plant, finished fireworks are transported to their various distribution centers and stores. Transporting may include planes, boats, and trucks. I don't need to tell you the pollution that vehicles cause. And don't forget that the consumer drives to purchase the fireworks, sometimes hundreds of miles to another state to bypass local restrictions.
- **Combustion:**
 - **Air Pollution:** The smoke from fireworks consists mainly of fine toxic dusts (particulate matter) that can easily enter the lungs. This represents a real threat for people with asthma or multiple chemical sensitivity (MCS). Smoke from fireworks combustion may contain a mixture of sulfur-coal compounds, traces of heavy metals, and other toxic chemicals or gases. The combustion cloud can contain harmful fumes such as ozone, sulfur dioxide and nitric oxide. Smoke from consumer fireworks is of most concern because they are released at a low level which makes inhalation more likely compared to professional displays. Additionally, in this time where the issues of climate change and global warming are being presented with a sense of urgency, we need to be concerned about the greenhouse gases fireworks produce, which include Carbon dioxide (CO₂) and ozone.
 - **Water Pollution:** Fireworks fallout can contaminate water supplies and residue on the ground can be carried away by rain and end up in our lakes, rivers, or oceans.
 - **Noise Pollution:** Fireworks can be loud and the vibrations can travel far. In the middle of the night fireworks often disturb people trying to sleep. Fireworks can exceed 140 decibels and noise at 85 decibels or above can damage hearing. Some people also argue the noise from fireworks scares pets.

- **Accidents:** In 2000-2004, fireworks started an estimated 32,300 reported fires per year, including 2,700 building and vehicle fires. More fires are reported on the 4th of July than any other day of the year [1].

For the color effect of fireworks, toxic heavy metals like barium, aluminum, lead, mercury salts, antimony, copper, and strontium can be used in firework compositions. Outdated heavy metals that have been used in the past include rubidium and cadmium. Some toxic elements are supposedly not used in fireworks anymore like lead compounds, chlorates, and mercury as mercurous chloride (calomel), but some firework chemical outlets still sell some of these ingredients, they can still be seen in some pyrotechnic chemical lists, and homemade fireworks makers still sometimes talk about using them.

Many fireworks are imported from China which is scary because they have a proven track record of cutting corners by using cheaper, more toxic materials. Some of the metals also have radioactive isotopes... hopefully they aren't being used in any fireworks. The American Fireworks Standards Laboratory (AFSL) has established a testing and certification program for Chinese and U.S. fireworks to determine if they are being produced according to AFSL Standards (which meet all U.S. federal requirements). There is a list of prohibited toxic chemicals in the standards but unfortunately participation in the program is voluntary for manufacturers and importers. Firework shipments that pass standards only assure that one random sample from the lot has been tested and met all requirements [2].

Will you trust the quality of your air to China??

The Toxic Elements of Fireworks - Pick Your Poison

<u>Toxic Element</u>	<u>Fireworks Usage</u>	<u>Toxic Effect of Fallout Dust & Fumes</u>
Aluminum	brilliant whites	Contact dermatitis, bioaccumulation
Antimony sulfide	glitter effects	Toxic smoke
Barium Nitrate	glittering greens	Poisonous. Fumes can irritate respiratory tract. Possible radioactive fallout. [3]
Copper compounds	blues	Polychlorinated dioxins and dibenzofurans. [9] Can bioaccumulate. Cancer risk.
Lead Dioxide / Nitrate / Chloride	oxidizer	Bioaccumulation, developmental danger for kids & unborn babes, may remain airborne for days, poisonous to plants & animals
Lithium compounds	blazing reds	Toxic and irritating fumes when burned
Mercury (Mercurous chloride)	chlorine donor	Toxic heavy metal. Can bioaccumulate.

Nitric oxide	fireworks byproduct [6]	Toxic by inhalation. Is a free radical
Nitrogen dioxide	fireworks byproduct [6]	Highly toxic by inhalation. SIDS risk [8].
Ozone	fireworks byproduct [7]	Greenhouse gas that attacks & irritates lungs
Perchlorate - Ammonium & Potassium	propellant / oxidizer	Can contaminate ground & surface waters, can cause thyroid problems in humans & animals
Potassium Nitrate	in black powder	Toxic dusts, carcinogenic sulfur-coal compounds
Strontium compounds	blazing reds	Can replace calcium in body. Strontium chloride is slightly toxic.
Sulfur Dioxide	gaseous byproduct of sulfur combustion	Acid rain from sulphuric acid affects water sources, vegetation & causes property damage. SIDS risk [8].

Fireworks Research: A case study has shown that within 1 hour of fireworks displays levels of Strontium in the air increased 120 times, Magnesium 22 times, Barium 12 times, Potassium 11 times, and Copper 6 times more than the amount present in the air before the event. Strontium was found to be the best tracer in this study because it measured very high during the event and much lower at other time intervals which indicated that it was mostly a result of the fireworks display. [4]

Another study found that firework events brought air pollution spikes in suspended particles, Nitric oxide (NO), Sulfur dioxide (SO₂), and created and dispersed an aerosol cloud hosting a range of metallic elements. The researchers found that although the "recreational pollution" from fireworks is transient in nature, the pollutants are highly concentrated and add significantly to the total yearly metal emissions and the particles are on average small enough to be easily inhaled which poses a health risk to sensitive individuals. [5]

Researchers have found that fireworks can create a burst of ozone which is an extremely reactive greenhouse gas molecule that can attack and irritate the lungs. The ozone is believed to be caused by ultraviolet light released by chemicals in fireworks... which in this study were sparklers. [7]

[REDACTED]
[REDACTED]
10 February 2010

SUBJECT: Written Testimony Regarding House Bill 2790 (HB2790) Relating to fireworks

Reference: Hearing Notice for SB 2790: Relating To Fireworks.

For the COMMITTEE ON TOURISM, CULTURE, & INTERNATIONAL AFFAIRS, and COMMITTEE ON PUBLIC SAFETY

Hearing Date: Thursday, February 11, 2010

TIME: 11:20 AM

PLACE: Conference Room 309

State Capitol, 415 South Beretania Street, Honolulu, HI

To Members of the House Committee on Tourism, Culture & International Affairs, and Committee on Public Safety:

Thank you for this opportunity to provide testimony regarding HB 2790, legislation related to fireworks in the State of Hawaii. While I am an advocate of a complete ban of consumer fireworks, I support this Bill as better than nothing and hope that it passes with a minimum of changes and with all due speed.

I have lived in Hawaii for twenty-five years, am a registered voter, I am both a military retiree and a current U.S. Army civilian employee. I served in Vietnam, Desert Storm, and Operation Enduring Freedom and have experienced a good deal of combat as a Bomb Disposal Officer during thirty-six years of military service. I consider myself very knowledgeable regarding explosives, unexploded munitions and improvised explosive devices. I commanded the Army Bomb Disposal unit at Schofield Barracks from 1985 – 1989 and regularly supported the Honolulu Police Department (SSD) and public safety agencies throughout the Hawaiian Islands.

In recent years, and especially in the last two years, fireworks have gone from being entertainment to something much different. Neighbors used to light strings of firecrackers to usher in the New Year, but this has been replaced by large numbers of illegal and highly dangerous aerial and improvised explosives. This past New Years Eve saw misuse on a massive and unprecedented scale. Thoughtless people now start the detonations before Thanksgiving and continue the mayhem as late as this past weekend.. Summer evenings are increasingly punctuated by flashes and deep responding booms that shake my home and make Waipahu sound like Beirut.

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This activity by a few people is unacceptable and widely unpopular, but neighbors are reluctant to call Police. The current laws are inadequate, but I firmly believe Law Enforcement is not the answer. This problem involves a serious disrespect for the rule of law and a complete disregard by many of our citizens for the safety of their neighbors.

As an explosives professional, I can say without reservation that fireworks are some of the most dangerous of explosive devices. The low-explosive components and pyrotechnic mixtures of fireworks make them extremely susceptible to heat, shock, and friction. Poor storage practices and moisture make them likely to react in unpredictable ways, often detonating or burning rather than performing as expected. Storage of large stocks of illegal aerial fireworks endangers not only the families of those hiding these items, but their neighbors and first responding Police or Fire Department members who may be killed in accidental explosions trying to save lives or property. Neighborhoods are endangered by large stockpiles held for sale or misuse because a detonation of these explosives can literally level homes in close proximity.

In 1981, three of my Army Bomb Disposal friends and colleagues were killed by illegal fireworks in Central California. They were disposing of a large number of illegal fireworks confiscated by the U.S. Border Patrol when an accident occurred killing three and injuring two more EOD soldiers. Fireworks are not toys and they are anything but harmless amusement.

Every year in Hawaii, the toll of injuries and fires started by misuse of fireworks seems to grow. A few years ago a child was badly hurt and permanently disabled. This year, we saw the tragic explosion and fire that critically burned three children in Maui. Over one hundred people on Oahu had to be treated just this year for injuries caused by fireworks. There were countless fires started by fireworks, making our firefighters work extra hard, and stretching our fire protection thin. This simply makes no sense anymore.

I won't comment on the "religious or cultural practices" aspect of this except to say that I think that is simply a huge loophole. No religion requires fireworks as part of its doctrine or liturgy. Most modern Asian nations have now recognized the dangers and banned consumer fireworks. Vietnam did it in one year and now there are only public fireworks displays by professionals. We can do this too! If you must leave in this provision, please make it very stringent and require professional supervision.

Lastly, I want to address the supply side of fireworks. Consumer fireworks are imported through our ports. Given the massive numbers of easily available illegal aerial

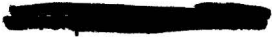
fireworks, we must assume these are being smuggled into Hawaii as part of these "legal" shipments. I can't believe all the illegal stuff is being sold out the back door by licensed professional fireworks dealers. Stop the consumer fireworks shipments and you stop the bulk of the illegal fireworks. Law enforcement wants to do a better job at controlling this problem, but they are overwhelmed.

Fireworks add nothing cultural that cannot be gained by professional public fireworks displays on traditional holidays. Fireworks endanger our children, traumatize pets, sicken thousands of our citizens with respiratory problems, and add nothing except profits to a few greedy individuals. Costs for Police, Fire and Public Health responses far outweigh the small amounts collected in permit fees and taxes.

It is time Hawaii joined the rest of the civilized world who long ago recognized that too many people are irresponsible and incapable of handling explosives without supervision. Please support a complete ban of consumer fireworks in Hawaii, or at least support passage of provisions of HB 2790..

Respectfully submitted,

[Original signed]

Allan R. Vosburgh


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tokioka1-Elijah

From: [REDACTED]
Sent: Tuesday, February 09, 2010 5:49 PM
To: TCItestimony
Cc: [REDACTED]
Subject: Fireworks

New Years Eve fireworks were absolutely spectacular! We did not have to go anywhere. It was all there, the aerials, firecrackers, etc., really beautiful displays (although illegal).

We don't have a problem with celebrating New Years Eve on "New Years Eve." However in Makakilo the "big bombs" and fireworks started in mid-October and continued pretty much on a nightly basis right up through the holiday season. In fact this past weekend (Jan 30, 31) firecrackers were still being popped.

We have 2 silky terriers. In October while we were on vacation, one of our terriers chewed through 9 gauge chain link fence trying to get away from the fireworks. He ran away twice. Amazingly, he wasn't run over on Makakilo Drive. Once we got back from vacation, every evening we would go though his hyperventilating, getting hot, and just going crazy trying to get away from the fireworks.

In December on more than several occasions while driving home from work at about 8 or 9 at night the bombs were going off on the freeway. Quite frightening when you don't expect it.

We called 911 so many times, we finally gave up. It does not appear that the police department can really enforce the current law as it is written.

We're not talking about culture, traditions or customs here! We're talking about people that have no respect for others or their privacy or property!

It seems that perhaps these illegal aerials need to be stopped at the docks

I know this email is reaching you a little late but PLEASE TAKE THIS INTO CONSIDERATION.

Aloha,

The Wisenberg Family
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Tuesday, February 09, 2010 10:58 PM
To: TCItestimony
Subject: Fireworks

Once again the Legislature is trying to use a band-aid where a heart transplant is called for. Why are they afraid to take action that could improve the lifestyle for a large percentage of the citizens in Hawaii? To ban the sale of fireworks in TENTS does not begin to address the problem. The sale, importation, and use of ALL fireworks MUST BE BANNED. If fireworks can be purchased in Hawaii, the inconsiderate people that are exploding these BOMBS will buy them. Fireworks are no longer a cultural issue. The people who use fireworks to celebrate their culture do not explode them all year long. In our neighborhood in Ewa Beach, the people here have had to endure BOMBS going off at any time, day or night. The BOMBS even go off at two or three o'clock in the morning. Sleep is disrupted all night long. The peace of the otherwise wonderful neighborhood is ruined by an unexpected explosion of a BOMB. Personally, I am so frightened by the explosion that my heart begins to race and when it begins to settle down, another BOMB goes off. The stress and anxiety that are caused by the criminals responsible for the BOMBS is truly criminal. Babies are startled awake and cannot be calmed. The elderly are frightened by the extremely loud noise. War veterans are reliving the war zones that they have escaped from only to find that the war zone is now in their back yards. I like to see organized public fireworks demonstrations, but I do not want the BOMBS going off in my living room, shaking the windows.

My husband and I and our neighbors have called 9-1-1 to report the illegal use of fireworks all year long. The police have told us that we need to have the address of the offenders. This seems to me to be a very scary situation in which the police are putting the citizens in harm's way. The type of people who so blatantly disregard the fireworks laws are those who will have no problem striking out if they see strangers staking out their neighborhood. My husband was told by Captain Mitchell Kiyuna that a task force was being set up to catch the perpetrators. My understanding of a task force is that its only duty is the one that they are assigned. Yet when we have called 9-1-1, the operator has told us that the police have other calls that are more important. I have not seen any evidence that the fireworks are being contained.

We live in the community of Hu'elani where the neighborhood association does not tolerate the use of any fireworks and fireworks are not used here. But our lives are disrupted by the people living in the Ewa by Gentry north of Geiger and east of Kapiolani Parkway who have total disregard for the law.

Only a small percentage of the citizens of Oahu break the fireworks law, but they ruin the lives of the majority of the people who live here. This is just another example of the MAJORITY being trampled upon by the few. EVIL PREVAILS WHEN GOOD MEN DO NOTHING.

JAN WITEK
[REDACTED]
[REDACTED]
[REDACTED]

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