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February 23, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON HB 1652, HD1
RELATING TO STORMWATER MANAGEMENT SYSTEMS

Conference Room 308 & Videoconference
2:00 PM

Aloha Chair Todd, Vice-Chair Takenouchi, 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, HD1, which exempts agricultural infrastructure and low-risk green stormwater infrastructure from regulations covering retention ponds. This measure appropriately clarifies that agricultural infrastructure 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 infrastructure, 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, HD1 provides an important and reasonable clarification. Agricultural infrastructure is 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, HD1 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.



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Aloha Chair Todd, Vice Chair Takenouchi, and Members of the House Finance Committee,

The Hawai'i Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFU supports HB1652.**

Agricultural ponds serve essential functions such as irrigation, livestock support, and crop protection. Exempting these ponds from regulations designed for retention and detention ponds acknowledges their primary purpose is not stormwater management. This recognition allows farmers to focus on their agricultural operations without the burden of compliance with inappropriate regulations that do not align with the actual use and risk profiles of these ponds.

Low-risk green stormwater infrastructure also plays a crucial role in sustainable land management, mimicking natural hydrological processes to manage and utilize stormwater. Exempting these systems from stringent retention pond regulations enables farmers and land managers to reduce runoff without unnecessary regulatory hurdles. Overall, HB1652 is a more balanced approach to regulatory oversight, recognizing the unique needs of agricultural operations and the environmental benefits of green infrastructure.

Mahalo for the opportunity to testify.

Hunter Heavilin
Advocacy Director
Hawai'i Farmers Union

HB-1652-HD-1

Submitted on: 2/20/2026 2:17:35 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jay M. K. Stone	American Council of Engineering Companies of Hawaii	Support	In Person

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.



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February 19, 2026

**House Committee on Finance
Hearing Date: Monday, February 23, 2026, 2 p.m.**

Honorable Chair Todd, Vice Chair Takenouchi, and Members of the House Committee on Finance

**Subject: HB 1652, HD1, Relating to Stormwater Management Systems
Testimony in Support**

Dear Chair Todd, Vice Chair Takenouchi, and Committee Members:

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

Consulting engineers serve a central public-interest function in the planning and design of infrastructure and development projects. Our professional obligation is not limited to satisfying a client's scope of work; it is grounded in a legally enforceable duty to protect public health, safety, and welfare.

Engineers are tasked with providing independent technical judgment that helps public agencies and private owners make sound, evidence-based decisions. The fact is that drownings in stormwater features are extremely rare. While we understand the motivations for this bill, 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. This approach is in keeping with that used by the few states that require fencing of basins.

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

Chair, Vice Chair, and Members of the Committee:

Thank you for the opportunity to testify. I oppose H.B. 1652 (H.D. 1) because it weakens the child-safety protections established under Act 281, also known as “Sharkey’s Law.”

Drowning remains a leading cause of unintentional injury-related death among children, making effective drowning prevention not just essential, but lifesaving. As caregivers, educators, and community members, we have a responsibility to protect our youth from such preventable tragedies. As I reflect on the urgency of this issue, I realize that every precaution we take can mean the difference between life and death.

According to the World Health Organization, over 320,000 people die from drowning every year globally. The emotional and societal impact is immense, affecting families and communities profoundly. By placing a stronger emphasis on drowning prevention, we can substantially reduce the number of these heartbreaking incidents. Educating ourselves and our communities on this topic is the first step toward creating safer environments for our children.

Drowning prevention encompasses several strategies, including education, supervision, and the implementation of safety laws. These efforts are crucial for reducing risk and ensuring our children have a safe environment to explore and grow. As we delve deeper into the implications of legislative changes, let us keep the importance of these preventative measures at the forefront of our minds.

HB1652 is a proposed bill that threatens to undermine the progress made in drowning prevention. This legislation aims to roll back existing safety regulations that have been instrumental in protecting our children. As we evaluate the consequences of this bill, it's clear that opposing HB1652 is necessary to maintain the safety standards that have proven effective.

The bill proposes to relax several critical safety measures, including the reduction of mandatory lifeguard presence and the weakening of pool barrier requirements. Such changes could have dire consequences, potentially leading to an increase in drowning incidents. It's imperative that we scrutinize these implications and mobilize against any measures that could put our children at risk.

Moreover, HB1652 overlooks the established benefits of current regulations, which have been successful in saving lives. Our focus must remain on protecting our communities and ensuring that every child can enjoy aquatic environments safely.

Sharkey's Law serves as a cornerstone in drowning prevention efforts, setting stringent standards that have proven effective in enhancing water safety. Named in honor of a young victim of drowning, this law mandates comprehensive safety measures that have undoubtedly saved

countless lives. It's vital to understand the components of Sharkey's Law to appreciate its impact fully.

The law includes requirements for lifeguard staffing, the installation of barriers around pools, and educational programs for both children and parents. These measures collectively create a safer environment by addressing the most common risk factors associated with drowning. By enforcing these standards, Sharkey's Law plays an essential role in minimizing the occurrence of tragic accidents.

The success of Sharkey's Law is evident in the statistics, showing a significant reduction in drowning incidents since its implementation. As we face the threat posed by HB1652, we must advocate for the preservation of these lifesaving measures. It's crucial to uphold the standards set by Sharkey's Law to ensure the continued safety and well-being of our children.

As we look to the future of drowning prevention, it's clear that our collective efforts are crucial in protecting our children and communities. By opposing HB1652 and advocating for the preservation of Sharkey's Law, we can maintain the safety standards that have proven effective in saving lives. By continuing to prioritize safety and implement effective strategies, we can work towards a future where drowning incidents are significantly reduced.

Call to Action: Do not pass HB 1652. Preserve and maintain the safety standards put into place by Sharkey's Law. Together, we can ensure the safety and well-being of our children. Let us stand united in our commitment to drowning prevention and protect the future of our communities.



TESTIMONY IN STRONG OPPOSITION TO HB 1652

House Committee on Finance Hearing: February 23, 2026

Position: STRONGLY OPPOSE

Chair Chris Todd, Vice Chair Jenna Takenouchi, and distinguished members:

My name is **Lisa Dau, RN**, Injury Prevention Coordinator for the Keiki Injury Prevention Coalition (KIPC), a statewide community-based organization committed to preventing injuries to children and youth in Hawaii. I submit this testimony in **strong opposition** to HB 1652.

HB 1652 would weaken the life-saving protections of Sharkey’s Law (Act 281, 2025), passed unanimously after five-year-old Charlotte “Sharkey” Schaefer drowned in 2004 while bravely trying to save a friend in a flooded detention basin. That law requires secure four-foot fencing, locked gates, “No Swimming” signs, life buoys, and maintenance plans for retention and detention ponds—effective January 1, 2027.

Drowning remains the leading cause of death for Hawaii children ages 1–15, and our state has the second-highest drowning rate in the nation. Sharkey’s Law addresses this with simple, proven safeguards.

HB 1652 carves out dangerous exemptions for agricultural ponds and “low-risk” green stormwater infrastructure, removing mandatory fencing even though these features still hold water and attract children. These exemptions turn them into preventable hazards and undermine the law passed in Sharkey’s memory.

I urge the Committee to **reject HB 1652 entirely** and keep every protection in Sharkey’s Law intact. Child safety must not be compromised.

Thank you for your time.

Sincerely,

Lisa Dau, RN

Injury Prevention Coordinator

Keiki Injury Prevention Coalition

HB-1652-HD-1

Submitted on: 2/20/2026 9:35:52 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Janice Marsters	Akala Consulting LLC	Support	Written Testimony Only

Comments:

As an environmental engineer with more than 30 years of experience in stormwater consulting in Hawai‘i, I support this bill to clarify that low-risk green stormwater infrastructure (GSI) and certain agricultural ponds are not subject to Act 281 (2025). Distributing 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 the definition for detention basins in 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, and is in keeping with the approach taken by the few states that have required these types of safety measures for stormwater ponds.

HB-1652-HD-1

Submitted on: 2/21/2026 6:35:48 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alissa Magrum	NDPA (National Drowning Prevention Alliance)	Oppose	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee:

Thank you for the opportunity to submit testimony.

I/we oppose H.B. 1652 (H.D. 1) as it weakens the child-safety protections established under Act 281, also known as “Sharkey’s Law.”

Act 281 was enacted after the drowning death of Charlotte “Sharkey” Schaefer in a Pearl City stormwater detention basin that lacked fencing, signage, and maintenance. The basin—marketed as a “low-impact” feature—was later found to have severely clogged infrastructure that caused deep, prolonged ponding. Her death revealed the need for enforceable safety standards for any stormwater feature capable of holding water.

At the recent hearing before the House Water and Land Committee, more than 69% of testifiers opposed weakening Sharkey’s Law, yet the Committee advanced H.B. 1652 despite this clear public opposition. This alone underscores the need for the Finance Committee to take a closer, more critical look at the risks this bill creates.

The drowning risk is well-established, especially in Hawaii where drowning is the leading cause of death for children ages 1 to 15. Young children can drown in as little as two inches of water, often silently and within seconds. Teens are also at increased risk around ponds and basins, especially when attempting rescues or misjudging water depth. In addition, children with autism face a significantly higher risk of wandering toward water, making unfenced ponds and basins especially dangerous in residential and agricultural areas.

There is considerable evidence that fencing saves lives. National injury-prevention organizations like ours and including the Centers for Disease Control and Prevention, The U.S CPSC Pool Safety Campaign, the American Red Cross and Safe Kids Worldwide—identify four-sided fencing as one of the most effective barriers for preventing drownings in pools, ponds, and other water-holding features.

H.B. 1652 creates a major loophole by exempting “agricultural infrastructure” and “low-risk GSI” based on design intent rather than actual performance. Developers or operators could

simply label a basin “GSI” to avoid fencing, signage, and maintenance requirements—even when the feature routinely holds water and is accessible to children and teens.

The bill also relies on a cost argument that is unsupported. There is no evidence that fencing deters GSI adoption, and fencing does not impede GSI function. Fencing agricultural ponds is a best practice and farmers already have access to federal cost-share programs to mitigate costs. Meanwhile, the economic and liability costs of drownings are substantial, with multimillion-dollar healthcare costs and settlements documented in Hawaii and nationally.

H.B. 1652 removes the minimum protection floor. For these reasons, I/we respectfully urge the Committee to reject H.B. 1652.

Thank you for your consideration.

Alissa Magrum, on behalf of the National Drowning Prevention Alliance

TESTIMONY IN OPPOSITION TO H.B. 1652 (H.D. 1) Relating to Stormwater Management

Aloha Chair, Vice Chair, and Members of the House Finance Committee

Thank you for the opportunity to testify. I am writing to you today in **strong opposition** to H.B. 1652. I am not an engineer or a developer. I am a parent who knows the life-shattering pain of losing a child to a preventable tragedy. When you have walked that path, you look at the world differently. You realize that "safety measures" aren't just bureaucratic hurdles or line items in a budget. Safety measures can be the only thing standing between a normal afternoon and a lifetime of grief.

I am here to stand with Allison Schaefer and all water safety advocates because the logic of H.B. 1652 is dangerously flawed. The bill suggests that if a pond is "designed" to be low-risk or is labeled for "agriculture," we can skip the fencing and the guardrails.

But as any parent knows, life does not follow a design plan.

Pipes clog. Rain exceeds expectations. Systems fail. When those safety measures are not there to remind us, and our children, to stay back, tragedies happen. We cannot expect a child to distinguish between a "low-risk Green Stormwater Infrastructure" feature and a safe place to play. To a child, it is just water. And as we have seen far too many times, even a few inches of water can be fatal.

The parents who have suffered these losses know this truth all too well. We are not asking for these features to be banned, we are simply asking for the "guardrails" that keep our communities safe.

If we have the technology to build these systems, we have the responsibility to secure them. Proponents of this bill talk about the "high cost" of fencing. I ask you to consider the cost of a human life. The cost to a family, a school, and a community when a child doesn't come home. There is no comparison.

Please do not roll back the protections of "Sharkey's Law." Do not create loopholes that wait for the next tragedy to be filled. I urge you to vote **NO** on H.B. 1652 and keep our children and families safe.

Mahalo,



Chezik Tsunoda

Founder, No More Under

Mother of Yori Tsunoda (3/25/15 - 9/1/18)



Hawai'i State House of Representatives

Committee on Finance

HB1652, HD1 – Relating to Stormwater Management Systems

RE: In Opposition of HB1652, HD1

February 23, 2026

Hawaiian Council writes in opposition of HB1652, HD1, seeking exemptions to recently enacted water safety measures with critical requirements—such as fencing, signage, and inspections—for retention and detention ponds across the state.

Ponds, even ones designated as low-risk, can create significant safety hazards when not properly managed. Hawaii's drowning rate is the second worst in the nation for residents and the number one cause of death for Hawai'i keiki ages 1 to 15. The Hawaii Water Safety Plan shows that Native Hawaiian and Pacific Islander residents make up about 36% of the resident drowning deaths. This urgent problem is made even greater by climate change, which has created more frequent and intense rainfall resulting in increased use of retention ponds.

Without mitigation, these ponds are hidden hazards. Retention and detention ponds are usually located in the public areas of housing developments, in park spaces, often near playgrounds; without safety measures they often become attractive nuisances that are mistaken for recreational ponds. The presence of these ponds in public spaces, especially detention ponds with their intermittent presence, expose the public to increased risk. The impacts of climate change, which has led to more frequent and intense rainfall, further exacerbates the dangers posed by these ponds.

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.

For these reasons, we humbly ask that you reconsider language in HB1652, HD1 that better balances public safety with realistic maintenance and access controls.

Mālama pono,

Madelyn McKeague

Director of Advocacy

Hawaiian Council

HAWAIIANS ADVANCING HAWAI'I

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TESTIMONY IN OPPOSITION TO HB1652 (HD1) Relating to Stormwater Management

Dear Chair, Vice Chair, and Members of the House Finance Committee:

Thank you for this opportunity to offer testimony. As a leading child safety organization working to protect children from preventable injuries, including drownings, we write in opposition to HB1652 (HD1). This measure weakens the child safety protections established under Act 281, also known as “Sharkey’s Law.”

Act 281 was named in honor of Charlotte “Sharkey” Schaefer, a five-year-old girl who risked her life to save a friend. Tragically, Charlotte drowned in a Pearl City stormwater detention basin that lacked fencing, signage, and maintenance.¹ Her death revealed the need for enforceable safety standards for any stormwater feature capable of holding water.

HB1652 creates a major loophole by exempting “agricultural infrastructure” and “low-risk GSI” based on design intent rather than actual performance. Developers or operators could label a basin “GSI” to avoid fencing, signage, and maintenance requirements—even when the feature routinely holds water and is accessible to children and teens.

We know that physical barriers that limit a child’s ability to access pools, ponds, and other water-holding features unsupervised, can save lives. Allowing these exemptions would remove an effective drowning prevention intervention and increase the risk of tragedies like Charlotte’s.

The danger posed by accessible water hazards impacts children of all ages and abilities. Young children can drown in as little as two inches of water, often silently and within seconds. Teens are also at elevated risk around ponds and basins, especially when attempting rescues or misjudging water depth. In addition, children with autism face a significantly higher risk of wandering toward water, making unfenced ponds and basins especially dangerous in residential and agricultural areas.

Safe Kids Worldwide is a nonprofit organization working to address preventable injuries to children ages 0-19 and build sustainable systems that support injury prevention. Safe Kids works with strategic partners and a network of coalitions in the U.S. to reduce traffic injuries, drownings, sleep-related deaths, falls, burns, poisonings, and more.

No parent should have to face the heartbreaking loss of a child. We urge the committee to take a closer, more critical look at the risks this bill creates. Thank you for your consideration.

¹ Medeiros, KK. (2025, February 24). *Why this mom is advocating for water safety statewide*. Aloha State Daily. Available at: <https://alohastatedaily.com/2025/02/24/why-this-mom-is-advocating-for-water-safety-statewide/>





*Testimony of
Mufi Hannemann
President & CEO
Hawai'i Lodging & Tourism Association*

*Committee on Finance
Tuesday, February 23, 2026*

HB 1652– RELATING TO STORMWATER MANAGEMENT SYSTEMS

Chair Todd, Vice Chair Takenouchi, and Members of the Committee,

The Hawai'i Lodging & Tourism Association (HLTA) **OPPOSES** House Bill 1652, would significantly weakening the public safety framework created under Act 281 (2026) by exempting agricultural infrastructure and so-called “low-risk” green stormwater infrastructure (GSI) from county safety regulations.

As the state’s largest private sector tourism organization, representing nearly 50,000 hotel rooms, and 40,000 lodging employees, HLTA remains deeply committed to protecting our kama’āina and the millions who travel to our islands each year. This responsibility was reflected in the enactment of Act 281, also known as the Charlotte “Sharkey” Schaefer’s Inspection Law, which established consistent safety requirements for stormwater retention and detention ponds statewide.

Tourism is Hawaii’s largest economic driver, and the safety and well-being of both residents and visitors are essential to maintaining a strong and resilient visitor industry. Green stormwater infrastructure is often described as “low risk.” However, any system that collects or holds water can pose a drowning hazard, particularly to children and to visitors who may be unfamiliar with local conditions or may not recognize stormwater features as dangerous. In resort and hotel districts, stormwater facilities are frequently integrated into landscaped open spaces, pedestrian corridors, and mixed-use developments. Without fencing, signage, or controlled access, these systems can be mistaken for decorative or recreational features.

HLTA is also concerned that Hawai'i lacks uniform inspection and maintenance standards for GSI systems. Without routine debris removal and performance monitoring, infiltration systems can clog and retain water longer than intended, creating standing water where it was not anticipated. This presents both safety risks and potential liability exposure for property owners and public agencies.

From a destination management perspective, highly publicized incidents involving stormwater or water features in visitor-accessible areas would undermine confidence in Hawai'i as a safe place to visit and live. Hawai'i's reputation as a premier travel destination depends in part on visible, consistent public safety not only beaches and trails, but also stormwater systems located in neighborhoods, parks, and resort communities.

Rather than exempting entire categories of systems from regulation, HLTA urges the Legislature to preserve the core framework of Act 281 and allow counties to apply risk-based safety standards tailored to site conditions, land use, and public access.

For these reasons, the Hawai'i Lodging & Tourism Association respectfully opposes HB 1652.

Mahalo for your time and consideration.

Mufi Hannemann
President & CEO
Hawai'i Lodging & Tourism Association

HB-1652-HD-1

Submitted on: 2/19/2026 8:20:26 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

SUPPORT!

HB-1652-HD-1

Submitted on: 2/19/2026 4:30:38 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support. I stand on HI Farm Bureau testimony, 2/3/26.

1652 HB RELATING TO STORMWATER MANAGEMENT SYSTEMS.

HB-1652-HD-1

Submitted on: 2/20/2026 5:14:00 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

Aloha Chair, Vice Chair, and Members:

I oppose H.B. 1652 (H.D. 1) because it undermines the risk-based safety framework established under Act 281. That law was passed after the drowning of Charlotte “Sharkey” Schaefer, who died in a Pearl City detention basin that lacked fencing, signage, and maintenance. The basin, touted as a “low-impact” feature, was later found to have an 89% clogged pipe and steep, muddy slopes—conditions that overnight turned it from a dry grassy area between the playground and houses into a dangerous pond.

Sharkey's death demonstrated that design labels do not prevent drownings. Only physical safeguards and maintenance do. Act 281 therefore requires counties to apply minimum safety standards to any stormwater feature capable of holding water.

At the recent hearing before the House Water and Land Committee, more than 69% of testifiers opposed weakening Sharkey’s Law, yet the Committee advanced H.B. 1652 despite this clear public opposition. This alone underscores the need for the Finance Committee to take a closer, more critical look at the risks this bill creates.

The drowning risk is clear and well-documented. Infants and toddlers can drown in just a few inches of water, including shallow basins and puddles, according to the National Drowning Prevention Alliance. Teens face heightened risk in ponds and detention features, particularly when attempting rescues or entering water they assume is shallow. Additionally, children with autism are at significantly increased risk of water-related fatalities, due to well-documented patterns of wandering and attraction to water. These risks apply equally to agricultural ponds, GSI basins, and traditional detention and retention systems.

There is strong evidence that fencing saves lives. National drowning-prevention organizations consistently identify four-sided fencing as one of the most effective interventions for preventing drownings in both pools and open-water features. Fencing is a proven, widely accepted safety measure, and is made stronger by adding in other barriers of protection.

H.B. 1652 creates sweeping categorical exemptions for “agricultural infrastructure” and “low-risk GSI,” even though both routinely retain stormwater. Because the exemption is based on design intent—not size, location, or public access—it creates a loophole that allows large, publicly accessible basins to avoid fencing and signage simply by being labeled “GSI.”

H.B. 1652's cost justification is incomplete and unsupported. There is no data showing that fencing discourages GSI installation. Fencing does not interfere with GSI performance, and agricultural operators already have access to federal cost-share programs. In contrast, the financial and liability costs of drownings are substantial, including multimillion-dollar medical costs and settlements in Hawai'i and other states.

H.B. 1652 removes that baseline protection and replaces a risk-based framework with broad exemptions that do not reflect real-world performance or public-safety needs.

For these reasons, I urge the Committee to vote against this measure.

HB-1652-HD-1

Submitted on: 2/20/2026 6:34:44 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

Aloha Chairman Todd, Vice Chair Takenouchi, and members of the House Committee on Finance,

When Gov. Green signed Sharkey’s Law last year, he said, “This is more than just a water safety bill. Act 281 is a legacy enactment in memory of Charlotte ‘Sharkey’ Schaefer, a brave 5-year-old hero who risked her life to save a friend stuck in a detention pond in 2004. The life of such a young girl should have never been taken that day, and now we can hope that it will never happen again.”

One year later, special interests want to unravel the law with HB 1652. It simply doesn’t feel right.

John Deutzman

Waikiki

HB-1652-HD-1

Submitted on: 2/20/2026 8:11:36 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

I STRONGLY OPPOSE HB1652 HD1 (and any other tweaks made to it because this bill should never have been proposed in the first place).

Was this bill proposed to save a little money for a few special interest groups? What about saving the lives of children?

Do our legislators have nothing better to do than to propose and discuss the merits of a senseless bill that will water down the long-needed legislation that was finally passed last year to protect children from tragic accidents?

It's time to be as brave as Sharkey; the young girl who drowned trying to save her friend. Have the courage to vote NO on HB1652 HD1.

This bill needs to die; not more children.

HB-1652-HD-1

Submitted on: 2/20/2026 8:18:26 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

I'm writing to STRONGLY OPPOSE HB1652 HD1.

This bill will ENDANGER children's lives.

There is NO other way to look at it.

HB-1652-HD-1

Submitted on: 2/20/2026 8:27:21 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

TESTIMONY IN STRONG OPPOSITION TO H.B. 1652 (H.D. 1) Relating to Stormwater Management

Chair, Vice Chair, and Members of the Committee:

Thank you for the opportunity to testify. I oppose H.B. 1652 (H.D. 1) because it weakens the child-safety protections established under Act 281, also known as “Sharkey’s Law.”

Act 281 was enacted after the drowning death of Charlotte “Sharkey” Schaefer in a Pearl City stormwater detention basin that lacked fencing, signage, and maintenance. The basin—marketed as a “low-impact” feature—was later found to have severely clogged infrastructure that caused deep, prolonged ponding. Her death revealed the need for enforceable safety standards for any stormwater feature capable of holding water.

At the recent hearing before the House Water and Land Committee, more than 69% of testifiers opposed weakening Sharkey’s Law, yet the Committee advanced H.B. 1652 despite this clear public opposition. This alone underscores the need for the Finance Committee to take a closer, more critical look at the risks this bill creates.

The drowning risk is well-established, especially in Hawaii where drowning is the leading cause of death for children ages 1 to 15. Young children can drown in as little as two inches of water, often silently and within seconds, according to the National Drowning Prevention Alliance. Teens are also at elevated risk around ponds and basins, especially when attempting rescues or misjudging water depth. In addition, children with autism face a significantly higher risk of wandering toward water, making unfenced ponds and basins especially dangerous in residential and agricultural areas.

There is considerable evidence that fencing saves lives. National injury-prevention organizations—including the Centers for Disease Control and Prevention, Safe Kids Worldwide, and the National Drowning Prevention Alliance—identify four-sided fencing as one of the most effective barriers for preventing drownings in pools, ponds, and other water-holding features.

H.B. 1652 creates a major loophole by exempting “agricultural infrastructure” and “low-risk GSI” based on design intent rather than actual performance. Developers or operators could

simply label a basin “GSI” to avoid fencing, signage, and maintenance requirements—even when the feature routinely holds water and is accessible to children and teens.

The bill also relies on a cost argument that is unsupported. There is no evidence that fencing deters GSI adoption, and fencing does not impede GSI function. Fencing agricultural ponds is a best practice and farmers already have access to federal cost-share programs to mitigate costs. Meanwhile, the economic and liability costs of drownings are substantial, with multimillion-dollar healthcare costs and settlements documented in Hawaii and nationally.

H.B. 1652 removes the minimum protection floor. For these reasons, I respectfully urge the Committee to reject H.B. 1652.

Thank you for your consideration.

Niki Roderick

HB-1652-HD-1

Submitted on: 2/20/2026 10:06:38 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Individual	Oppose	Written Testimony Only

Comments:

Please table this bill. It appears contradictory to sound practices regarding health and safety.
Thank you.

HB-1652-HD-1

Submitted on: 2/20/2026 11:03:02 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Letha DeCaires	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to testify. I strongly oppose H.B 1652 (H.D.1) because it weakens the child-safety protections established under Act 281, also known as "Sharkey's Law."

In the most recent hearing a resounding majority of people testifying opposed weakening this measure. We expect our law makers to represent what WE THE PEOPLE want.

Do not weaken this measure. Drown risk for children is significant in Hawaii. Our responsibility it to have strong legislation to protect our children and our community.

Hold Fast. Do not weaken this measure.

HB-1652-HD-1

Submitted on: 2/20/2026 11:08:25 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynette Eastman	Individual	Oppose	Written Testimony Only

Comments:

Chair, Vice Chair and Members of Committee,

I strongly oppose HB 1652. I am sure you have seen all kinds of data and information on Act 281. You already know that 69% of previous testimony oposed the weakening of Sharkey's Law, the voices of the people! But yet HB 1652 advanced anyway. I would like to come from the position of the **HEART**. We all have children and grandchildren and have relatives and friends that have the same. **FENCING SAVES LIVES** and the lives of YOUR loved ones! It is our and **YOUR RESPOSIBILITY** to keep our families safe from harm. Do not go backwards to appease business! Your young children and grandchildren can drown and die in 2 inches of water! Do the right thing for your constinuentns and for protecting the lives of our people.

HB-1652-HD-1

Submitted on: 2/20/2026 11:28:30 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

TESTIMONY IN STRONG OPPOSITION TO H.B. 1652 (H.D. 1) Relating to Stormwater Management

Chair, Vice Chair, and Members of the Committee:

Thank you for the opportunity to testify. I oppose H.B. 1652 (H.D. 1) because it weakens the child-safety protections established under Act 281, also known as “Sharkey’s Law.”

Act 281 was enacted after the drowning death of Charlotte “Sharkey” Schaefer in a Pearl City stormwater detention basin that lacked fencing, signage, and maintenance. The basin—marketed as a “low-impact” feature—was later found to have severely clogged infrastructure that caused deep, prolonged ponding. Her death revealed the need for enforceable safety standards for any stormwater feature capable of holding water.

At the recent hearing before the House Water and Land Committee, more than 69% of testifiers opposed weakening Sharkey’s Law, yet the Committee advanced H.B. 1652 despite this clear public opposition. This alone underscores the need for the Finance Committee to take a closer, more critical look at the risks this bill creates.

The drowning risk is well-established, especially in Hawaii where drowning is the leading cause of death for children ages 1 to 15. Young children can drown in as little as two inches of water, often silently and within seconds, according to the National Drowning Prevention Alliance. Teens are also at elevated risk around ponds and basins, especially when attempting rescues or misjudging water depth. In addition, children with autism face a significantly higher risk of wandering toward water, making unfenced ponds and basins especially dangerous in residential and agricultural areas.

There is considerable evidence that fencing saves lives. National injury-prevention organizations—including the Centers for Disease Control and Prevention, Safe Kids Worldwide, and the National Drowning Prevention Alliance—identify four-sided fencing as one of the most effective barriers for preventing drownings in pools, ponds, and other water-holding features. H.B. 1652 creates a major loophole by exempting “agricultural infrastructure” and “low-risk GSI” based on design intent rather than actual performance. Developers or operators could simply label a basin “GSI” to avoid fencing, signage, and maintenance requirements—even when the feature routinely holds water and is accessible to children and teens.

The bill also relies on a cost argument that is unsupported. There is no evidence that fencing deters GSI adoption, and fencing does not impede GSI function. Fencing agricultural ponds is a best practice and farmers already have access to federal cost-share programs to mitigate costs. Meanwhile, the economic and liability costs of drownings are substantial, with multimillion-dollar healthcare costs and settlements documented in Hawaii and nationally.

H.B. 1652 removes the minimum protection floor. For these reasons, I respectfully urge the

Committee to reject H.B. 1652.
Thank you for your consideration.

Darcey Singley Leis

HB-1652-HD-1

Submitted on: 2/20/2026 4:12:54 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

TESTIMONY IN OPPOSITION TO H.B. 1652 (H.D. 1) Relating to Stormwater Management

Aloha Chair, Vice Chair, and Members:

I oppose H.B. 1652 (H.D. 1) because it undermines the risk-based safety framework established under Act 281. That law was passed after the drowning of Charlotte “Sharkey” Schaefer, who died in a Pearl City detention basin that lacked fencing, signage, and maintenance. The basin, touted as a “low-impact” feature, was later found to have an 89% clogged pipe and steep, muddy slopes—conditions that overnight turned it from a dry grassy area between the playground and houses into a dangerous pond.

Sharkey's death demonstrated that design labels do not prevent drownings. Only physical safeguards and maintenance do. Act 281 therefore requires counties to apply minimum safety standards to any stormwater feature capable of holding water.

At the recent hearing before the House Water and Land Committee, more than 69% of testifiers opposed weakening Sharkey’s Law, yet the Committee advanced H.B. 1652 despite this clear public opposition. This alone underscores the need for the Finance Committee to take a closer, more critical look at the risks this bill creates.

The drowning risk is clear and well-documented. Infants and toddlers can drown in just a few inches of water, including shallow basins and puddles, according to the National Drowning Prevention Alliance. Teens face heightened risk in ponds and detention features, particularly when attempting rescues or entering water they assume is shallow. Additionally, children with autism are at significantly increased risk of water-related fatalities, due to well-documented patterns of wandering and attraction to water. These risks apply equally to agricultural ponds, GSI basins, and traditional detention and retention systems.

There is strong evidence that fencing saves lives. National drowning-prevention organizations consistently identify four-sided fencing as one of the most effective interventions for preventing drownings in both pools and open-water features. Fencing is a proven, widely accepted safety measure, and is made stronger by adding in other barriers of protection.

H.B. 1652 creates sweeping categorical exemptions for “agricultural infrastructure” and “low-risk GSI,” even though both routinely retain stormwater. Because the exemption is based

on design intent—not size, location, or public access—it creates a loophole that allows large, publicly accessible basins to avoid fencing and signage simply by being labeled “GSI.”

H.B. 1652’s cost justification is incomplete and unsupported. There is no data showing that fencing discourages GSI installation. Fencing does not interfere with GSI performance, and agricultural operators already have access to federal cost-share programs. In contrast, the financial and liability costs of drownings are substantial, including multimillion-dollar medical costs and settlements in Hawai‘i and other states.

H.B. 1652 removes that baseline protection and replaces a risk-based framework with broad exemptions that do not reflect real-world performance or public-safety needs.

For these reasons, I urge the Committee to vote against this measure.

HB-1652-HD-1

Submitted on: 2/21/2026 2:33:11 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

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, 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-HD-1

Submitted on: 2/21/2026 3:21:02 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bob Pratt	Individual	Oppose	Written Testimony Only

Comments:

Honorable Members of the Committee,

Aloha, and mahalo for the opportunity to testify. I oppose H.B. 1652 (H.D. 1) because it weakens the child-safety protections established under Act 281, also known as “Sharkey’s Law.”

Act 281 was enacted after the drowning death of Charlotte “Sharkey” Schaefer in a Pearl City stormwater detention basin that lacked fencing, signage, and maintenance. The basin—marketed as a “low-impact” feature—was later found to have severely clogged infrastructure that caused deep, prolonged ponding. Her death revealed the need for enforceable safety standards for any stormwater feature capable of holding water.

At the recent hearing before the House Water and Land Committee, more than 69% of testifiers opposed weakening Sharkey’s Law, yet the Committee advanced H.B. 1652 despite this clear public opposition. This alone underscores the need for the Finance Committee to take a closer, more critical look at the risks this bill creates.

The drowning risk is well-established, especially in Hawaii where drowning is the leading cause of death for children ages 1 to 15. Young children can drown in as little as two inches of water, often silently and within seconds, according to the National Drowning Prevention Alliance. Teens are also at elevated risk around ponds and basins, especially when attempting rescues or misjudging water depth. In addition, children with autism face a significantly higher risk of wandering toward water, making unfenced ponds and basins especially dangerous in residential and agricultural areas.

There is considerable evidence that fencing saves lives. National injury-prevention organizations—including the Centers for Disease Control and Prevention, Safe Kids Worldwide, and the National Drowning Prevention Alliance—identify four-sided fencing as one of the most effective barriers for preventing drownings in pools, ponds, and other water-holding features.

H.B. 1652 creates a major loophole by exempting “agricultural infrastructure” and “low-risk GSI” based on design intent rather than actual performance. Developers or operators could simply label a basin “GSI” to avoid fencing, signage, and maintenance requirements—even when the feature routinely holds water and is accessible to children and teens.

The bill also relies on a cost argument that is unsupported. There is no evidence that fencing deters GSI adoption, and fencing does not impede GSI function. Fencing agricultural ponds is a best practice and farmers already have access to federal cost-share programs to mitigate costs. Meanwhile, the economic and liability costs of drownings are substantial, with multimillion-dollar healthcare costs and settlements documented in Hawaii and nationally.

H.B. 1652 removes the minimum protection floor. For these reasons, I respectfully urge the Committee to reject H.B. 1652.

Mahalo,
Bob Pratt

HB-1652-HD-1

Submitted on: 2/21/2026 5:02:18 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

Let's save Sharkey's Law, Act 281, named after my granddaughter, Charlotte "Sharkey" Schaefer, the little 5-year-old girl gifted with an "old soul". Courageously, she fearlessly jumped into an unfenced flooded detention pond to save a younger child who was sinking fast. He made it, but unfortunately, she drowned and her "big" heart stopped. Sharkey was a child who reacted instantly, with her keen insight into a dangerous situation. Most every grandparent feels that their grandchild has special talents — one that Sharkey demonstrated was empathy for others. In an instance, her courage saved another. This is the definition of a hero. She had confidence in herself and was unafraid to do the right thing. This is what the lobbyists need to do, the "right thing." Fences cost money, but fences also can save lives. Please leave the Bill alone, don't try to weaken it. I oppose any changes. Vote against House Bill 1652. Charlotte was not weak, weakening her bill shows disrespect for the water safety that is so needed in Hawaii.

I'm missing my little hero always,

Pamela Ramsay

HB-1652-HD-1

Submitted on: 2/21/2026 5:35:02 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

Aloha Chair, Vice Chair, and Members,

I oppose H.B. 1652 (H.D. 1) because it undermines the risk-based safety framework established under Act 281, Sharkey’s Law.

My little sister, Charlotte “Sharkey” Schaefer, drowned in a Pearl City detention basin that had no fence, no signage, and no maintenance. It was called “low-impact,” but an 89% clogged pipe and steep, muddy slopes turned it overnight into a hidden, deadly pond between homes and a playground.

Sharkey’s death showed that design labels do not prevent drownings. Physical safeguards do. That is why Act 281—Sharkey’s Law—requires basic, risk-based protections for any stormwater feature capable of holding water.

More than 69% of testifiers opposed weakening this law when it was heard by the Water & Land Committee, yet H.B. 1652 still advanced. The bill creates broad exemptions for agricultural ponds and so-called “low-risk GSI,” even though both routinely retain stormwater. A label should not determine whether a child is protected.

The drowning risk is real. Young children can drown in less than two inches of water, according to the National Drowning Prevention Alliance, and most drownings happen when parents are present. Yet lobbyists are proposing allowing up to 18 inches of standing water for 48 hours. Teens are at high risk in ponds, especially during rescue attempts. Children with autism face even higher risk due to wandering and attraction to water. These risks apply to all basins—GSI, agricultural, detention, and retention.

Fencing is one of the most effective, proven drowning-prevention tools we have. It does not interfere with GSI performance, and there is no evidence it discourages installation. But the financial and human costs of drownings are enormous.

My family has spent more than 20 years working to prevent another child from dying the way Sharkey did. We already compromised to get Act 281 passed, and what remains are the bare-minimum protections that keep children safe: fencing, signage, and a ring buoy.

Lobbyists have already stripped out inspections, design guidelines, and minimum setbacks from homes and playgrounds—protections that were part of earlier, stronger versions of Sharkey’s Law.

After all that has been taken out, the law should be strengthened, not weakened.

For these reasons, I respectfully urge you to oppose H.B. 1652 and preserve Sharkey’s Law to protect Hawaii’s children. I miss my little sister everyday, and her death has come with unbearable costs.

Thank you, Joshua Schaefer

HB-1652-HD-1

Submitted on: 2/21/2026 5:45:21 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

I oppose H.B. 1652 HD1 because it weakens the child-safety protections in Act 281, or Sharkey’s Law.

Act 281 was passed after Charlotte "Sharkey" Schaefer died saving a child from drownig in a Pearl City stormwater basin that had no fence, no signage, and poor maintenance. Her death, a secondary drowning, exposed a basic truth: any feature that can hold water needs enforceable safety standards.

At the recent Water and Land hearing, more than 69% of testifiers opposed weakening Sharkey’s Law. Despite that, the bill advanced. That alone should prompt this Committee to take a hard look at the risks.

Drowning is the leading cause of death for Hawaii children ages 1 to 15. Kids can drown in inches of water, silently and in seconds. Teens are also at risk, and children with autism face even higher danger because they may wander toward water, sometimes traveling miles to get to remote locations. Unfenced basins in neighborhoods and agricultural areas are drowning hazards.

We also know what works: national safety organizations consistently identify four-sided fencing as one of the most effective ways to prevent drownings. They also recommend pairing fencing with signage, ring buoys and other layers of protection — because drowning is preventable if we care to keep children safe.

H.B. 1652 creates a major loophole by exempting “agricultural infrastructure” and “low-risk GSI” based on design intent, not actual performance. A basin could simply be labeled “GSI” to avoid fencing and maintenance—even if it routinely holds water and is accessible to children.

The bill also leans on a cost argument with no evidence behind it. Fencing does not hinder GSI, agricultural ponds are already expected to be fenced, and farmers have access to federal cost-share programs. Meanwhile, drownings carry enormous economic and liability costs.

H.B. 1652 removes the basic safety floor that Act 281 established. I respectfully urge the Committee to reject this bill.

Thank you,

Sheila Hill

HB-1652-HD-1

Submitted on: 2/21/2026 6:18:45 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kat Wade	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members:

I oppose H.B. 1652 (H.D. 1) because it undermines the risk-based safety framework established under Act 281. That law was passed after the drowning of Charlotte “Sharkey” Schaefer, who died in a Pearl City detention basin that lacked fencing, signage, and maintenance. The basin, touted as a “low-impact” feature, was later found to have an 89% clogged pipe and steep, muddy slopes—conditions that overnight turned it from a dry grassy area between the playground and houses into a dangerous pond.

Drowning is the number 1 - NUMBER ONE !!! – cause of death for Hawai’i’s children aged 1 to15 years old. This is a disgrace for a state surrounded by water. Everyone knows that the worst thing possible in life is the lose of a child.

Sharkey ‘Schaefer’s death demonstrated that **design labels do not prevent drownings**. Only physical safeguards and maintenance do. Act 281 therefore requires counties to apply minimum safety standards to any stormwater feature capable of holding water.

The drowning risk is well-documented. Infants and toddlers can drown in just a few inches of water, including shallow basins and puddles, according to the National Drowning Prevention Alliance. Teens face heightened risk in ponds and detention features, particularly when attempting rescues or entering water they assume is shallow. Additionally, children with autism are at significantly increased risk of water-related fatalities, due to well-documented patterns of wandering and attraction to water. These risks apply equally to agricultural ponds, GSI basins, and traditional detention and retention systems.

There is strong evidence that FENCING SAVES LIVES. National drowning-prevention organizations consistently identify four-sided fencing as one of the most effective interventions for preventing drownings in both pools and open-water features. Fencing is a proven, widely accepted safety measure, and is made stronger by adding in other barriers of protection.

H.B. 1652 creates sweeping categorical exemptions for “agricultural infrastructure” and “low-risk GSI,” even though both routinely retain stormwater. Because the exemption is based on design intent—not size, location, or public access—it creates a loophole that allows large, publicly accessible basins to avoid fencing and signage simply by being labeled “GSI.”

H.B. 1652's cost justification is incomplete and unsupported. There is no data showing that fencing discourages GSI installation. Fencing does not interfere with GSI performance, and agricultural operators already have access to federal cost-share programs. In contrast, the financial and liability costs of drownings are substantial, including multimillion-dollar medical costs and settlements in Hawai'i and other states.

H.B. 1652 removes that baseline protection and replaces a risk-based framework with broad exemptions that do not reflect real-world performance or public-safety needs.

For these reasons, I ask the Committee to **VOTE AGAINST H.B. 1652 (H.D. 1)**

Mahalo For your time,

Kat Wade

HB-1652-HD-1

Submitted on: 2/21/2026 11:59:46 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

Aloha Chair, Vice Chair, and Members of the Committee:

My name is Nick Dubovsky, and I'm Sharkey's step-dad. I'm testifying in strong opposition to H.B. 1652.

Quite frankly, I question the moral fiber and conflict of interest of the proponents of this bill that undermines the safeguards put in place by Act 281 which help protect our keiki and all citizens of Hawaii from drowning.

Sharkey—Charlotte Schaefer—drowned in a stormwater detention basin in Pearl City that had no fence, no signage, and no maintenance. It was marketed as a “low-impact” feature, but after she died, her mother learned that the pipe was 89% clogged and the slopes were steep and muddy. What looked like a dry grassy area between the playground and the houses became a deep pond overnight. That's why Act 281—Sharkey's Law—was passed. It created a simple, risk-based rule: if a stormwater feature can hold water, it needs basic safety protections.

This bill weakens that framework. It creates broad exemptions for “agricultural infrastructure” and so-called “low-risk GSI,” based on design intent instead of actual performance. A basin can be labeled “GSI” on paper and still hold water for hours or days in real life. Kids don't read design labels — they just see water and it becomes an attractive nuisance.

The drowning risk is not theoretical. In Hawaii, drowning is the leading cause of death for children ages 1 to 15. Infants and toddlers can drown in just a few inches of water. Teens are at high risk around ponds and basins, especially when they think the water is shallow or when they try to help a friend. And children with autism are at significantly higher risk of wandering toward water. These risks apply to detention basins, GSI features, and agricultural ponds alike.

We also know what works. National drowning-prevention organizations—including the CDC, Safe Kids Worldwide, and the National Drowning Prevention Alliance—identify four-sided fencing as one of the most effective ways to prevent drownings. Fencing doesn't interfere with GSI performance. It doesn't stop farmers from farming. And agricultural operators already have access to federal cost-share programs to help with expenses. Fencing also is cheap compared to the financial and liability costs of drownings. The average cost for a four-foot fence in Hawaii ranges from \$10 to \$50 per square foot. But according to the Centers for Disease Control and Prevention's WISQARS Cost of Injury calculator, the average cost per unintentional drowning in

Hawaii in 2023 was \$10.93 million per drowning or \$437.18 million for 40 drownings, including rescue response, medical care, and the value of statistical life. I can attest that there's also a lifelong cost to families.

At the last hearing, more than 69% of testifiers opposed weakening Sharkey's Law. The public sees the danger clearly. This bill removes the minimum protection floor that Act 281 established, and it does so without evidence, without data, and without regard for how these features actually behave during storms.

I'm asking you to keep the protections that were put in place after my step-daughter died. Please reject H.B. 1652.

Thank you for the opportunity to testify.

HB-1652-HD-1

Submitted on: 2/22/2026 12:20:45 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

SHARKEY’S MOM’S TESTIMONY IN STRONG OPPOSITION TO H.B. 1652 (H.D. 1)

Relating to Stormwater Management

Chair, Vice Chair, and Members of the House Finance Committee:

Thank you for the opportunity to testify. I write in strong opposition to H.B. 1652 (H.D. 1), which would significantly weaken the child-safety protections established under Act 281—“Sharkey’s Law.” Act 281 was passed with broad community and legislative support because design intent failed, and a child died. Although H.B. 1652 is framed as a narrow clarification to support agriculture and green stormwater infrastructure (GSI), it creates sweeping exemptions that undermine public safety, accountability, and the core intent of Act 281.

Act 281 was enacted after the preventable drowning death of my daughter, Charlotte “Sharkey” Schaefers, in a flooded and poorly maintained stormwater detention basin in our Pearl City neighborhood. Hunt Construction and the U.S. Navy knew the pipe inside was 89% clogged and didn’t fix it. What looked like gentle hills between our homes and the playground became a hidden pit of dark, muddy water.

Sharkey went in to save her friend who couldn’t swim. She pushed him to safety. She couldn’t climb out herself and neither could the lifeguard that recovered her body. There was no fence. No warning sign. No maintenance plan.

The basin that killed my daughter was also described as “low-impact”—a reminder that labels do not protect children from the absence of basic safeguards. That is why Act 281 established minimum safety requirements for any stormwater system capable of holding water. No environmental label or design intent can substitute for physical barriers and maintenance. This principle is also reflected in the Hawaii Water Safety Coalition’s Hawaii Water Safety Plan.

1. H.B.1652 eliminates basic protections for systems that can and do hold dangerous levels of water.

H.B. 1652 assumes GSI is low-risk because it is designed to drain within 48 hours. But counties cannot inspect design intent—they can only inspect conditions. And real-world performance contradicts the assumption that these systems always drain quickly or remain shallow.

Act 281 requires counties to regulate all retention and detention features through permitting, fencing, signage, maintenance plans, and life-saving equipment. These safeguards exist because unprotected stormwater systems pose real, documented drowning risks—especially to young children.

The drowning data is unequivocal. A child can drown in as little as one inch of water, according to the National Drowning Prevention Alliance’s March 2024 advisory. Everyday environments such as bathtubs, buckets, kiddie pools, and landscaping features like garden ponds can pose risks. Supervision alone is not enough: NDPA reports that 88% of child drownings occur with at least one adult present, and 50% occur within 25 yards of a parent or other adult.

For agricultural ponds, the risk is equally clear. Children ages 1–4 are more likely to drown in pools or water bodies near home—canals, retention ponds, lakes, rivers, and similar features. Most teenage and adult drownings occur in natural and open waters such as lakes, rivers, ponds, and oceans (National Drowning Prevention Alliance, Drowning Facts & Data, 2024).

NDPA, Safe Kids Worldwide, and the Centers for Disease Control and Prevention (CDC) consistently recommend four-sided fencing of at least four feet, along with additional layers of protection such as signage and ring buoys. H.B. 1652 rolls back these protections by exempting broad categories—“agricultural infrastructure” and “low-risk GSI”—based on design intent rather than actual risk. That distinction is dangerous.

2. GSI does not always function as designed

Green stormwater infrastructure can malfunction when it isn’t maintained. The University of Florida’s GSI Maintenance Manual (UF/IFAS GSI Maintenance Manual) explains that sediment buildup, debris, clogged outlets, structural degradation, and vegetation overgrowth can all reduce infiltration and storage capacity, eventually leading to system failures if inspections and cleaning are neglected.

When these failures occur, GSI can hold water well beyond 48 hours and exceed 18 inches in depth—functionally operating like more traditional detention basins. Yet H.B. 1652 removes the maintenance plans and physical barriers that prevent these failures from becoming tragedies.

3. The definition of “low-risk GSI” is overly broad and creates a major loophole.

The bill allows ponding depths up to 18 inches. In practice, large bioretention basins, vegetated swales, and infiltration basins can resemble shallow detention ponds—especially when located near sidewalks, parks, schools, or homes.

GSI are poorly defined in the bill, and the phrase "including but not limited too" is overly broad and invites confusion between grey and green stormwater infrastructure. Honolulu County itself lists traditional detention basins as a best practice on its GSI page.

Because the exemption is based on design criteria—not size, location, or public access—developers could simply label a basin “GSI” to avoid fencing and signage. This loophole undermines the uniform safety framework Act 281 established.

4. The agricultural exemption is equally sweeping and ignores real drowning risks.

H.B. 1652 exempts “agricultural infrastructure” so long as stormwater is not its primary purpose. But this creates another potential loophole as many agricultural ponds routinely receive and hold stormwater runoff. In Hawaii, agricultural lands increasingly border residential areas and agritourism sites. Gentleman farms are also trending.

Agricultural ponds are often deeper and larger than GSI features, which heightens risk. National agricultural safety guidance underscores that farm ponds should be fenced, clearly marked, and protected with multiple layers of safety—recommendations consistent with best practices for preventing child drownings (Hurtz, Give Your Farm Pond a Safety Check, Agricultural Insurance Management Services).

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; 40% of those victims were ages 1–4. Agriculture had the highest number of occupational fatalities for youth ages 17 and younger from 2011–2020, and up to 79% of injured youth were not working at the time.

Environmental impacts also matter: allowing livestock open access to ponds degrades water quality, erodes banks, and destroys aquatic habitats. It’s also a drowning risk for the livestock.

5. The bill is driven by a cost argument that is unsupported and incomplete.

Proponents of H.B.1652 argue that GSI is environmentally beneficial but more expensive, and that fencing requirements might discourage installation.

The claim that GSI is “more expensive” is misleading. The University of Florida’s GSI Maintenance Manual notes that the most expensive components of stormwater systems are often the traditional gray elements: concrete pipes, storm drain inlets, excavation, and land acquisition.

GSI can reduce these costs by reducing the volume of stormwater that must be conveyed and stored. Swales, for example, are generally less expensive to install than pipes for the same conveyance, and permeable pavement—while sometimes a higher upfront cost—can eliminate the need for pipes and ponds, lowering total system cost.

The manual further emphasizes that while conventional systems may have lower initial construction costs, they often carry higher long-term maintenance costs. Retention and detention ponds are typically large, reducing developable land—often a far greater cost than fencing. Fencing itself is typically a fraction of total project cost.

The USDA’s Environmental Quality Incentives Program (EQIP) already recognizes fencing, erosion control, and water-quality protection as best-practice conservation measures and provides federal cost-share support for farmers.

H.B. 1652 provides no cost data, no behavioral evidence, and no analysis of liability exposure. It also provides no evidence that fencing has ever deterred GSI adoption in Hawaii. Developers have shown they can incorporate green stormwater infrastructure without being deterred by higher upfront costs, a pattern documented in the ECONorthwest analysis (ECONorthwest 2011). The report found that GSI often improves project performance, enhances marketability, and can even reduce long-term operating expenses, which is why projects continue to move forward even under stronger stormwater requirements.

Liability is not theoretical. When my daughter drowned, Hunt Construction, the U.S. Navy, and their partner architecture and engineering firms paid a \$2 million settlement — the largest wrongful-death settlement for a child in Hawaii at the time. Because it happened on federal land, every U.S. taxpayer absorbed part of that cost. And the share of the smaller firms was ultimately paid by their insurance carriers.

The state also exposes itself and taxpayers to added risk if it rescinds the protections in Act 281 and a child dies in a GSI or agricultural pond.

In Florida, a recent case by The Haggard Law Firm resulted in a \$15.5 million award for a child who drowned in an unfenced detention pond.

According to the CDC’s WISQARS Cost of Injury calculator, each drowning in Hawaii in 2023 carried an average economic cost of \$10.93 million, totaling \$437.18 million statewide.

6. Act 281 already allows counties some flexibility, but H.B. 1652 removes the floor of protection.

Act 281 does not ban rain gardens, bioswales, or agricultural ponds, and fencing does not impede GSI function. It simply requires counties to adopt ordinances ensuring that any stormwater retention or detention feature capable of posing a drowning hazard meets minimum safety standards.

H.B. 1652 removes entire categories from oversight—replacing a risk-based framework with a loophole-based one.

Act 281 is a safety law. Safety must come first. Concerns about “high fencing costs” must be weighed against the true cost of a child’s life—because nothing is higher than that.

Conclusion

Water features—whether labeled detention ponds, GSI, or agricultural infrastructure—do not become safe simply because they are environmentally beneficial or agriculturally useful. When accessible and capable of holding water, they require basic safeguards.

Sharkey’s death was not caused by stormwater design theory; it was caused by lack of maintenance, lack of barriers, and lack of accountability. H.B. 1652 repeats those failures by eliminating the protections that save lives.

No child should drown in a stormwater system that could have been made safe.

For these reasons, I respectfully urge the Committee to reject H.B. 1652 and preserve enforceable child-safety protections for all stormwater systems that collect and store water.

Mahalo for your consideration,

Allison Schaefer, Sharkey's Mom and lead writer of the Hawaii Water Safety Coalition's nationally-award winning Hawaii Water Safety Plan

HB-1652-HD-1

Submitted on: 2/22/2026 12:26:58 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

SHARKEY’S MOM’S TESTIMONY IN STRONG OPPOSITION TO H.B. 1652 (H.D. 1)

Relating to Stormwater Management

Chair, Vice Chair, and Members of the House Finance Committee:

Thank you for the opportunity to testify. I write in strong opposition to H.B. 1652 (H.D. 1), which would significantly weaken the child-safety protections established under Act 281—“Sharkey’s Law.” Act 281 was passed with broad community and legislative support because design intent failed, and a child died. Although H.B. 1652 is framed as a narrow clarification to support agriculture and green stormwater infrastructure (GSI), it creates sweeping exemptions that undermine public safety, accountability, and the core intent of Act 281.

Act 281 was enacted after the preventable drowning death of my daughter, Charlotte “Sharkey” Schaefers, in a flooded and poorly maintained stormwater detention basin in our Pearl City neighborhood. Hunt Construction and the U.S. Navy knew the pipe inside was 89% clogged and didn’t fix it. What looked like gentle hills between our homes and the playground became a hidden pit of dark, muddy water.

Sharkey went in to save her friend who couldn’t swim. She pushed him to safety. She couldn’t climb out herself and neither could the lifeguard that recovered her body. There was no fence. No warning sign. No maintenance plan.

The basin that killed my daughter was also described as “low-impact”—a reminder that labels do not protect children from the absence of basic safeguards. That is why Act 281 established minimum safety requirements for any stormwater system capable of holding water. No environmental label or design intent can substitute for physical barriers and maintenance. This principle is also reflected in the Hawai‘i Water Safety Coalition’s Hawai‘i Water Safety Plan.

1. H.B.1652 eliminates basic protections for systems that can and do hold dangerous levels of water.

H.B. 1652 assumes GSI is low-risk because it is designed to drain within 48 hours. But counties cannot inspect design intent—they can only inspect conditions. And real-world performance contradicts the assumption that these systems always drain quickly or remain shallow.

Act 281 requires counties to regulate all retention and detention features through permitting, fencing, signage, maintenance plans, and life-saving equipment. These safeguards exist because unprotected stormwater systems pose real, documented drowning risks—especially to young children.

The drowning data is unequivocal. A child can drown in as little as one inch of water, according to the National Drowning Prevention Alliance’s March 2024 advisory. Everyday environments such as bathtubs, buckets, kiddie pools, and landscaping features like garden ponds can pose risks. Supervision alone is not enough: NDPA reports that 88% of child drownings occur with at least one adult present, and 50% occur within 25 yards of a parent or other adult.

For agricultural ponds, the risk is equally clear. Children ages 1–4 are more likely to drown in pools or water bodies near home—canals, retention ponds, lakes, rivers, and similar features. Most teenage and adult drownings occur in natural and open waters such as lakes, rivers, ponds, and oceans (National Drowning Prevention Alliance, Drowning Facts & Data, 2024).

NDPA, Safe Kids Worldwide, and the Centers for Disease Control and Prevention (CDC) consistently recommend four-sided fencing of at least four feet, along with additional layers of protection such as signage and ring buoys. H.B. 1652 rolls back these protections by exempting broad categories—“agricultural infrastructure” and “low-risk GSI”—based on design intent rather than actual risk. That distinction is dangerous.

2. GSI does not always function as designed

Green stormwater infrastructure can malfunction when it isn’t maintained. The University of Florida’s GSI Maintenance Manual (UF/IFAS GSI Maintenance Manual) explains that sediment buildup, debris, clogged outlets, structural degradation, and vegetation overgrowth can all reduce infiltration and storage capacity, eventually leading to system failures if inspections and cleaning are neglected.

When these failures occur, GSI can hold water well beyond 48 hours and exceed 18 inches in depth—functionally operating like more traditional detention basins. Yet H.B. 1652 removes the maintenance plans and physical barriers that prevent these failures from becoming tragedies.

3. The definition of “low-risk GSI” is overly broad and creates a major loophole.

The bill allows ponding depths up to 18 inches. In practice, large bioretention basins, vegetated swales, and infiltration basins can resemble shallow detention ponds—especially when located near sidewalks, parks, schools, or homes.

GSI are poorly defined in the bill, and the phrase "including but not limited too" is overly broad and invites confusion between grey and green stormwater infrastructure. Honolulu County itself lists traditional detention basins as a best practice on its GSI page.

Because the exemption is based on design criteria—not size, location, or public access—developers could simply label a basin “GSI” to avoid fencing and signage. This loophole undermines the uniform safety framework Act 281 established.

4. The agricultural exemption is equally sweeping and ignores real drowning risks.

H.B. 1652 exempts “agricultural infrastructure” so long as stormwater is not its primary purpose. But this creates another potential loophole as many agricultural ponds routinely receive and hold stormwater runoff. In Hawai‘i, agricultural lands increasingly border residential areas and agritourism sites. Gentleman farms are also trending.

Agricultural ponds are often deeper and larger than GSI features, which heightens risk. National agricultural safety guidance underscores that farm ponds should be fenced, clearly marked, and protected with multiple layers of safety—recommendations consistent with best practices for preventing child drownings (Hurtz, Give Your Farm Pond a Safety Check, Agricultural Insurance Management Services).

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; 40% of those victims were ages 1–4. Agriculture had the highest number of occupational fatalities for youth ages 17 and younger from 2011–2020, and up to 79% of injured youth were not working at the time.

Environmental impacts also matter: allowing livestock open access to ponds degrades water quality, erodes banks, and destroys aquatic habitats. It’s also a drowning risk for the livestock.

5. The bill is driven by a cost argument that is unsupported and incomplete.

Proponents of H.B.1652 argue that GSI is environmentally beneficial but more expensive, and that fencing requirements might discourage installation.

The claim that GSI is “more expensive” is misleading. The University of Florida’s GSI Maintenance Manual notes that the most expensive components of stormwater systems are often the traditional gray elements: concrete pipes, storm drain inlets, excavation, and land acquisition.

GSI can reduce these costs by reducing the volume of stormwater that must be conveyed and stored. Swales, for example, are generally less expensive to install than pipes for the same conveyance, and permeable pavement—while sometimes a higher upfront cost—can eliminate the need for pipes and ponds, lowering total system cost.

The manual further emphasizes that while conventional systems may have lower initial construction costs, they often carry higher long-term maintenance costs. Retention and detention ponds are typically large, reducing developable land—often a far greater cost than fencing. Fencing itself is typically a fraction of total project cost.

The USDA’s Environmental Quality Incentives Program (EQIP) already recognizes fencing, erosion control, and water-quality protection as best-practice conservation measures and provides federal cost-share support for farmers.

H.B. 1652 provides no cost data, no behavioral evidence, and no analysis of liability exposure. It also provides no evidence that fencing has ever deterred GSI adoption in Hawai‘i. Developers have shown they can incorporate green stormwater infrastructure without being deterred by higher upfront costs, a pattern documented in the ECONorthwest analysis (ECONorthwest 2011). The report found that GSI often improves project performance, enhances marketability, and can even reduce long-term operating expenses, which is why projects continue to move forward even under stronger stormwater requirements.

Liability is not theoretical. When my daughter drowned, Hunt Construction, the U.S. Navy, and their partner architecture and engineering firms paid a \$2 million settlement — the largest wrongful-death settlement for a child in Hawai‘i at the time. Because it happened on federal land, every U.S. taxpayer absorbed part of that cost. And the share of the smaller firms was ultimately paid by their insurance carriers.

The state also exposes itself and taxpayers to added risk if it rescinds the protections in Act 281 and a child dies in a GSI or agricultural pond.

In Florida, a recent case by The Haggard Law Firm resulted in a \$15.5 million award for a child who drowned in an unfenced detention pond.

According to the CDC’s WISQARS Cost of Injury calculator, each drowning in Hawai‘i in 2023 carried an average economic cost of \$10.93 million, totaling \$437.18 million statewide.

6. Act 281 already allows counties some flexibility, but H.B. 1652 removes the floor of protection.

Act 281 does not ban rain gardens, bioswales, or agricultural ponds, and fencing does not impede GSI function. It simply requires counties to adopt ordinances ensuring that any stormwater retention or detention feature capable of posing a drowning hazard meets minimum safety standards.

H.B. 1652 removes entire categories from oversight—replacing a risk-based framework with a loophole-based one.

Act 281 is a safety law. Safety must come first. Concerns about “high fencing costs” must be weighed against the true cost of a child’s life—because nothing is higher than that.

Conclusion

Water features—whether labeled detention ponds, GSI, or agricultural infrastructure—do not become safe simply because they are environmentally beneficial or agriculturally useful. When accessible and capable of holding water, they require basic safeguards.

Sharkey’s death was not caused by stormwater design theory; it was caused by lack of maintenance, lack of barriers, and lack of accountability. H.B. 1652 repeats those failures by eliminating the protections that save lives.

No child should drown in a stormwater system that could have been made safe.

For these reasons, I respectfully urge the Committee to reject H.B. 1652 and preserve enforceable child-safety protections for all stormwater systems that collect and store water.

Mahalo for your consideration,

Allison Schaefer, Sharkey's Mom and lead writer of the Hawai‘i Water Safety Coalition's nationally-award winning Hawai‘i Water Safety Plan

TESTIMONY IN STRONG OPPOSITION TO H.B. 1652 (H.D. 1) Relating to Stormwater Management

Chair, Vice Chair, and Members of the Committee:

Thank you for the opportunity to testify. I oppose H.B. 1652 (H.D. 1) it weakens the child-safety protections established under Act 281, also known as “Sharkey’s Law.” That law was passed after the drowning of Charlotte “Sharkey” Schaefer, who died in a Pearl City detention basin that lacked fencing, signage, and maintenance. The basin, marked as a “low-impact” feature, was later found to have an 89% clogged pipe and steep, muddy slopes-conditions that overnight turned it from a dry grassy area between the playground and houses into a dangerous pond.

Sharkey's death demonstrated that design labels do not prevent drownings. Only physical safeguards and maintenance do. Act 281 requires counties to apply minimum safety standards to any stormwater feature capable of holding water, such as fencing, permitting, locked gates, warning signs, approved maintenance plans, and lifesaving equipment.

At the recent hearing before the House Water and Land Committee, more than 69% of testifiers opposed weakening Sharkey’s Law, and the Committee advanced H.B. 1652 despite this clear public opposition. This alone underscores the need for the Finance Committee to take a closer, more critical look at the risks this bill creates.

The drowning risk is clear and well-documented. Infants and toddlers can drown in just a few inches of water, including shallow basins and puddles, according to the National Drowning Prevention Alliance. Teens face heightened risk in ponds and detention features, particularly when attempting rescues or entering water they assume is shallow.

Additionally, children with autism spectrum disorder (ASD) are 160 times more likely to die from drowning than the general US pediatric population. Drowning is one of the leading causes of death for autistic individuals. Diagnoses of ASD have increased to 1 in 31, resulting in a growing number of children with ASD at risk of drowning. About 49% of kids with ASD elope or wander and are attracted to water because of the calming properties. When they elope or wander and are near a body of water, they may jump in to feel the calming effects and drown. Unintentional drowning incidents for individuals with ASD are fatal 71% of the time and drowning accounts for 70% of elopement-related fatalities. Over 4,500 residents in the State of Hawai’i are likely to be diagnosed with ASD indicating a dire need for safety measures. These risks apply equally to agricultural ponds, GSI basins, and traditional detention and retention systems.

There is strong evidence that fencing saves lives. National drowning-prevention organizations consistently identify four-sided fencing as one of the most effective

interventions for preventing drownings in both pools and open-water features. Fencing is a proven, widely accepted safety measure, and is made stronger by adding in other barriers of protection.

H.B. 1652 creates sweeping categorical exemptions for “agricultural infrastructure” and “low-risk GSI,” even though both routinely retain stormwater. Because the exemption is based on design intent (and not size, location, or public access), it creates a loophole that allows large, publicly accessible basins to avoid fencing and signage simply by being labeled “GSI.”

H.B. 1652’s cost justification is incomplete and unsupported. There is no data showing that fencing discourages GSI installation. Fencing does not interfere with GSI performance, and agricultural operators already have access to federal cost-share programs. In contrast, the financial and liability costs of drownings are substantial, including multimillion-dollar medical costs and settlements in Hawai‘i and other states.

H.B. 1652 removes that baseline protection and replaces a risk-based framework with broad exemptions that do not reflect real-world performance or public-safety needs.

For these reasons, I urge the Committee to vote against this measure.

Thank you for your consideration,

Kelle Murphy, D.P.E., CAPE

Director Swim Safe: Aquatic Skills Development (ASD) Program

Center on Disability Studies, University of Hawai‘i at Mānoa

HB-1652-HD-1

Submitted on: 2/22/2026 7:43:48 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

I strongly oppose HB1652. Drowning risk is well established when there is poor stormwater management. HB1652 undermines the risk based safety framework established under Act 281.

Drowning risk is clear, especially in Hawaii where drowning is the leading cause of death for children ages 1-15. There is considerable evidence that fencing saves lives. HB 1652 is attempting to remove the minimum protection. I respectfully ask the committee to stand with families, keep our children safe and to REJECT HB 1652.

HB-1652-HD-1

Submitted on: 2/22/2026 10:13:06 AM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

Dear Chair, Vice Chair, and members of the House Committee,

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. Losing loved ones to drowning is a devastation that no family should face, and **most drownings are preventable when supported at the policy level by evidence-based best practices**.

Drowning can and does happen in all aquatic environments in Hawaii - the ocean, hotel and private pools, rivers, waterfalls, ponds, **and stormwater systems**. Sadly very little has been done to prevent 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/>

HB-1652-HD-1

Submitted on: 2/22/2026 1:46:08 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Scott Schaefer	Individual	Oppose	Written Testimony Only

Comments:

TESTIMONY IN STRONG OPPOSITION TO H.B. 1652 (H.D. 1) Relating to Stormwater Management

Chair, Vice Chair, and Members of the Committee:

Thank you for the opportunity to testify. I strongly oppose H.B. 1652 (H.D. 1) because it weakens the critical child-safety protections established under Act 281, also known as “Sharkey’s Law.”

As the father of Charlotte “Sharkey” Schaefer, who tragically drowned in a Pearl City stormwater detention basin on February 28, 2024, I have a personal stake in ensuring that safety standards for stormwater features are rigorously upheld. Sharkey’s death was a heartbreaking reminder of the dangers of unprotected stormwater features. The detention basin where she drowned lacked proper fencing, signage, and maintenance, which directly contributed to her death. The lessons learned from this tragedy cannot be ignored, and Act 281 was a necessary response to prevent similar losses.

As a special education teacher, I have seen firsthand the risks posed to children with special needs, particularly those with autism. Children with autism are at a much higher risk of drowning, with studies showing they are 160 times more likely to drown than their neurotypical peers. This makes it all the more urgent that we maintain strong safety standards for bodies of water in residential and agricultural areas, especially those accessible to children and teens.

Another personal note in dealing with loss, when I began teaching at my current school, one of the first challenges I faced was helping children with special needs process the traumatic drowning death of one of their peers over the summer break. The impact on these children was profound and long-lasting. I worked with these students for years, helping them heal from the trauma and cope with the grief of losing a classmate. This experience further reinforced the critical need for protective measures like fencing around bodies of water. These children were vulnerable, not just because of their individual needs, but because they had witnessed something so traumatic—something that could have been prevented with proper safety protocols.

At the recent hearing before the House Water and Land Committee, over 69% of testifiers opposed weakening Sharkey’s Law, yet the Committee advanced H.B. 1652. This is a clear

indication that the public understands the risks involved and does not want to see those protections weakened. I urge the Finance Committee to heed these concerns and reject this bill.

The drowning risk is undeniable. Drowning is the leading cause of death for children ages 1 to 15 in Hawaii. According to the National Drowning Prevention Alliance, young children can drown in as little as two inches of water, often silently and within seconds. Teenagers are also at heightened risk around ponds and basins, especially when attempting rescues or misjudging water depth. For children with autism, the danger is even greater, as they are more likely to wander toward bodies of water without recognizing the danger.

National injury-prevention organizations, including the Centers for Disease Control and Prevention, Safe Kids Worldwide, and the National Drowning Prevention Alliance, have all recognized that four-sided fencing is one of the most effective measures for preventing drownings. It is a simple and proven safeguard that saves lives.

H.B. 1652, however, creates a dangerous loophole by exempting “agricultural infrastructure” and “low-risk GSI” features based on design intent rather than real-world performance. Developers could label a basin as “GSI” to avoid fencing, signage, and maintenance requirements—even when the feature regularly holds water and poses a danger to children and teens.

Furthermore, the argument that fencing presents an undue cost burden is not supported by evidence. Fencing does not interfere with the function of Green Stormwater Infrastructure (GSI) and is a best practice in agricultural settings. Farmers already have access to federal cost-share programs to help mitigate these costs. On the other hand, the costs associated with drowning—both in terms of healthcare and legal settlements—are far greater and far more tragic.

For these reasons, I respectfully urge the Committee to reject H.B. 1652. It would remove essential safety protections that could prevent future tragedies like the one my family endured.

Thank you for your consideration.

Sincerely,
Daniel “Scott” Schaefer
Special Education Teacher
Father of Charlotte "Sharkey" Schaefer

HB-1652-HD-1

Submitted on: 2/22/2026 4:17:08 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

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

Comments:

I oppose this. Feb. 20 call for testimony from Sharkey's Heroes. URGENT TESTIMONY NEEDED TO OPPOSE HOUSE BILL 1652, WHICH WOULD WEAKEN SHARKEY’S LAW

The 2025 state law named for my daughter, Charlotte “Sharkey” Schaefer, strengthened Hawaii’s water-safety standards after she drowned saving a child in a flooded detention basin.

HB 1652 would roll back those protections by removing fencing and other basic safeguards from green stormwater infrastructure and agricultural ponds, increasing the risk to children.

Written testimony is due by 2 p.m. Sunday, Feb. 22. The bill goes before the House Finance Committee on Feb. 23 at 2 p.m. The hearing is in Conference Room 308, with in-person and Zoom options. The Capitol is located at 415 S. Beretania St., Honolulu, HI, 96813.

Please share this message with other water safety champions. Protecting Sharkey’s Law requires all of us—across Hawai‘i and beyond—to stand together. I cannot do this without you. During the last hearing, we turned out with 69% of the testimony calling to kill HB1652, which is a very bad bill. However, the committee still chose to favor the lobbyists, who would rather put children at risk of drowning than pay for a fence.

HOW TO SUBMIT TESTIMONY

Go to the Legislature's website (capitol.hawaii.gov), create an account by selecting "Register" (at the upper right corner) or click on "Log In", and enter your email address and password.

Click the drop-down menu under the "Participate" tab (under the seal in the top center of the page) and select "Submit Testimony"

Enter the bill number HB1652. Don't include any spaces, periods, or draft numbers. Click "Continue."

The bill number and hearing date and time will appear at the top of a form. Fill out the form.

Add or upload your written testimony. Review your information. Once you submit your testimony, you won't be able to change it, so double check that you've uploaded the right file, have correctly identified your position, how you'll be testifying, etc.

Click "Submit Testimony." Note that all testimony submitted is public and will appear online.

If you are pressed for time, even sending one line opposing HB 1652 will help. If you have a few minutes, please consider writing your own letter or using one of these sample letters. You can also pull from my testimony, which is below the sample letters.

Sample Testimony #1

TESTIMONY IN STRONG OPPOSITION TO H.B. 1652 (H.D. 1) Relating to Stormwater

Aloha Chair, Vice Chair, and Members:

I oppose H.B. 1652 (H.D. 1) because it undermines the risk-based safety framework established under Act 281. That law was passed after the drowning of Charlotte “Sharkey” Schaefer, who died in a Pearl City detention basin that lacked fencing, signage, and maintenance. The basin, touted as a “low-impact” feature, was later found to have an 89% clogged pipe and steep, muddy slopes—conditions that overnight turned it from a dry grassy area between the playground and houses into a dangerous pond.

Sharkey's death demonstrated that design labels do not prevent drownings. Only physical safeguards and maintenance do. Act 281 therefore requires counties to apply minimum safety standards to any stormwater feature capable of holding water.

At the recent hearing before the House Water and Land Committee, more than 69% of testifiers opposed weakening Sharkey’s Law, yet the Committee advanced H.B. 1652 despite this clear public opposition. This alone underscores the need for the Finance Committee to take a closer, more critical look at the risks this bill creates.

The drowning risk is clear and well-documented. Infants and toddlers can drown in just a few inches of water, including shallow basins and puddles, according to the National Drowning Prevention Alliance. Teens face heightened risk in ponds and detention features, particularly when attempting rescues or entering water they assume is shallow. Additionally, children with autism are at significantly increased risk of water-related fatalities, due to well-documented patterns of wandering and attraction to water. These risks apply equally to agricultural ponds, GSI basins, and traditional detention and retention systems.

There is strong evidence that fencing saves lives. National drowning-prevention organizations consistently identify four-sided fencing as one of the most effective interventions for preventing drownings in both pools and open-water features. Fencing is a proven, widely accepted safety measure, and is made stronger by adding in other barriers of protection.

H.B. 1652 creates sweeping categorical exemptions for “agricultural infrastructure” and “low-risk GSI,” even though both routinely retain stormwater. Because the exemption is based on design intent—not size, location, or public access—it creates a loophole that allows large, publicly accessible basins to avoid fencing and signage simply by being labeled “GSI.”

H.B. 1652’s cost justification is incomplete and unsupported. There is no data showing that fencing discourages GSI installation. Fencing does not interfere with GSI performance, and agricultural operators already have access to federal cost-share programs. In contrast, the financial and liability costs of drownings are substantial, including multimillion-dollar medical costs and settlements in Hawai‘i and other states.

H.B. 1652 removes that baseline protection and replaces a risk-based framework with broad exemptions that do not reflect real-world performance or public-safety needs.

For these reasons, I urge the Committee to vote against this measure.

HB-1652-HD-1

Submitted on: 2/22/2026 6:14:20 PM

Testimony for FIN on 2/23/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose HB1652 HD1.

Gregory Misakian