

January 31, 2026



State of Hawai'i, House of Representatives
Committee on Water and Land

Dear Chair Hashem,

I am writing regarding House Bill 1652, which proposes revisions to Act 281 (2025), commonly known as Sharkey's Law. I would like to provide some background on why this law was enacted, why the proposed changes are concerning, and to offer my assistance in working collaboratively toward language that continues to protect Hawai'i's children while supporting responsible development and land use.

Board of Directors

Kalani Vierra
President

Ricky Alvarez
Vice President

Bridget Velasco
Secretary

Chantal Zarbaugh
Treasurer

Directors

Zach Edlao
Darwin Okinaka
Cary Kayama
Jon Kaneshina
Bradley Young
Kleve Zarbaugh
Kurt Lager
Clark Abbey
Kekaulike Kealoha

Kirsten Hermstad
Executive Director

Ex Officio Legends

Ralph Goto
Brian Keaulana
Archie Kalepa
Mark Cunningham

Sharkey's Law was passed in 2025 in memory of Charlotte "Sharkey" Schaefer, who drowned in a detention basin in Pearl City. That basin was not functioning as designed: the drain was blocked; the pond was not properly maintained. There was no fencing, no warning signage, and the grassy exit slope was so steep that first responders were unable to exit the basin after recovering Sharkey's body without assistance. What was described as a low-impact stormwater feature became a fatal hazard due to foreseeable design, maintenance, and access-control failures.

In the same year, the Hawaiian Lifeguard Association (HLA), through its program the Hawai'i Water Safety Coalition (HWSC), published the Hawai'i Water Safety Plan, a statewide strategy to reduce drownings. The HWSC is a multi-sector coalition initiated by bereaved families and water safety leaders, formed to address drowning through culturally grounded, data-driven strategies. The coalition's work is integrated into HLA's unified statewide approach to policy development, community engagement, and program implementation, ensuring that prevention efforts are coordinated, evidence-based, and responsive to Hawai'i's communities. One of the plan's recommendations was to pass legislation addressing the dangers posed by detention and retention basins, particularly to children. Act 281 was a direct response to that recommendation and to the loss of Sharkey's life.

For that reason, the proposed revisions in HB 1652 are troubling. While green stormwater infrastructure, agricultural ponds, and similar water features are often described as "low risk," the evidence shows that any system that collects water can pose serious danger, especially to young children.

A national descriptive study published through the National Library of Medicine found that 265 children and adolescents drowned in retention ponds in the United States between 2004 and 2020. Most of those ponds lacked ordinances regulating access, had no barriers or protective measures, and displayed no warning signage. The authors concluded that retention-pond drownings are not rare and that basic safeguards—such as fencing—are often absent, calling for environmental and policy strategies to address this common hazard.

Decades of research on pool fencing reinforce this conclusion and are particularly instructive because they examine the same underlying risk: unintentional access to water. A major Cochrane review of multiple studies found that children are approximately 70 percent less likely to drown in pools that are fully fenced compared to pools that are unfenced. When pools are surrounded by four-sided isolation fencing, meaning access is blocked from all sides, the risk of drowning

Hawaiian Lifeguard Association
P.O. Box 844
Kapa'a, Hawaii 96746
Tax Id 99-0308213
hawaiianlifeguardassociation.org

drops by more than 80 percent. These findings form the basis for pool-fencing laws across the United States and are widely accepted in public-health policy.

Beyond the human cost, the absence of adequate safety measures also creates significant exposure for the State and counties. Detention and retention basins are engineered public infrastructure, and when hazards associated with these facilities are foreseeable and well documented, failures in design, maintenance, or access control can expose public agencies to substantial liability. Preventable drowning incidents carry not only devastating emotional consequences for families, but also long-term financial, legal, and reputational costs for government entities. From a risk-management perspective, clear safety standards—including fencing, signage, and maintenance requirements—serve as prudent safeguards that protect both the public and the State's interests.

These same principles apply to detention and retention basins, green stormwater infrastructure, and agricultural ponds. In Hawai'i, where children live, walk, and play near engineered water features year-round, the risk of unintended access is foreseeable. Even a few inches of standing water can be fatal to a small child. Broad exemptions from fencing or access-control requirements—particularly in high-traffic areas, near playgrounds, or in residential settings—are therefore deeply concerning.

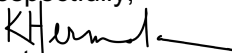
Similar safety concerns apply to agricultural ponds, especially in Hawai'i, where many small farms are located near homes and neighborhoods. Farm-pond safety research consistently identifies fencing as a core protective measure, not only to protect water quality and livestock health, but to prevent accidental drownings. Canadian agricultural injury data show that nearly 30 percent of non-work agricultural drowning deaths involved children under the age of five, most of whom wandered into unfenced water features during routine activities.

Across detention basins, retention ponds, green stormwater infrastructure, and agricultural ponds, the lesson is consistent: water features without safeguards create foreseeable and preventable dangers. Hawai'i can support green infrastructure, agriculture, and sustainable development while still placing public safety—especially the safety of our keiki—at the forefront of policy decisions.

I am writing not only to express concern, but to offer collaboration. I would welcome the opportunity to work with you and the bill drafters to identify language that reflects the realities of risk, emphasizes maintenance and access control, and ensures that public safety remains central when determining where fencing or other barriers are appropriate. I respectfully request a meeting with you, along with Alison Schaefer, Sharkey's mother, so that we may discuss these issues directly and constructively.

Mahalo for your time, your leadership, and your consideration of this important matter. I look forward to the opportunity to continue this conversation.

Respectfully,



Kirsten

Executive Director

Hawaiian Lifeguard Association

executivedirector@hawaiianlifeguardassociation.org

HB-1652

Submitted on: 2/1/2026 9:39:10 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Debra Pyrek	EVERYBODY SWIM LLC	Comments	Written Testimony Only

Comments:

I am concerned about the proposed exceptions regarding fencing and other safety requirements for green stormwater infrastructure and agricultural ponds.

As an aquatic educator, I have experience in drowning prevention and water safety. Unrestricted access to bodies of water greatly increase the risk of drowning.

Ponds of any type and for any purpose pose a significant drowning risk, particularly for keiki. Statistics back this up. Our keiki should not be exposed to this preventable risk. Please do not intentionally increase the risk of drowning. Please do not allow this exception. Mahalo.

February 1, 2026

Aloha Chair Hashem and other members of the House Committee on Water and Land:

Thank you for the opportunity to testify.

I submit this testimony in strong opposition to HB 1652 on behalf of the **Alex & Duke De Rego Foundation**, an organization founded in memory of two young boys, Alex and Duke—whose lives were tragically lost in preventable accidents. Our foundation exists for one reason: to prevent other families from experiencing the kind of loss that forever changes a community. Through water-safety education, advocacy, and prevention, we work to protect Hawai'i's keiki by addressing real risks before tragedy occurs.

Because of this mission, we strongly oppose HB 1652, which would weaken Act 281, Sharkey's Law—a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai'i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai'i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey's Law to ensure Hawai'i's children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Respectfully Submitted,
Shirley De Rego
Founder & President
Alex & Duke De Rego Foundation

ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Hawaii

50 Years of Excellence

2025-2026 Board of Directors

President

Charles Jury, P.E.
Okahara and Associates, Inc.
Ph: (808) 524-1124

President-Elect

Kealohi Sandefur, P.E.
Yogi Kwong Engineers, LLC
Ph: (808) 942-0001

Treasurer

Tim Goshi, P.E.
KAI Hawaii, Inc.
Ph: (808) 791-3966

Secretary

George Takase, P.E.
Ronald N.S. Ho & Associates
Ph: (808) 941-0577

Past President

Shannon Holman, P.E.
Orion Engineers & Associates
Ph: (808) 282-7986

National Director

Nimr Tamimi, P.E.
Engineering Partners, Inc.
Ph: (808) 930-7823

Directors

Dayna Nemoto-Shima, P.E.
Pacific Geotechnical Engineers, Inc.
Ph: (808) 678-8024 x808

Simone Simbeck
Haley & Aldrich, Inc.
Ph: (808) 369-0729

Scott Hayashi
SSFM International
Ph: (808) 531-1308

Ginny M. Wright
Executive Director
350 Ward Ave. Ste. #160-83
Honolulu, Hawaii 96814
Ph: (808) 741-4772
Email: gwright@acechawaii.org

Website: www.acechawaii.org

February 2, 2026

House Committee on Water & Land

Hearing Date: Tuesday, February 3, 2026, 9 a.m.

Honorable Chair Hashem, Vice Chair Morikawa, and Members of the House Committee on Water & Land

Subject: **HB 1652, Relating to Stormwater Management Systems Testimony in Support**

Dear Chair Hashem, Vice Chair Morikawa, and Committee Members:

The American Council of Engineering Companies of Hawaii (ACECH) represents 68 member firms with over 2,000 employees throughout Hawaii. ACECH supports this measure to clarify the definitions in Act 281, enacted in 2025.

ACECH is concerned that the definition used for “detention ponds” in Act 281 could be interpreted to include green stormwater infrastructure (GSI), which also infiltrate water within the time cited in Act 281. GSI features such as rain gardens, vegetated swales, and vegetated biofilter provide low drowning risk due to their shallow design. Ecological stormwater design utilizes GSI throughout a development to infiltrate stormwater higher in the watershed to reduce runoff and the flow going to large detention or retention basins at the bottom of the development and help Hawaii respond to the more intense storms resulting from climate change.

We are concerned that requiring these shallow features to be fenced would discourage their use. We support revisions to exclude these GSI features from the requirements of Act 281, with limits on the depth of water that can accumulate. Fencing would still be required for stormwater facilities that present higher drowning risk, including those with ponded depths greater than 18 inches, permanent or semipermanent pools, or designs intended primarily for detention or retention of large stormwater volumes.

We also support clarifying that Act 281 excludes agricultural ponds used for agricultural operation, provided that the receipt and treatment of stormwater is not the primary purpose of the pond.

Respectfully submitted,
AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII



Charles Jury, P.E.
President



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 3, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY ON HB 1652
RELATING TO STORMWATER MANAGEMENT SYSTEMS

Conference Room 411 & Videoconference
9:00 AM

Aloha Chair Hashem, Vice-Chair Morikawa, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 1652, which exempts agricultural ponds and low-risk green stormwater infrastructure from regulations covering retention ponds. This measure appropriately clarifies that agricultural ponds and low-risk green stormwater infrastructure are not subject to the requirements of section 46-11.7, Hawai'i Revised Statutes.

Act 281, SLH 2025, addressed important public safety concerns related to retention and detention ponds. However, as implemented, there has been concern that agricultural ponds, whose primary purpose is irrigation, livestock watering, aquaculture, or fire protection, could be unintentionally swept into a regulatory framework designed for stormwater detention facilities.

HB 1652 provides an important and reasonable clarification. Agricultural ponds are fundamentally different from retention and detention ponds constructed for stormwater management, even though they may receive incidental stormwater. Subjecting these agricultural features to fencing, signage, and permitting requirements designed for stormwater infrastructure would impose unnecessary costs and could discourage the continued use of ecologically beneficial water storage practices on farms and ranches.

HFB believes that HB 1652 maintains the public safety intent of existing law while avoiding unintended consequences for agriculture and conservation-oriented land management practices. Thank you for the opportunity to testify.



February 2, 2026

To: Chair Mark Hashem, Vice Chair Dee Morikawa, and the House Committee on Water and Land

Subject: **HB1652**, Relating to Stormwater management systems

Aloha,

Thank you for scheduling a hearing on this bill. We from the Hawai'i Food + Policy are in support of the changes enacted by this bill to amend requirements of stormwater management and storage methods for certain parties.

House Bill 1652 helps support smaller agricultural businesses with sustainable water use systems. Many regenerative water techniques are also rooted in indigenous practices, that it seems would be harder to practice were it not for the allowances by this HB1652. For example, bioswales are being used by many farmers to help control water and soil flow. Under this bill, bioswales would be allowed (1).

This bill maintains strong definitions and well-backed restrictions and regulations on stormwater management, while defining reasonable terms under which agricultural and other low-risk green stormwater infrastructure may be allowed. It is important that the ponds are strictly used for agricultural purposes, and not designed solely for water retention, as stated in the bill. The regulations put forth, such as maximum ponding depth, and maximum retention time, seem to draw a good balance between supporting climate-resilient and culturally significant agricultural practices, while also maintaining the safety that good stormwater management is meant to produce.

Thank you for your time and consideration.

Mahalo,
Clyds Manzano & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

1. <https://www.civilbeat.org/2025/12/hawaii-farmers-look-back-to-the-future-to-deal-with-climate-change/>



To: The Honorable Representative Mark Hashem, Chair, the Honorable Dee Morikawa, Vice Chair, and Members of the Water and Land Committee.

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: **Hearing HB1652 RELATING TO STORMWATER MANAGEMENT SYSTEMS; AGRICULTURE PONDS; LOW-RISK GREEN STORMWATER INFRASTRUCTURE**

Hearing: Tuesday February 3, 2026 9:00 a.m.

Aloha Chair Hashem, Vice Chair Morikawa, and Members of the Water and Land Committee!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

The Hawai'i Reef and Ocean Coalition **SUPPORTS** HB1652!

Low-risk green stormwater infrastructure is very important to preventing runoff pollution into our streams and ocean. They should be exempt from HRS Section 46-11.7.

Please pass this bill!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

HB-1652

Submitted on: 2/2/2026 2:19:22 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessamy Town Hornor	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashem, Vice Chair Morikawa, and members of the House Committee of Water and Land,

I am writing as a bereaved family member who has lost loved ones to drowning, as a Co-Founder of the Hawaii Water Safety Coalition, and as an Executive Editor of the 2025 Hawaii Water Safety Plan, to share my strong opposition to HB1652 Relating to Stormwater Management Systems. This bill would significantly weaken Act 281, Sharkey’s Law - a measure nationally recognized for advancing much-needed child water safety protections in the most hazardous aquatic environments - stormwater management systems. In 2004, 5-year old Charlotte "Sharkey" Schaefer's fatally drowned saving a younger child from an unmaintained flood retention pond that became a muddy pit in the middle of a residential park overnight. More recently in 2023, Tre Evans-Dumaran, a 24-year-old Maui firefighter, was sucked into a storm drain and out to sea while on duty during a flood. His family has shared his story publicly. Losing loved ones to drowning is a devastation that no family should face, and **drownings are preventable**.

While our ocean safety lifeguards are well known for their heroic life-saving work at beaches and coastlines day in and day out, drowning can and does happen in all aquatic environments in Hawaii - hotel and private pools, rivers, waterfalls, ponds, and stormwater systems. Sadly very little has been done to prevent other drownings in terms of building codes, funding, and safety infrastructure, but recently this has been changing due to organized community advocacy and greater support and awareness from our state leadership. In 2024 the legislature passed SB2841 establishing Hawaii Water Safety Day on May 15th in memory of my husband and daughter and all those we have lost to drowning. In 2025 the legislature passed Sharkey's Law to strengthen safety around stormwater management systems, and during the signing Governor Green held up the newly-published Hawaii Water Safety Plan as a guideline for our state. The plan, informed by international and national best practices, notes that, "A growing challenge to drowning prevention concerning climate change is ensuring that the structures that manage stormwater and prevent floods are built with safety in mind and are subject to scheduled maintenance and inspections." There are no "low risk" solutions when it comes to water, all aquatic environments pose drowning risks, especially in residential areas or other locations where families and children may be working or playing, including recreational and agricultural settings, and we need to work together to find solutions that prioritize safety and best practices. Drowning is a leading cause of injury-related death for Hawaii's children, residents, and visitors, and this is not a time to backtrack. Investing in safer stormwater infrastructure and maintenance

protocols will benefit our communities and children for generations to come.

For more information please see the following:

Governor Green's news release on Sharkey's Law:

<https://governor.hawaii.gov/newsroom/office-of-the-governor-news-release-gov-green-signs-bills-to-enhance-water-safety-and-kupuna-care/>

Governor Green's news release on establishing Hawaii Water Safety Day, May 15th

<https://governor.hawaii.gov/newsroom/office-of-the-governor-news-release-gov-green-signs-water-safety-day-and-duke-kahanamoku-license-plate-bills-into-law/>

Hawaii Water Safety Plan:

<https://hiwatersafetycoalition.org/>

Other family advocates and the Hawaii Water Safety Coalition are actively monitoring this bill, and we encourage you to oppose HB1652.

Sincerely,

Jessamy Town Hornor

HB-1652

Submitted on: 2/2/2026 5:15:18 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Acacia Landfield	Drowning Research and Injury Prevention Policy Institute (DRIPPI)	Oppose	Written Testimony Only

Comments:

Drowning is not an accident—it is a preventable public health failure. At the Drowning Research and Injury Prevention Policy Institute (DRIPPI), we are part of a global consortium of researchers, family foundations, nonprofits, government partners, and community advocates working to end the tragic epidemic of childhood drowning. Our mission is grounded in data, lived experience, and the belief that every child deserves the chance to grow up safe around water.

What is playing out locally in Hawai‘i is part of a much larger and deeply troubling public health pattern: the Commercial Determinants of Health and decades of neoliberal policy have systematically shifted risk onto individuals—especially children—while prioritizing privatized profit, deregulation, and cost-avoidance over human life. These dynamics are killing people in ways that are rarely named, poorly understood, and almost never confronted directly within market-based systems. Until we address these forces at a systemic level, preventable injury and death will continue to be normalized as “unfortunate” rather than recognized as policy failure. Drowning remains the third leading cause of death for children ages 5–14 worldwide, and the single leading cause of death for children ages 1–4 in countries as varied as the United States, Australia, Bangladesh, and parts of Vietnam and India. In Hawai‘i, drowning is the leading cause of death for children ages 1–15. These are not abstract statistics—they represent preventable losses, and they demand responsible policy.

More broadly, it is critical to recognize that the leading cause of death for Americans under age 45 is unintentional injury—including drowning, motor vehicle crashes, and other entirely preventable harms. Public health has long understood that these outcomes are not the result of individual failure, but of systems design: how roads are engineered, how intersections are built, how vehicles are regulated, and how risk is distributed. The same is true for drowning. Decisions about access, infrastructure, maintenance, and regulation either protect life—or put it at risk. The parallels to road safety are striking and instructive.

Any system that collects and holds water—whether engineered for stormwater or built for agriculture—creates risk. Green stormwater infrastructure (GSI) is often described as “low risk,” but the data tell a different story. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most of these sites had no ordinances regulating access (83.5%), no barriers (66.1%), and no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

Agricultural ponds present similar hazards. Across the Midwest and in Hawai‘i, agricultural

extension services consistently warn that unfenced livestock ponds are dangerous for both children and animals. Best-practice guidance emphasizes fencing, controlled access points, and clear signage to prevent drownings, protect water quality, and reduce erosion. These are long-established safety norms in agriculture, and they reinforce the same principle: open water without barriers invites tragedy.

These findings apply directly to Hawai'i. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from Sharkey's Law would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear warning signs, and access to a ring buoy—are essential.

Hawai'i also lacks inspection and maintenance standards for GSI and agricultural ponds. Without regular oversight, inlets clog, infiltration slows, and standing water accumulates—creating predictable, preventable hazards. Other jurisdictions, including Philadelphia, require gentle side slopes and walkable escape routes to improve basic safety during routine use and emergencies. Hawai'i has no comparable requirements.

This moment represents a pivotal test of governance. State and local governments have a fiduciary duty to protect life and health—not to privilege cost-cutting, privatized interests, or backroom compromises that externalize risk onto children and families. Hawai'i has an opportunity to lead the nation by affirming that public safety is not optional and that human life outweighs short-term financial convenience. The alternative is to allow other states to lead where Hawai'i has started leading as a model.

For these reasons, DRIPPI respectfully urges you to oppose HB 1652 and preserve Sharkey's Law. This law is one of the only mechanisms ensuring that detention ponds—whether traditional, agricultural, or labeled as GSI—are designed and maintained with child safety in mind. Sharkey's Law was a key provision of the Hawai'i Water Safety Plan, which earned a national child injury prevention champion award this year from Safe Kids Worldwide.

Weakening it now would move Hawai'i backward at the very moment we should be strengthening drowning protections for children.

At its core, the decision before you is not technical—it is moral. Will Hawai'i prioritize public health and safety over privatized, for-profit interests, or not? The systems we design today will either continue to produce preventable deaths or will -- finally -- begin to save lives. We urge you to choose the latter.

Sincerely,
Acacia Landfield, DRIPPI associate director

LATE



Sharkey's Law Exists Because Industry Failed to Protect Children



This is the flooded Pearl City detention pond where my daughter, Charlotte "Sharkey" Schaefer, drowned on February 28, 2004.

The basin is dry now, but when she died it held more than six feet of water because the internal pipe was 89% clogged. Hunt Construction marketed this as "low impact infrastructure," yet poor maintenance turned it into a deadly trap.



Children can drown in very little water. Even a five-gallon bucket must carry a warning label:

"CHILDREN CAN FALL INTO BUCKET AND DROWN. KEEP CHILDREN AWAY FROM BUCKETS WITH EVEN A SMALL AMOUNT OF LIQUID."



A fence was added only after Sharkey's death, but the site still isn't maintained. These photos were taken in 2025. Overgrown vegetation now blocks the drains, potentially recreating the same conditions that caused the pond to flood in 2004.



Maintenance, inspections, and basic safety measures—fencing, signage, ring buoys—cannot be optional. Without them, green stormwater systems, retention and detention basins, and agricultural ponds pose ongoing, preventable risks to children and the surrounding community.

HB-1652

Submitted on: 1/30/2026 1:48:43 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Allison Schaefer	Individual	Oppose	In Person

Comments:

Aloha Chair Hashem and other members of the House Committee on Water and Land:

I am writing in strong opposition to HB 1652, which seeks to amend Act 281, Sharkey’s Law — a measure that has been recognized nationally as a major win for water safety. To be sure, it was chosen to be featured in a panel at the National Drowning Prevention Alliance Conference this month.

Green stormwater infrastructure—raingardens, bioswales, permeable pavements, tree box filters and even some detention ponds —are often described as “low risk.” But any system that collects water can endanger children, and any risk to Hawai‘i’s keiki demands serious attention.

A national descriptive study of fatal drownings among children and adolescents, published through the National Library of Medicine, makes this clear. Between 2004 and 2020, 265 children and teens ages 0–19 drowned in retention ponds—an undercount, as detention pond deaths were not included. The study found that most ponds lacked ordinances regulating access (83.5%), had no barriers or protective measures (66.1%), and displayed no warning signs (82.0%). Younger children with limited supervision and no swimming ability were at highest risk. The authors’ conclusion is unequivocal: retention pond drownings are not rare, and basic safeguards such as fencing are urgently needed.

These national findings mirror the risks we face in Hawai‘i. Even a few centimeters of water can drown a baby or young child. A blanket exemption from fencing requirements for GSI is therefore inadvisable—especially when the City and County of Honolulu lists detention ponds as a best practice on its own Green Stormwater Infrastructure landing page.

In high-traffic areas and near playgrounds, minimum protections such as low fencing, railings, dense barrier plantings, clear signage, and access to a ring buoy are essential.

Hawai‘i also lacks inspection and maintenance requirements for GSI. Without routine removal of debris and sediment, systems clog, infiltration slows, and water pools in ways that create preventable hazards. Established design standards—such as those used by the Philadelphia Water Department—require gentle side slopes and defined overflow routes to keep basins safe during both routine use and extreme storms. Without maintenance plans and design safeguards, GSI can pose the same dangers as unmanaged retention and detention ponds.

My daughter Charlotte “Sharkey” Schaefer’s death shows what is at stake. The detention pond in our Pearl City neighborhood—touted by Hunt Construction as a “low impact” stormwater feature—sat in a high-traffic play area and was supposed to remain mostly dry. Instead, clogged piping caused it to flood, creating a steep, muddy death trap. Sharkey entered the basin to rescue a childhood friend. She pushed him to safety but drowned in the process.

Even the trained lifeguard who recovered her body could not climb out without assistance. The developer knew the pond’s piping was 89% clogged but chose not to fix it. That failure of maintenance—and accountability—turned a supposed safety feature into a fatal hazard.

These same concerns apply to proposals to remove fencing from agricultural ponds, particularly in Hawai‘i where many “gentleman farms” sit near residential areas and agritourism increases public exposure.

Research is clear: ponds used for livestock water require active management, and fencing is a core protection. As reported in *The Mid America Farmer Grower* (May 11, 2020), unrestricted livestock access contaminates water, spreads diseases such as leptospirosis and foot rot, destroys stabilizing vegetation, and accelerates erosion and sedimentation. Best-practice systems—limited access points or gravity-flow waterers—depend on fencing to keep livestock out of the pond itself.

Unfenced ponds also pose well-documented risks to children and nearby families. Agricultural drowning research consistently shows that farm ponds attract unsafe use and are frequent sites of accidental drownings. Fenced ponds, regularly monitored by owners, experience far fewer incidents.

The Washington State Department of Labor’s FACE report, *Fatal Facts: Drowning Dangers on Agricultural Lands*, recommends fencing ponds and cisterns “where practical” and posting them to keep unauthorized persons out, along with installing a rescue post with a flotation ring when drowning risk exists.

Child death review teams from the National Center for Fatality Review and Prevention examined 478 youth deaths on farms between 2004–2020. Eleven percent were drownings, and 40% of those victims were children ages 1–4. Agriculture had the highest number of occupational fatalities for youth ages 17 and younger from 2011–2020, according to the National Children’s Center for Rural and Agricultural Health and Safety. Notably, up to 79% of injured youth were not working at the time. In 2021, the estimated annual cost of childhood agricultural deaths was \$605 million, with non-fatal injuries costing \$1.4 billion.

Canadian data reinforce the pattern: from 1990–2004, 62 people died in farm-related drowning events, nearly 30% of all non-work agricultural fatalities. Most victims were children under five who wandered off during routine chores and fell into dugouts, irrigation ponds, or manure lagoons. Fencing hazardous water areas is one of the most effective ways to prevent these tragedies.

Across all these systems—retention ponds, detention basins, GSI features, and agricultural ponds—the lesson is consistent: water features without safeguards create preventable dangers. Hawai‘i can support green infrastructure and agricultural needs while still protecting children, families, and communities. But that requires clear standards, routine maintenance, and basic physical barriers—not exemptions that ignore the realities of risk.

Mahalo for your attention to this matter. I look forward to the opportunity to discuss these concerns with you.

Sincerely,

Allison Schaefer, Sharkey’s Mom

Allisonschaefer@gmail.com

(808) 343-3048

HB-1652

Submitted on: 1/30/2026 1:54:41 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Fairchild	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 1652. I am a mother of three and a member of the Hawaii Water Safety Coalition. This bill seeks to amend Sharkey's Law, passed last year with tremendous support from parents and the Hawaii Water Safety Coalition. Sharkey's Law creates commonsense protections to keep children from drowning in retention and detention ponds.

A national study of fatal drownings among children and adolescents, published through the National Library of Medicine, shows us how dangerous these ponds can be. Between 2004 and 2020, **265 children and teens ages 0–19 drowned in retention ponds**—an undercount, as detention pond deaths were not included. The study found that most ponds lacked ordinances regulating access (83.5%), had no barriers or protective measures (66.1%), and displayed no warning signs (82.0%). Many of these drownings result in lawsuits.

I support these ponds as a water control tool, but they **MUST** have protective measures, including fencing, especially near housing and parks. If the State were to reverse the fencing measures put in place with Sharkey's Law, I believe this would open up the State to massive liability if a child drowns in one going forward. Please keep protections for our keiki in place and vote against this bill.

HB-1652

Submitted on: 1/30/2026 4:23:52 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelley Evans	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Kelley Evans

HB-1652

Submitted on: 1/31/2026 5:50:31 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephen Roth	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water-safety protections. Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed. These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential. Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies. For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Stephen Roth

I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey's Law—a measure nationally recognized for advancing child water-safety protections.

As “Sharkey's” aunt, a frequent visitor to your beautiful state, a mother, and a pediatrician I strongly urge you to protect our children. This law effects not only the children of Hawai‘i but also all the children visiting from around the world. If protections like Sharkey's Law were in place in 2004 my beautiful, brave, selfless niece would still be with us.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey's Law to ensure Hawai‘i's children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Ruth Anne Tomlinson

HB-1652

Submitted on: 1/31/2026 9:46:35 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Louise Ramsay	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing with strong opposition to HB 1652. I believe this bill would substantially weaken Sharkey's Law, Act 281. After passage, the nation accepted this bill with open arms and recognized the little hero who lost her life saving another drowning child over two decades ago. Because of Hawaii's bill, other states across America are coming forward to pass their own drown safety bills. My little Sharkey would have been proud. Why mess with something that we all know will save lives. Hawaii is being honored for passing Sharkey's Law. Drownings need not occur because fences cost money, fences save lives. Please consider voting a sounding, NO to HB 1652. Also, drowning is the number one injury-related cause of death for Hawaiian visitors.. Sharkey's law will help other grandparents from experiencing the kind of loss I and my family have endured. Leave the bill alone, Sharkey's Law should not be trampled down. Sincerely, Pamela Ramsay, Sharkey's Grandmother

HB-1652

Submitted on: 1/31/2026 9:46:42 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE HB1652.

I'm actually having a hard time understanding why HB1652 would even be proposed - other than to possibly let a few people save a little money by not being required to put up a tragedy-preventing fence?

Is saving a little bit of money more important than saving lives?

Are there not enough other issues for our state legislators to focus on, instead of weakening a hard-won, long-overdue, critical law that will prevent more children from drowning?

Please kindly nip this bill in the bud, and work on ones that will protect our keiki even more.

Mahalo in advance for your sense and sensibility!

HB-1652

Submitted on: 1/31/2026 9:50:57 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
joshua schaefers	Individual	Oppose	Written Testimony Only

Comments:

Sharkey was my little sister. I miss her everyday.

My family worked for more than 20 years to help protect other children from drowning in a retention or detention pond. We compromised to get Act 281 though, if anything this bill needs to be strengthened not weakened. Fences save lives, and are a basic best practice in drowning prevention, and in the stormwater and agricultural industries.

I oppose HB 1652 because it weakens Act 281, Sharkey’s Law, which has been nationally recognized for improving child water safety. Green stormwater infrastructure may appear “low risk,” but any system that collects water can endanger children.

A national study found 265 children and teens drowned in retention ponds from 2004–2020. Most ponds had no access rules, no barriers, and no warning signs. The authors concluded these drownings are not rare and that safeguards like fencing are urgently needed.

These risks apply in Hawai‘i. Even shallow water can drown a young child, and Honolulu identifies detention ponds as a GSI best practice. Exempting GSI from fencing removes a proven protection. High-traffic areas especially need low fencing, dense plant barriers, clear signage, and access to a ring buoy.

Hawai‘i also lacks inspection and maintenance standards for GSI, increasing the chance of preventable hazards.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to protect Hawai‘i’s children. These protections are a key recommendation in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Joshua Schaefers

HB-1652

Submitted on: 1/31/2026 10:03:02 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheila Hill	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water-safety protections.

I went to school with Sharkey's Mom and I never want to see any other family experience the trauma that her family faced. Drowning is preventable so we should prevent it. Fences save lives and we must not eliminate them from any aspect of this law especially when they are best practices for the agricultural industry and in drowning prevention, and green stormwater infrastructure often incorporates detention ponds.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you, Sheila Hill

HB-1652

Submitted on: 1/31/2026 10:09:35 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Oppose	Written Testimony Only

Comments:

I'm writing to strongly oppose HB1652.

This bill will endanger children's lives. There is no other way to look at it.

HB-1652

Submitted on: 1/31/2026 11:45:46 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nick Dubovsky	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashem and other members of the House Committee on Water and Land:

I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawai‘i Water Safety Plan, which earned a national child injury prevention champion award this year.

Charlotte Schaefer would be alive today if Act 281 in total was in place in 2004. Please don't allow another child in Hawai‘i to pay the ultimate price because of corporate greed by diminishing the full content of Sharkey's Law.

Sincerely yours,

Nick Dubovsky

Aloha Chair Hashem, Vice Chair Morikawa and members of the House Water and Land Committee.

While my testimony is from Allison I supported the passage of Act 281 last year as the chair of the Waikiki Neighborhood Board with a unanimous vote from our board members.

I am not an expert but as a retiree I value the lives and health of our children who Act 281 is designed to protect and do not want to see it weakened.

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey's Law—a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai'i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai'i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey's Law to ensure Hawai'i's children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,
Robert Finley
2222 Aloha Drive
Honolulu, Hawaii 96815

HB-1652

Submitted on: 2/1/2026 7:02:52 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Natalie Bradshaw	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Natalie Bradshaw

HB-1652

Submitted on: 2/1/2026 9:14:08 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Darcey Leis	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,
Darcey Leis

HB-1652

Submitted on: 2/1/2026 9:52:12 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
William Leis	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 1652 because it weakens Act 281, Sharkey’s Law, which has been nationally recognized for improving child water safety. Green stormwater infrastructure may appear “low risk,” but any system that collects water can endanger children.

A national study found 265 children and teens drowned in retention ponds from 2004–2020. Most ponds had no access rules, no barriers, and no warning signs. The authors concluded these drownings are not rare and that safeguards like fencing are urgently needed.

These risks apply in Hawai‘i. Even shallow water can drown a young child, and Honolulu identifies detention ponds as a GSI best practice. Exempting GSI from fencing removes a proven protection. High-traffic areas especially need low fencing, dense plant barriers, clear signage, and access to a ring buoy.

Hawai‘i also lacks inspection and maintenance standards for GSI, increasing the chance of preventable hazards.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to protect Hawai‘i’s children. These protections are a key recommendation in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Bill Leis

HB-1652

Submitted on: 2/1/2026 12:33:20 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dan Worden	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Hashem and members of the Water and Land Committee,

I am writing today regarding House Bill 1652, which proposes revisions to Act 281. The risk (and the consequences) of drowning do not depend on the intent or purpose of the environment where there is water. Any system or feature that causes the accumulation of water inherently creates an increased risk for drowning. Drowning can occur in as little as a few inches of water. Excluding specific locations or systems where water buildup will occur from needing safety precautions because they store water for a specific purpose, or because the water buildup is not the primary purpose of the system, does not change the fact that drownings can occur in the accumulated water.

Thank you for the opportunity to voice my opinion, and I appreciate your consideration of these facts as you deliberate on this bill.

Mahalo,
Dan Worden

HB-1652

Submitted on: 2/1/2026 1:53:38 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Niki Roderick	Individual	Oppose	Written Testimony Only

Comments:

WRITTEN TESTIMONY IN OPPOSITION TO HB 1652

Chair, Vice Chair, and Members of the Committee,

I respectfully oppose HB 1652.

Detention and retention ponds are human-engineered hazards, not natural water bodies. Hawai‘i water safety is a shared responsibility across all sectors, including agriculture and resort properties.

HB 1652 significantly weakens Sharkey’s Law by creating broad exemptions for detention and retention ponds located on resort properties, agricultural lands, and so-called “low-risk” green stormwater infrastructure. Regardless of ownership or primary land use, these features remain engineered water hazards.

Exempting agricultural ponds ignores the reality that many of these ponds are designed to, and do, receive stormwater, experience fluctuating water levels, and pose drowning risks. Stormwater infrastructure is not a source of livestock watering and is neither designed nor regulated for that purpose. Proper livestock watering systems require purpose-built, controlled-access facilities with water quality monitoring, sediment management, and perimeter stock fencing.

Similarly, allowing private resort entities to self-certify “sufficient security measures” without clear, enforceable standards introduces inconsistency and shifts liability back onto counties. These exemptions undermine uniform, statewide safety protections before Sharkey’s Law has been fully implemented or evaluated.

Sharkey’s Law was enacted in response to the drowning deaths of Hawai‘i keiki in detention and retention ponds, engineered stormwater hazards exactly like those HB 1652 now seeks to exempt.

For these reasons, I urge the committee to reject HB 1652.

Mahalo for the opportunity to submit testimony.

Niki Roderick

North Kohala, Hawaii

HB-1652

Submitted on: 2/2/2026 12:32:55 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Janice Marsters	Individual	Support	In Person

Comments:

As an environmental engineer with more than 30 years of experience in stormwater consulting in Hawaii, I support this bill to clarify that low-risk green stormwater infrastructure (GSI) and agricultural ponds are not subject to Act 281 (2025). The distribution of low-risk shallow green stormwater infrastructure higher in the watershed, rather than large stormwater basins at the bottom of a development, provides a beneficial environmental impact. I believe that Act 281 could discourage the use of these ecologically beneficial features when we need them to address the more intense storms resulting from climate change. The proposed bill continues to promote the Act's safety goals by limiting the GSI design water depth that could be exempted.

HB-1652

Submitted on: 2/2/2026 1:49:38 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jay M. K. Stone	Individual	Support	Written Testimony Only

Comments:

I support this bill to clarify that low-risk green stormwater infrastructure and agricultural ponds are not subject to Act 281 (2025). The distribution of low-risk shallow green stormwater infrastructure higher in the watershed, rather than large stormwater basins at the bottom of a development, provides a beneficial environmental impact. I believe that Act 281 could discourage the use of these ecologically beneficial features. The proposed bill continues to promote the Act's safety goals by limiting the design water depth that could be exempted.

HB-1652

Submitted on: 2/2/2026 2:33:26 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elicia Hardy	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Elicia Hardy

HB-1652

Submitted on: 2/2/2026 4:31:42 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael A. Haggard	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Michael A. Haggard

HB-1652

Submitted on: 2/2/2026 7:40:43 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John Clark	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey’s Law—a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as “low risk,” but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004–2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai‘i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards—low fencing, dense plant barriers, clear signage, and access to a ring buoy—are essential.

Hawai‘i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey’s Law to ensure Hawai‘i’s children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

John

HB-1652

Submitted on: 2/2/2026 8:35:14 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Hope Chiles	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB1652 because it weakens Act 281, Sharkey's Law, which has been nationally recognized for improving child water safety. Green stormwater infrastructure may appear 'low risk' but any system that collects water can endanger children.

Sharkey's Law protects Hawaii's children. These protections are a key recommendation in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award.

I strongly urge you to oppose HB1652.

Thank you,

Julia Hope Chiles

HB-1652

Submitted on: 2/2/2026 8:38:53 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Melanie Harkleroad	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I am writing in strong opposition to HB 1652, which would weaken Act 281, Sharkey's Law-a measure nationally recognized for advancing child water-safety protections.

Green stormwater infrastructure (GSI) is often described as "low risk", but any system that collects water can endanger children. A national study published through the National Library of Medicine found that from 2004-2020, 265 children and teens drowned in retention ponds. Most ponds lacked ordinances regulating access (83.5%), had no barriers (66.1%), and displayed no warning signs (82.0%). The authors concluded that these drownings are not rare and that basic safeguards such as fencing are urgently needed.

These risks apply in Hawai'i as well. Even shallow water can drown a young child, and the City and County of Honolulu itself lists detention ponds as a GSI best practice. Exempting GSI from fencing requirements would remove one of the few proven protections available. In high-traffic areas and near playgrounds, minimum safeguards-low fencing, dense plant barriers, clear signage, and access to a ring buoy-are essential. Hawai'i also lacks inspection and maintenance standards for GSI. Without regular oversight, systems clog, infiltration slows, and standing water creates preventable hazards. Other jurisdictions, such as Philadelphia, require gentle side slopes and walkable escape routes to keep basins safe during routine use and emergencies.

For these reasons, I respectfully urge you to oppose HB 1652 and preserve Sharkey's Law to ensure Hawai'i's children are protected from the dangers associated with detention ponds. These protections were a key provision in the Hawaii Water Safety Plan, which earned a national child injury prevention champion award this year.

Thank you,

Melanie Harkleroad

HB-1652

Submitted on: 2/2/2026 8:47:56 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dayna E Nemoto-Shima	Individual	Support	Written Testimony Only

Comments:

House Committee on Water & Land:

I support this bill to clarify that low-risk green stormwater infrastructure and agricultural ponds are not subject to Act 281 (2025). The distribution of low-risk shallow green stormwater infrastructure higher in the watershed, rather than large stormwater basins at the bottom of a development, provides a beneficial environmental impact. I believe that Act 281 could discourage the use of these ecologically beneficial features. The proposed bill continues to promote the Act's safety goals by limiting the design water depth that could be exempted.

Respectfully Submitted,

Dayna Nemoto-Shima, P.E.

HB-1652

Submitted on: 2/2/2026 8:48:14 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ikaika Kincaid	Individual	Support	Written Testimony Only

Comments:

I support this bill to clarify that low-risk green stormwater infrastructure and agricultural ponds are not subject to Act 281 (2025). The distribution of low-risk shallow green stormwater infrastructure higher in the watershed, rather than large stormwater basins at the bottom of a development, provides a beneficial environmental impact. I believe that Act 281 could discourage the use of these ecologically beneficial features. The proposed bill continues to promote the Act's safety goals by limiting the design water depth that could be exempted.

HB-1652

Submitted on: 2/2/2026 10:51:22 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Megan Blazak	Individual	Support	Written Testimony Only

Comments:

Honorable Chair Hashem, Vice Chair Morikawa, and Members of the Committee,

I support House Bill 1652 and urge you to pass the measure. Thank you.