



SB2483

Measure Title:	RELATING TO FIREWORKS.
Report Title:	Fireworks; Shippers; Prohibitions
Description:	Expands exceptions to the general prohibitions on fireworks. Imposes requirements upon shippers of fireworks. Amends certain fireworks labeling requirements.
Companion:	
Package:	None
Current Referral:	PSM/TRE, CPH
Introducer(s):	NISHIHARA, BAKER, ESPERO, KEITH-AGARAN, KIDANI



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
Luis P. Salaveria
Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEES ON TRANSPORTATION AND ENERGY,
AND PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**
Thursday, February 11, 2016
3:00 PM
State Capitol, Conference Room 229

In consideration of
SB2483
RELATING TO FIREWORKS.

Chairs Inouye and Nishihara, Vice Chairs Gabbard and Espero, and Members of the Senate Committees on Transportation and Energy and Public Safety, Intergovernmental and Military Affairs.

The Department of Business, Economic Development and Tourism (DBEDT) supports SB2483, which would provide additional requirements for shippers and an exception in Chapter 132D-6 for movie and film productions to use pyrotechnics in specific ways when filming a scene with a valid permit issued by a county fire department. With regard to safety of the public DBEDT defers to the City and County Fire Department.

In 2015, an estimated \$244 million in production expenditures were generated in film and television in Hawaii providing over \$427 million in estimated economic impact for Hawaii. The film industry often utilizes pyrotechnics as part of special effects and stunts. The Legendary Pictures feature *Kong: Skull Island* was filmed in Hawaii from October to December 2015, and extensively used pyrotechnics. The ongoing TV Series, *Hawaii Five-O*, often uses pyrotechnics – creating an exciting array of action-packed story telling. These and other productions use only licensed pyrotechnic professionals to execute these operations precisely and carefully on set. The requested exemption will ensure that

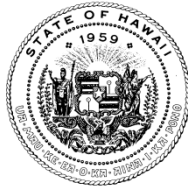
productions are able to film the shot they need and are able to properly set and re-set their pyrotechnic work, always ensuring the safety of cast, crew and the public.

DBEDT requests an amendment to this bill for clarity and consistency. We recommend deleting "film or movie production" in the bill and replacing it with "movie and television production" as movie and television production is already defined in Chapter 132D-2. The changes in the bill would need to be made on page 3, line 17:

"[~~§~~]**132D-6**[~~§~~] **Exceptions.** The prohibitions in section 132D-5 do not apply to:

- (3) The purchase and use of consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic in a ~~film or movie production~~ movie or television production with a valid permit issued by a county fire department under section 132D-10; and

Thank you for the opportunity to testify on this measure.



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

Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

February 11, 2016
2:45 p.m.
State Capitol, Room 229

**S.B. 2483
RELATING TO FIREWORKS**

Senate Committee(s) on Public Safety and Military Affairs
& Transportation and Energy

The Department of Transportation (DOT) offers the following **comments** for consideration.

The purpose of this measure is to clarify the current fireworks importation statute and add a new section to delineate the responsibilities of those persons or entities defined as a "shipper." It also provides exceptions.

While DOT supports the reduction of the number of illegal fireworks on Oahu, we note that the shipment of fireworks to certain neighbor island destinations for public consumption is legal. Requiring the notification of shippers to the respective Fire Chiefs of whether the shipment of fireworks will be from pier to pier, from pier to warehouse, or from pier to redistribution may not resolve the problem.

The Hawaii Harbors User Group (HHUG), a business association consisting of a majority of operators and workers of the State's commercial harbors, confirms that each shipping company already reports all containers designated to transport fireworks to the appropriate agencies as required.

Cargo moves into, out of, and through our state's ports very efficiently: container ships are loaded and unloaded at a rate of 900 containers per day and there are upwards of 2,000 truck movements per day. All this activity occurs in a limited cargo yard space. There is simply no time or area for containers to be broken, sorted, and re-arranged as has been suggested. The primary cargo transporters in Hawaii, Matson, Pasha, and Young Brothers, are currently at or over capacity. DOT seeks appropriations this year for the construction of the 84-acre Kapalama Container Terminal and the Designated Fuel Pier at Kalaheo to alleviate this congestion and address the capacity issues.

Rather than requiring this new notification by shippers as proposed by this bill, DOT supports the adoption of recommendations proposed in the "Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011 in Accordance with Act 170, Session Laws of Hawaii 2010" prepared by the Legislative Reference Bureau. DOT highlights the following excerpt found on Page 21 that proposes an action for more efficient and effective inspection requirements:

"Shipping container inspection programs can also be made more manageable if established businesses and military shipments are excluded from inspection, focusing instead on suspect containers and shippers, as well as mixed, consolidated cargo that is shipped by many different individuals, such as cargo handled by freight forwarders.

Inspections could be conducted after recipients pick up their shipments from the harbor to avoid congestion at the ports. Random inspections at freight forwarder and common carrier locations after they pick up, open, and unload containers would help avert congestion and inefficiencies at the ports..."

DOT supports the Task Force recommendations to better focus inspections to minimize the State's liability, chain of custody, and overall inspection costs.

Thank you for the opportunity to provide these comments.

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

STATE OF HAWAII
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February 5, 2016

The Honorable Lorraine Inouye, Chair
Committee on Transportation and Energy
The State Senate
State Capitol, Room 203
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chairs Inouye and Nishihara:

Subject: Senate Bill (SB) 2483 Relating to Fireworks

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support SB 2483, which purposes to clarify the current statute by delineating the responsibilities of shippers; amend the labeling dimensions of display, pyrotechnic articles, and aerial devices; and authorize permits for fireworks used in movie productions and testing or disposal purposes.

This bill amends the labeling size for display fireworks, pyrotechnic articles, or aerial devices to 9 square inches of 9 inches by 9 inches, which is consistent with nationally recognized standards. Requirements for a shipper of fireworks products are added to ensure proper agency notification.

Two prohibited exceptions are added to authorize permits for the use in movie productions and testing, disposal, or destruction of illegal or unwanted fireworks. The SFC and the HFD urge your committees' support on the passage of SB 2483

The Honorable Lorraine Inouye, Chair
The Honorable Clarence Nishihara, Chair
Page 2
February 5, 2016

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

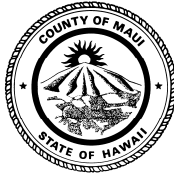
Sincerely,



MANUEL P. NEVES
Chair

MPN/LR:clc

ALAN M ARAKAWA
MAYOR



JEFFREY MURRAY
FIRE CHIEF

ROBERT SHIMADA
DEPUTY FIRE CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, HI 96732
(808) 270-7561
Fax (808) 270-7919

February 5, 2016

The Honorable Lorraine Inouye, Chair
Committee on Transportation and Energy
The State Senate
State Capitol, Room 203
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara, Chair
Committee on Public Safety Intergovernmental
and Military Affairs
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chairs Inouye and Nishihara:

Subject: Senate Bill (SB) 2483 Relating to Fireworks

I am Jeffrey A. Murray, Member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support SB 2483, which purposes to clarify the current statute by delineating the responsibilities of shippers, amending the labeling dimensions of display, pyrotechnic articles, and aerial devices. It will also authorize permits for fireworks used in movie productions and for testing or disposal purposes.

This bill amends the labeling size for display fireworks, pyrotechnic articles, or aerial devices to 9 square inches of 9 inches by 9 inches, which is consistent with nationally recognized standards. Requirements for a shipper of fireworks products are added to ensure proper agency notification.

Two prohibited exceptions are added to authorize permits for the use in movie productions and testing, disposal, or destruction of illegal or unwanted fireworks.

The SFC and the MFD urge your committee's support on the passage of SB 2483.

Honorable Lorraine Inouye, Chair
Page 2
February 5, 2016

Should you have questions please contact me at (808) 270-7561 or
fire.dept@mauicounty.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray". The signature is fluid and cursive, with a prominent loop at the end.

JEFFREY A. MURRAY, Chief
Maui Fire Department

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Nadine K. Nakamura
Managing Director

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 315, Līhu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

February 5, 2016

The Honorable Lorraine Inouye, Chair
Committee on Transportation and Energy
The State Senate,
State Capitol, Room 203
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara, Chair
Committee on Public Safety Intergovernmental
and Military Affairs
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chairs Inouye and Nishihara:

Subject: Senate Bill (SB) 2483 Relating to Fireworks

I am Robert F. Westerman, Vice Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support SB 2483, which purposes to clarify the current statute by delineating the responsibilities of shippers, amending the labeling dimensions of display, pyrotechnic articles, and aerial devices. It will also authorize permits for fireworks used in movie productions and for testing or disposal purposes.

This bill amends the labeling size for display fireworks, pyrotechnic articles, or aerial devices to 9 square inches or 9 inches by 9 inches, which is consistent with nationally recognized standards. Requirements for a shipper of fireworks products are added to ensure proper agency notification.

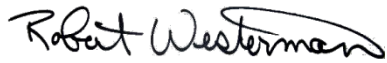
The Honorable Lorraine Inouye, Chair
The Honorable Clarence Nishihara, Chair
Page 2
February 5, 2016

Two prohibited exceptions are added to authorize permits for the use in movie productions and testing, disposal, or destruction of illegal or unwanted fireworks.

The SFC and the KFD urge your committee's support on the passage of SB 2483.

Please call me at (808) 241-4975 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

SENATE COMMITTEE ON TRANSPORTATION AND ENERGY

THE HONORABLE LORRAINE R. INOUE, CHAIR

THE HONORABLE MIKE GABBARD, VICE CHAIR

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

THE HONORABLE CLARENCE K. NISHIHARA, CHAIR

THE HONORABLE WILL ESPERO, VICE CHAIR

SENATE BILL NO. 2483

February 11, 2016, 3:00 p.m., Conference Room 229

Written Testimony only, Joining in Testimony of the Hawai'i Department of Transportation

By

Roy Catalani, Vice President of Strategic Initiatives and External Affairs

Sandra Y.B. Hoshida, Manager of Government Affairs

Young Brothers, Limited

Chair Inouye, Vice Chair Gabbard, Chair Nishihara, Vice Chair Espero, and Members of the Senate Committees on Transportation and Energy and on Public Safety, Intergovernmental, and Military Affairs:

Young Brothers, Limited (*Young Brothers*) joins the Hawai'i Department of Transportation (DOT) in its testimony, offering comments on Senate Bill 2483 (SB2483).

SB2483 proposes, among other measures, to impose a requirement on any "shipper" that receives fireworks imported into the State or transported between the counties to notify the destination county fire chief, prior to shipment, on whether the shipment will be distributed from (1) pier to pier, (2) pier to warehouse or storage facility, or (3) pier to redistribution. The DOT recognizes the substantial volume of cargo that crosses Hawai'i's ports and the limited harbor space available to handle such volume. Any additional activity, such as the proposed notification requirement, would affect the efficiency of cargo throughput. The DOT suggests, and YB joins in suggesting, consideration of recommendations proposed in the "Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011 in Accordance with Act 170, Session Laws of Hawaii 2010" prepared by the Legislative Reference Bureau.

Thank you for this opportunity to testify.