

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378
doh.testimony@doh.hawaii.gov

In reply, please refer to:
File:

**Testimony COMMENTING on HB1302
RELATING TO NOISE POLLUTION**

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

Hearing Date: 2/8/2023

Room Number: 329

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department provides the following comments on this measure
5 which amends Chapter 342F, Hawaii Revised Statutes, by adding a new part to regulate
6 excessive amplified noise. The A weighting scale (dBA) which we utilize in carrying out the
7 duties as stated in Hawaii Administrative Rules Chapter 11-46 is the nationally accepted
8 standard and is supported by health research. The Department currently regulates businesses,
9 during business hours which may emit excessive noise as a byproduct of their day to day
10 activities, which is the intent of Title 19, Hawaii Revised Statutes (HRS), Chapter 342F and Title
11 11, Hawaii Administrative Rules (HAR) Chapter 11-46. These types of sources are either fairly
12 constant in nature, stationary or restricted to a certain location and can be efficiently enforced by
13 the Department. This measure authorizes Department to grant written approval for noise that
14 would otherwise constitute a violation of this new part and to adopt rules to implement this
15 measure. The Department has concerns with respect to exactly what purpose this approval
16 process and rulemaking authority would serve if the purpose of this measure is to in fact
17 eliminate excessive amplified noise. Legislation such as this may be better suited and
18 implemented in Chapter 711-1101, Hawaii Revised Statutes, Disorderly Conduct. Adding a
19 decibel limit to §711-1101 will allow the responding officer to quantify "unreasonable" noise,
20 leading to a definitive disorderly conduct violation. Furthermore, utilizing the dBC scale may be

1 difficult as current technology is unable to determine from which source the sound is originating.
2 Many sources could be contributing to the sound level readings in dBC for example, the total
3 sound could be originating from the amplified sound source, vehicles passing by, aircraft in the
4 sky, nearby conversations, mechanical equipment, etc. By using dBA, we are able to distinguish
5 the sources and can turn off other contributing sound sources to receive an accurate reading of
6 the equipment in question. The Department agrees with the intent of this bill in protecting our
7 public from excessive noise and welcomes the opportunity to train other agencies in the use of
8 sound level meters. We would like to continue the conversation to address noise issues and how
9 to effectively offer protection to the public.

10

11 Thank you for the opportunity to testify.

12 **Offered Amendments:** None

February 6, 2023

ATTN: House Committee on Health and Homelessness

RE: Support of HB1302 Relating to Noise Pollution

Aloha,

Attached please find an informative report on how Paris, France, is using technology to deal with excessive noise.

Noise detection traffic cameras are needed in Hawaii, too! As noted in the article noise is not just a quality-of-life issue, **it is also a health issue**.

Please support this bill and by doing so, the health and well-being of Hawaii's residents and visitors.

Sincerely,

Denise
Denise Boisvert
225 Kaiulani Ave #1604
Honolulu, HI 96815



Motorcyclists in Paris are among the offenders targeted in the city's new campaign against noise pollution. *Photographer: Christophe Archambault/AFP via Getty Images*

CityLab | Environment

Europe's Noise Capital Tries to Turn Down the Volume

To combat the ill effects of urban noise pollution, Paris is deploying automated sensors and cracking down on the loudest vehicles.

By Peter Yeung

April 26, 2022 at 7:00 PM HST

By mid-morning, Rue d'Avron is a cacophony. The clank of metal rings out from scaffolding works; greengrocers yell and gesture as crates of deliveries arrive; and streams of chattering commuters pour out of the metro.

But the loudest racket comes from columns of fast-moving traffic lining both sides of the street, which runs from the infamous ring road surrounding Paris known as the *périphérique* and into the city center: the two-note sirens of police cars, the diesel rumble of buses and, worst of all, the high-pitched wail of motor scooters that speed by every few seconds.

“It’s hell over here,” says Dominique Léchenet, 55, a longtime resident. “There’s cars, motorbikes, a metro station, and a big road junction. I can’t stand the noise. It’s unbearable.”

The complaints of those living on Rue d'Avron – considered one of the noisiest roads in one of Europe’s loudest cities – haven’t fallen on deaf ears: In February, municipal authorities installed a device known as sound radar – the first ever in Paris – on a lamppost along the thoroughfare in the city’s eastern 20th arrondissement to detect the loudest vehicles. A second was added in the northwestern 17th arrondissement soon after.



A sound radar device in Paris combines microphones and cameras to detect noise offenders. *Photographer: Clement Dorval/Ville de Paris*

The so-called “medusa” devices, named for their resemblance to a jellyfish (or “méduse” in French), were developed by the nonprofit Bruitparif to identify drivers and motorcycle riders who are flouting the city’s noise regulations. Equipped with multidirectional cameras and a dangling battery of eight microphones, the sensors can hone in on sources of extreme noise and photograph the license plates of offenders. In 2023, the city will begin fining drivers 135 euros if their vehicles break set noise levels.

Motorcycles and scooters – often with their exhaust systems illegally modified to boost noise and power – are a particular problem in Paris, according to Franck-Olivier Torro, spokesperson for campaign group [Ras Le Scoot](#) (or “Enough with the Scooter”).

“The noise can be ear-splitting,” says Torro, citing research by Bruitparif that found that a single unmuffled scooter crossing Paris at night can wake as many as 10,000 people.

But the sound radars, which were also installed in [six other sites](#) across the country, including Nice and Toulouse, form part of a wider national campaign against excessive noise, which officials say is a major overlooked public health issue, not merely a nuisance. France’s [mobility orientation law](#), which was passed in December 2019, defined noise as a form of “pollution” for the first time.

The wide spectrum of urban noise, and its decidedly unequal effects on city dwellers, attracted [fresh attention](#) with the onset of the Covid-19 pandemic and the shift toward working remotely it triggered. In Vancouver, for example, complaints about residential and construction noise [more than doubled](#) in the early weeks of the pandemic. But whether the culprits are [shrieking leaf blowers](#), [idling trucks](#) or [thumping car stereos](#), enforcement of excessive noise complaints tends to be spotty and ineffective. The advent of automated sensor technologies like Paris’ sound radar program could change that, offering hope that cities can develop new remedies for an age-old urban complaint.

[Read More: Automating the war on noise pollution](#)



The “périphérique” highway is a prime contributor to the Paris noise map. *Photo: Peter Yeung/Bloomberg CityLab*

Paris is something of a hotspot both for noise pollution and for municipal efforts to control it. European Environment Agency [data](#) shows the French capital is one of Europe’s noisiest cities, with more than 5.5 million in the Paris region exposed to road traffic noise at 55 decibels or higher – which the [World Health Organization](#) defines as the threshold for cardiovascular disorders and high blood pressure – compared with 2.6 million people in London and 1.7 million people in Rome.

On a national level, the ill effects of noise pollution in France, which include the loss of productivity caused by disturbed sleep, costs up to 147 billion euros each year, according to [research](#) by France’s National Noise Council (CNB) and the French Environment and Energy Management Agency (ADEME). Some 25 million French residents said that noise impacted their lives; 432,000 said they were taking tranquilizers to cope with it.

“Noise makes people ill,” says Dan Lert, deputy mayor for Paris. “It rots the life of Parisians. That’s why we decided to act.”

Lert currently heads the city's Plan Bruit, or Noise Plan, which is aimed at mitigating the din. During its first Noise Plan, which ran from 2015 to 2020, Paris introduced a number of measures as part of its war on noise: installing sound barriers along half the length of the périphérique, increasing roadside noise checks, testing innovative low-noise asphalt and establishing rules that state new housing must have at least one façade “not exposed to noise.”

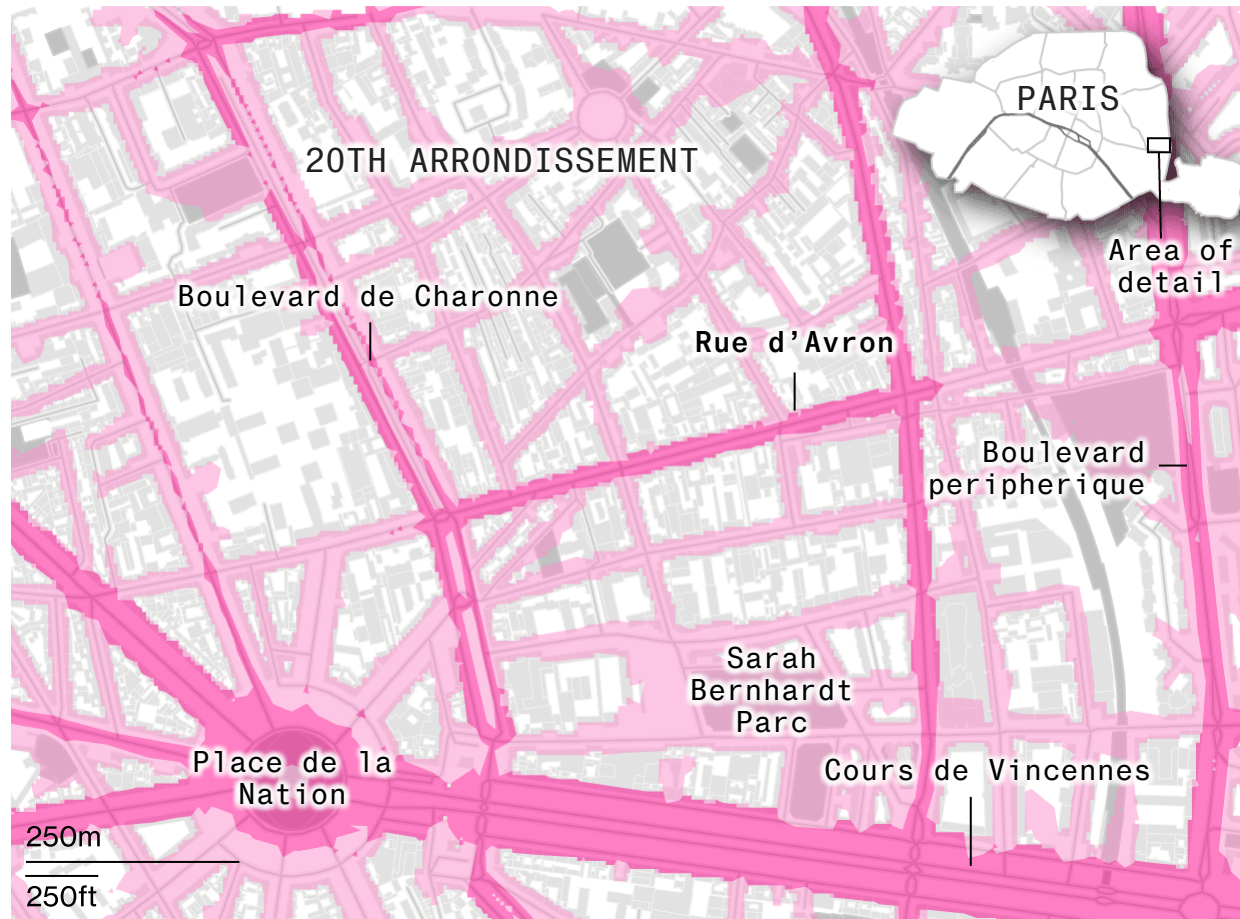
The effort to quiet Paris complements the wider campaign to make Paris greener, cleaner and less car-dependent, which include a series of vehicle restrictions in the city center, crackdowns on the most polluting vehicles, and an ambitious expansion of cycling networks. Those changes have cut the city's average noise level by two decibels and reduced the number of people living in a noisy environment (using the European “Lden” measurement of a 24-hour average greater than 68 dB) from 231,000 in 2015 to 100,994 in 2021.

It Might Get Loud

A sound map of Paris' 20th arrondissement shows traffic noise along major arteries

Average daily noise level (Lden)

Over 53db (WHO threshold) Over 68db (European threshold)



Source: Bruitparif, Apur

Note: Noise map is for road traffic only

The second Noise Plan aims to turn down the volume by a further 37% between 2021 and 2026, targeting both “environmental noise” caused by transport and industry and “neighborhood noise” related to social activities. As well as the sound radars, the speed limit in most of the city has been cut from 50 kilometers per hour to 30 km/h. Additionally, charges for motorbike parking – currently free – will soon be introduced and restrictions will be tightened on building sites, deliveries and noisy neighbors. Even the city’s police have been asked to turn down their sirens at night.

But these noise-canceling efforts have also drawn some resistance – especially from motorcycle owners, who staged raucous mass protest rides through Paris in 2021 to protest new parking charges, speed limits and other measures.



Motorcyclists ride along the périphérique around Paris in April 2021 as they stage a protest against new parking regulations for motorcycles. *Photographer: Alain Jocard/AFP via Getty Images*

Authorities are responding to a growing body of research that shows noise pollution is a not-so-silent killer. Noise is the second biggest environmental factor causing health problems after only air pollution, according to a 2018 report by the WHO, and a UN report in February declared urban noise pollution one of the world’s “top emerging environmental threats.” A study in 2019 by the Paris

regional health agency and Bruitparif found noise was cutting the life expectancy of Parisians by 10.7 months.

“For a long time, noise was seen more as a quality of life issue, but not a health risk,” says Fanny Mietlicki, the director of Bruitparif. “But the reality is that there are massive health consequences, and more and more research is proving this.”

Recent findings are further amplifying concerns: A 15-year analysis in Switzerland published in January found transport noise is a major contributor to cardiovascular deaths and had “effects starting below current [WHO] guideline limits.” Beyond the more obvious threats, noise has the potential to impact the inner workings of gene networks and gut microbiota, according to a 2021 study. And researchers in Madrid even found that noise is “an important environmental variable ... to the incidence and severity of COVID-19.”

Their conclusions are unanimous: More needs to be done to fight noise. Under the European Union’s 2002 Environmental Noise Directive, cities with over 100,000 inhabitants must publish a noise map every five years.

“Do you move a school and a hospital away from the noise, or simply move the cars?”

But according to David Rojas-Rueda, a professor at Colorado State University, that data must be acted on. “Data is crucial,” says Rojas-Rueda, who is currently leading a year-long project to produce a noise map of Colorado. “If you don’t measure things, you don’t know what is happening. But once you have that, you have to use it.”

To combat noise, cities have opted for a range of reactionary or regulatory responses. New York City, for example, has limited the time of day when construction work can be done; Dutch cities are focusing on “acoustic insulation” of homes. But Rojas-Rueda believes that Paris’ holistic approach will be more successful over the long term.

“Do you move a school and a hospital away from the noise, or simply move the cars?” says Rojas-Rueda, who was involved in a study that found Barcelona’s Superblock model of pedestrian-first zones led to major reductions in air and noise pollution. “It makes sense to improve the all-round livability of cities.”

And in reducing noise pollution, he says, there’s another key benefit: Inequalities are reduced. Analysis of U.S. data has found noise exposure is greater in areas with higher proportions of nonwhite and low-income residents. The Paris Noise Plan acknowledges these “environmental, social and territorial health inequalities” linked to noise. “The poorest households suffer the worst,” says Lert.

The drab Rue d'Avron, a major artery in a lower-income neighborhood, very much fits that description: It is a world away from the glitz of the Champs-Élysées.

“All day long it’s too loud,” says Felix Westphal, 33, who lives in an apartment that overlooks the street. “Dumpster trucks. Delivery vans. And a horn rings out every time the gates of the compound across the road open – all through the night.”

Some distinctly Parisian noises, however, aren’t likely to be muffled anytime soon. Not far from Rue d'Avron stands the Place de la Nation, a historic square regularly used to begin or end political demonstrations in Paris. Regardless of the sound radar installed nearby, locals suggest that the cherished French tradition of full-throated protest will remain intact.

– *With assistance by Marie Patino*

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RE: SUPPORT HB1302, HLT Committee Hearing on February 8, 2023

Aloha Health & Homelessness Committee,

I FULLY SUPPORT HB1302, and am sincerely grateful to Reps Chun and Tam for introducing it.

Many of my neighbors and I who live mauka of Kuhio are captive audiences to the amplified noise blasting into the night air from Kalakaua, three and a half blocks away.

I cannot even block out the wailing and music all evening long when closing the costly new double-pane doors and windows I bought specifically to try to do so; and am especially sympathetic to the visitor from Florida who wrote a Letter to the Editor to the Star Advertiser. (Attached)

She suspects the noise from the earsplitting circus is Hawaii's strategy to deal with over-tourism and not have repeat visitors!

Noise pollution is a severe detriment to one's health, and the passage of HB 1302 will help curb the adverse effects of this noise pollution on your constituents and our visitors.

Mahalo,
Kim Jorgensen
Waikiki

Attachment: "Noisy Kalakaua Avenue mars visitor experience", Letter to the Editor, Star-Advertiser, 9/30/2021

Letters: Culturally appropriate tourism welcomed; Restaurants need to help defeat coronavirus; No justice in releasing Reagan's would-be killer

Today • Updated 7:17 pm

Hooray for the new tourism plan so well summarized in Jayna Omaye's article, ["Culture and tourism" \(Star-Advertiser, Sept. 26\)](#). The new plan will attract a higher caliber of visitors by culturally appropriate and sensitive marketing before they arrive.

Once they are here, the new plan will better manage tourists through overdue best practices such as reservations, curated and authentic experiences, redistribution of excess demand, a tourism fee and better enforcement at hot spots.

With this plan, our tourism industry can be profitable again while our island paradise will be protected for kamaaina to enjoy. A special kudo should go to the Hawaii Tourism Authority for asking the Council for Native Hawaiian Advancement and the Native Hawaiian Hospitality Association for advice before deciding everything.

Maybe that kind of strategic, long-range thinking is what we should expect from our very first Native Hawaiian in the HTA driver's seat.

Jay Henderson

Ala Moana

Noisy Kalakaua Avenue mars visitor experience

As we concluded our nine-night stay at the Hyatt Regency Waikiki, we were forced to wonder if all the hotels within earshot of Kalakaua Avenue are in collusion by not warning prospective visitors on their websites that the main street in paradise is really an earsplitting circus.

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We were never able to relax on our balcony in the evenings because of the cacophony of noise from amplified electric guitars, singing and deafening music, all along the sidewalk of Kalakaua Avenue. In fact, we brought the balcony table and chairs into our room on the 16th floor in order to have a seated conversation without shouting to hear each other.

Sleeping was yet another challenge. We are visiting from Florida, meaning a time difference of six hours. Recovering from our long flight to Hawaii never happened because of waking repeatedly to the sound of street performers every night.

We are aware of Hawaii's struggle with overtourism. Maybe this is a strategy to keep people from returning to Waikiki hotels?

Denise Landay

St. Petersburg, Fla.

Restaurants need to help defeat coronavirus

Your editorial, [“Don't falter in pandemic fight” \(Star-Advertiser, Our View, Sept. 26\)](#), reminded me of the Kailua restaurant owner whose business was shuttered for a single night recently because he chose to not check diners' vaccine cards.

This person then went on social media to publicly berate the customer who notified the Honolulu Liquor Commission. He abdicated any and all responsibility and accountability for choosing to break the law, potentially endangering all who dined at this restaurant.

No one is above the law. Wearing a mask and pulling out a vaccine card to enter a restaurant, theater or other place of business is not the way we would like to live out our days, but choices and actions we take today have consequences that affect our future.

We need “good public participation.” We must work together to defeat COVID-19!

Don't people get this simple concept?

Jill Thach

Kailua

HB-1302

Submitted on: 2/6/2023 10:22:01 AM

Testimony for HLT on 2/8/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Katherine F Davis	Individual	Support	Written Testimony Only

Comments:

I live in Waikiki and the noise pollution is unreal. I live on a neighborhood street and cars/motorcycles/mopeds race down my street at all hours (mostly at late/sleeping hours) with no mufflers. It's like they are trying to annoy and wake everyone up. Not to mention the danger of racing down a street with pets and children living on it. I have NEVER seen a cop pull anyone over even though you can hear them racing their engines all around Waikiki. If you lived in Waikiki, you would do something about the noise issues.

HB-1302

Submitted on: 2/6/2023 11:38:22 AM

Testimony for HLT on 2/8/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Finley	Individual	Support	Written Testimony Only

Comments:

Aloha, as the Waikiki Neighborhood Board has not met on this matter yet and it is an ongoing complaint issue for many years I would like to support the concept of this bill as an individual.

Mahalo for your support.

Bob Finley

HB-1302

Submitted on: 2/6/2023 6:44:53 PM

Testimony for HLT on 2/8/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Mischer	Individual	Support	Written Testimony Only

Comments:

Very important decisions will have to be made to protect citizens of Waikiki and Honolulu from unnecessary noise pollution. Thank you



Eric W. Gill, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Cade Watanabe, Senior Vice-President

February 8, 2023

Committee on Health & Homelessness
Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair

Testimony in **opposition** to **HB1302**

Chair Au Belatti, Vice Chair Takenouchi and Members of the Committee:

UNITE HERE Local 5 represents working people throughout Hawaii's hotel, food service and health care industries. **UNITE HERE Local 5 is opposed to HB1302.** The bill is similar to Honolulu City Council Bill 43 (2021), on a subject related to existing county level ordinances. That bill raised concerns from the Honolulu Police Department (HPD) and County Prosecutor's office, it was vetoed by the Mayor, and the veto was not overridden. HB1302 attempts to repackage that rejected County regulation by giving new policing powers to the State Department of Health.

The language and intent of HB1302 is flawed in many ways and should not be passed. Some concerns include:

1. Many visitors come from places that do not have the vibrant night life and energy of Waikiki. Street performers provide a unique and unforgettable experience to visitors. In fact, a variety of people testified in defense of that Waikiki experience in response to Honolulu City Council Bill 43 (2021). To eliminate Waikiki street performers would be shortsighted.
2. This bill is tailored to silence street entertainers but does not state that intent. The bill ignores the noise coming from restaurants, bars, nightclubs, concerts and shops in Waikiki that can be heard from public sidewalks (and which often start much later than 7pm). Other sources of noise include motorcycles, mopeds, delivery trucks, modified cars, city buses, tour buses, garbage trucks, drunk revelers, and people talking, etc.
3. Perhaps there are engineering/architectural solutions that could solve the problem. This should be studied.
4. The first of the bill's two disparate definitions of "excessive amplified noise" (any amplified noise audible at a 30 foot distance) is too easy to violate and doesn't appear to serve public health concerns. A wide range of sounds could be considered "audible" at 30 feet. Will this bill be enforced against tourists? Will they be informed about the rules?
5. Will it be enforced against people who must use an electrolarynx to speak?

For these and many other concerns, we ask that you do not pass HB1302.

Thank you for your consideration.

UNITE HERE Local 5

HB-1302

Submitted on: 2/8/2023 12:45:07 PM

Testimony for HLT on 2/8/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Roland Nipps	Individual	Support	Written Testimony Only

Comments:

I live two blocks from Kalakaua Ave. The evening electrified noise fills my apartment. I am a grade school teacher. I'm up at 5 am, so I try to get to bed early, though that is often difficult because of amplified music. I support HB1302.

Than you for reading my testimony.