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DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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LAND
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Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
CONSUMER PROTECTION & COMMERCE

Tuesday, March 3, 2026
2:00 PM

State Capitol, Conference Room 329

In consideration of
HOUSE BILL 1765, HOUSE DRAFT 1
RELATING TO SPEARFISHING SAFETY

House Bill 1765, House Draft 1 proposes to require all spearguns or pole spears sold, leased, rented or otherwise commercially distributed for use in the State to display a permanently affixed, engraved, or otherwise made durable warning regarding the dangers of hypoxia associated with breath-hold diving. **The Department of Land and Natural Resources (Department) appreciates the intent of this bill and offers the following comments.**

Hypoxia, including shallow-water blackout, is a serious risk associated with breath-hold spearfishing. While it is important to educate new or unaware spearfishers to the dangers of hypoxia, it may not be enough to reduce risk. Hawai'i's spearfishing community over the years has mourned the loss of multiple individuals who have succumbed to shallow-water blackout, some of whom had decades of experience in deep-water breath-hold diving. A more effective way to prevent loss of life may be through in-depth outreach and education targeted at those who already participate in breath-hold spearfishing and are aware of shallow-water blackout. Along with a targeted outreach campaign, this could include the development and promotion of affordable in-person freediving classes taught by qualified professionals. These classes, of which there are currently limited offerings across the State, focus not only on ability to dive, but the knowledge and techniques to do so safely.

The Department additionally notes that a sizable component of those breath-hold diving in Hawai'i may never purchase a speargun or pole spear as freediving for shell collecting, wildlife viewing, underwater photography, and general recreation is rapidly growing in

popularity. Future outreach efforts should include these individuals as they incur the same risk of hypoxia as spearfishers.

Lastly, the economic burden of the labeling requirement should be considered. Hawai'i has a long history of selling locally made, home-built, and hand-crafted spearguns and pole spears. Several of the most popular speargun and poles spear brands in Hawai'i today are built in-State, often by a single individual. These local spearfishing equipment manufacturers will bear the costs of compliance. Also, local spearfishing retailers that sell spearguns and pole spears manufactured outside of Hawai'i will have to bear the costs of permanently affixing, engraving, or printing warning labels on products. This would put them at a competitive disadvantage compared to online out-of-state retailers that may not be subject to this law when selling products in Hawai'i.

Mahalo for the opportunity to comment on this measure.



February 27, 2026

Hearing Before the House Committee on Consumer Protection and Commerce

Tuesday, March 3, 2026 – 2:00 PM

House Conference Room 329 / VIA Videoconference

Testimony on HB 1765, SD1 – Relating to Spearfishing Safety

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

I write in **strong support of HB 1765**. My name is Niki Roderick, and I am the founder of FreediveSafe! Hawai'i, a Hawai'i-based 501(c)(3) nonprofit serving our diving community with free spearfishing/freediving safety training. I am also a New Zealand Freediving National Record holder who has personally experienced freediver blackout—also known as shallow-water blackout—five times during my elite freediving career due to low oxygen.

Each time, I lost consciousness in the ocean and survived only because my dive partners understood the risks and knew how to respond. Many others are not as fortunate. Hypoxia and shallow-water blackout are well-documented dangers, and their risks can be significantly reduced through improved awareness and safety education. They can happen to anyone.

Through my work with FreediveSafe! Hawai'i, serving thousands across our state, I have witnessed firsthand the close calls, preventable tragedies, and families forever changed by loss. I have spoken with parents who were unaware that hypoxia and shallow-water blackout pose serious risks to their children—and with too many young divers who did not understand the dangers of breath-hold diving.

While we are actively educating youth, most divers only reach us after they are already participating. Shockingly, only about 7–10% of youth students are aware of the risks of shallow-water blackout.

This measure does not suggest that a label alone prevents drowning. Rather, it ensures that individuals are made aware of a specific and non-intuitive physiological hazard at the moment of equipment purchase. Individuals cannot seek training or adopt safer practices if they are unaware that hypoxic blackout is a documented risk. Point-of-sale disclosure serves as an entry point to informed participation.

Drowning remains a major public health issue in Hawai'i. Between 2014 and 2023, 59 divers died in spearfishing- and freediving-related incidents, including 13 in the deadliest year alone. Each fatality carries an estimated \$11.24 million in social and economic costs, totaling over \$140 million in that single year—alongside the immeasurable emotional toll on families and communities. According to the **2025 Hawai'i Water Safety Plan, Hawai'i's resident drowning rate is the second highest in the nation**, and drowning is the leading cause of death for children ages 1–15. Certain demographic groups are overrepresented in these statistics, highlighting the need for improved outreach, awareness, and prevention statewide.



Freediving and spearfishing account for a significant portion of Hawai‘i’s ocean drownings, and the primary risk is hypoxia and shallow-water blackout. Beyond the human impact, these emergencies place substantial strain on first responders and county search and rescue resources. Many of these incidents are fatal—and most can be prevented through improved safety awareness and education.

HB1765 is not about restricting access to the ocean, creating permits, or placing barriers on participation. Instead, it is a narrowly tailored, proactive consumer disclosure measure focused on transparency—ensuring that life-saving safety information is clearly communicated to new participants and to parents or guardians at the moment of equipment purchase. This measure comes directly from the community, reflecting a shared commitment to strengthen awareness, promote informed decision-making, and support responsible growth of the activity—without restricting access or diminishing participation.

Importantly, the cost of compliance is minimal. Pilot labeling programs have demonstrated costs of less than 30 cents per sticker on a \$70 polespear or a \$500 speargun. Most major manufacturers produce these items outside Hawai‘i, making integration of labeling at the manufacturing or distribution level both feasible and cost-effective, with negligible impact on local retailers.

This measure represents a straightforward point-of-sale disclosure requirement, fully aligned with established consumer protection principles. Consumers have a right to clear, accessible safety information when purchasing specialized equipment associated with higher-risk activities. This approach is consistent with safety expectations in comparable markets and reflects practices already embraced by responsible community members.

By improving awareness before tragedy occurs, HB1765 protects consumers, families, and first responders, while preserving access to our ocean traditions. **The measure strengthens transparency, accommodates the continued growth of the sport, and does so without restricting commerce or participation.**

Action cannot wait. Each year without improved disclosure represents preventable loss of life and avoidable societal cost. HB1765 empowers consumers, advances public health, and protects our communities through a commonsense, evidence-based framework.

For reference, I have attached a sample illustrative disclosure label demonstrating how this requirement could be implemented with minimal burden.

Mahalo for the opportunity to provide testimony and for your thoughtful consideration.



Niki Roderick
Founder and CEO
FreediveSafe! Hawai‘i 75-5737 Kuakini Hwy, Suite 202,
Kailua-Kona, Hawai‘i 96740



Proposed Sample Safety Disclosure Label (For Illustrative Purposes Only)





TESTIMONY IN STRONG SUPPORT OF HB1765 HD1 RELATING TO SPEARFISHING SAFETY

**To Rep. Scot Matayoshi, Chair, Rep. Tina Grandinetti, Vice Chair, and Members of the
House Committee on Consumer Protection & Commerce:**

Aloha,

On behalf of the Keiki Injury Prevention Coalition, I strongly support HB1765 HD1.

Drowning is the leading cause of death for Hawai'i children ages 1-15. Breath-hold spearfishing carries a serious risk of hypoxia and shallow-water blackout, which can rapidly lead to drowning. Our state has lost more than 50 free divers in the last decade, including youth.

This bill simply requires clear, durable safety-warning labels on commercially sold, leased, or rented spearguns and pole spears:

**“DANGER: SPEARFISHING INVOLVES BREATH-HOLD DIVING. PROLONGED
SUBMERSION OR IMPROPER BREATHING MAY CAUSE HYPOXIA, LOSS OF
CONSCIOUSNESS, OR DEATH. NEVER DIVE ALONE.”**

It exempts traditional handcrafted implements and all private transfers, honoring our fishing heritage while protecting keiki, newcomers, and visitors.

This practical, low-burden measure complements existing safety education and can save lives.

We urge the committee to pass HB1765 HD1.

Mahalo,

Lisa Dau, RN, Injury Prevention Coordinator

Keiki Injury Prevention Coalition

lisa.dau@kapiolani.org

(808) 983-6800

HB-1765-HD-1

Submitted on: 3/2/2026 1:30:04 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Skee Saplan	Skeeprong	Support	Written Testimony Only

Comments:

Aloha

my name is Skee Saplan and my company. Skeeprong, makes in cells, carbon fiber, post peers, primarily here in the state of Hawaii, but also all around the world. I am in full support of this bill, free diving safety is a topic that is not generally discussed when talking about spearfishing, but the danger is real Freedive Safe Hawaii does an excellent job of educating its participants. But how do we get the word out to the community for them to be become participants of their program or any other safety program. A little simple label, depicting the dangers or at least warning the user of the dangers and some type of resource to search out on their own to learn more about the dangers and how they can educate themselves to be safe. I am born and raised on the big island of Hawaii and have been in and around the water my whole life. I have been spearfishing for at least 40 years And the dangers of free diving In regards to shallow water blackout weren't fully explained or passed on to me by my elders or my teachers. The only dangers were of the ocean and nature themselves, but as far as anything pertaining to shallow water, blackout was pretty much unheard of. I myself was fortunate enough to have sit in on a free diving class, and I was amazed at what I had learned from one class. Mind you I have been diving for at least 40 years and I learned some valuable safety info that I would've never learned anywhere else and which I also passed on to others around my age and of course with the same or even more experience. It was very eye-opening. I now encourage every young spearfish. I interact with to search out and try to be educated on the safeties of spearfishing. I think this bill is a very simple and easy and cost-effective way to spread the word and to keep our keiki safe.

Thank you for allowing me to testify

Skee Saplan

LATE



March 3, 2026

Chair Matayoshi and Members of the Committee,

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

The Hawaiian Lifeguard Association (HLA) respectfully supports HB1765 as a prevention-based, low-cost measure to address the risk of shallow water blackout in breath-hold diving. Spearfishing is widely recognized as an important cultural and subsistence practice in Hawai'i. It must be noted here, Native Hawaiians and Pacific Islanders experience disproportionately high drowning rates in our state, including while engaged in ocean-based cultural activities. Prevention efforts that respect cultural practice while improving safety awareness are critically important.

We understand the concern that a required label should be necessary, effective, and not impose burden without evidence of impact. Established consumer safety and aquatic injury prevention research supports the use of warning labels in circumstances such as this.

The U.S. Consumer Product Safety Commission (CPSC) recognizes warning labels as appropriate when hazards are not perceptible, cannot be engineered out, and pose a risk of serious injury or death. Shallow water blackout meets all three criteria: it is silent, not intuitive, and cannot be eliminated through equipment design.

Aquatic safety research (including studies published in the *International Journal of Aquatic Research and Education*) demonstrates that targeted safety messaging improves hazard awareness and increases intent to adopt protective behaviors, particularly where knowledge gaps exist about breath-hold risks.

Additionally, internationally recognized freediving agencies (AIDA, PADI, NAUI) require strict buddy supervision and prohibit hyperventilation. The proposed label's instruction to "Never dive alone" aligns directly with established breath-hold safety standards.

Human factors research shows warnings are most effective when the hazard is misunderstood, the consequence is severe, and a clear protective action is provided. This proposal meets those criteria.

HB1765 does not restrict spearfishing or create enforcement infrastructure; it is a minimal informational requirement consistent with

info@hawaiianlifeguardassociation.org

established consumer safety practices. Given the severity and silent nature of shallow water blackout, this is a proportionate prevention strategy.

HLA stands ready to assist in refining language to ensure clarity and minimal burden while preserving the bill's life-saving intent.

Mahalo



Kirsten Hermstad
Executive Director



HB-1765-HD-1

Submitted on: 2/27/2026 3:02:57 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Bien	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Jennifer, and I support HB1765.

This bill is about something simple: making sure people have clear information before they use specialized equipment. It applies only to breath-hold diving and spearfishing gear. It does not restrict access, regulate how people dive, or create enforcement in the water.

It just requires a basic disclosure of a real and documented risk: hypoxic or shallow-water blackout.

Right now, many people enter the sport without understanding that risk. A small label at the point of purchase creates a moment of awareness, not fear, just awareness. From there, people can choose to learn more, access free education, and make informed decisions about how they dive.

The cost to businesses is minimal. We're talking about a label that costs cents on equipment that ranges from roughly \$75 to \$650. The compliance timeline is also reasonable.

This is a practical, low-impact step that supports consumer transparency without limiting personal choice. It respects the sport while helping people understand the risks that come with it.

HB1765 is a straightforward way to improve awareness and potentially prevent avoidable incidents.

Thank you for the opportunity to testify.

HB-1765-HD-1

Submitted on: 2/27/2026 4:18:23 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Allison Schaefers	Individual	Support	Written Testimony Only

Comments:

TESTIMONY IN SUPPORT OF HB1765 — Spearfishing Safety Labeling

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

My name is Allison Schaefers, and I am testifying in strong support of **HB1765**, which establishes safety-warning requirements for spearfishing equipment to reduce preventable hypoxia-related drownings.

Breath-hold diving associated with spearfishing carries a well-documented risk of hypoxia and shallow-water blackout. These events can occur without warning, even among experienced divers, and often result in sudden loss of consciousness, serious injury, or death. The Hawai‘i Water Safety Plan, released in 2025 by the Hawai‘i Water Safety Coalition, identifies hypoxia-related drownings as a growing and urgent public-health concern, particularly among young people engaged in freediving and spearfishing.

This bill was brought forward by **FreediveSafe! Hawai‘i**, founded in 2020 and a member of the Hawai‘i Water Safety Coalition. It’s the only organization in the state dedicated specifically to preventing freediving and spearfishing fatalities. Their work fills a critical gap in Hawai‘i’s drowning-prevention landscape. They focus on raising awareness about hypoxia, teaching proven safety protocols, and ensuring that lifesaving education is free and equitable—especially for youth ages 12 to 25, subsistence communities, and those learning through cultural practice.

The need for action is clear. According to the Department of Health, **freediving drownings increased from two in 2022 to eleven in 2023**, approaching the state’s highest-ever total of thirteen deaths in 2020. These are not isolated incidents; they reflect a trend that mirrors the rising popularity of spearfishing and breath-hold diving across the islands.

According to the Centers for Disease Control and Prevention, each drowning in Hawai‘i in 2023 carried an average economic cost of about \$11 million. By that measure, the 13 drownings recorded in 2020 represent roughly \$143 million in losses. Drowning is also the leading cause of injury-related visitor death, placing real strain on a tourism-dependent economy. Given these costs—and the fact that the state budget is built on visitor spending—investing in drowning prevention is fiscally responsible.

As the lead writer of the Hawai‘i Water Safety Plan, I am painfully aware that Hawai‘i has the second highest drowning rate in the nation for residents, and our Native Hawaiian and Pacific Islanders face far greater risks, according to data from the Hawai‘i Department of Health and from other epidemiologists working in the state.

As a mother, who has lost her own child to drowning in Hawai‘i, I urge state lawmakers to take steps to stem the drowning trends and to say, “Not one more death.”

Drowning is preventable, and HB1765 takes a simple, effective, and culturally respectful approach to managing risk. It does not restrict lawful, traditional, or subsistence fishing practices. Instead, it ensures that commercially sold spearguns and pole spears carry clear, durable warnings about hypoxic risk—like the safety disclosures required for other recreational equipment. Research and experience show that increased awareness saves lives. A visible, standardized warning is a low-cost, high-impact intervention that supports both public safety and informed choice.

This bill aligns with the Hawai‘i Water Safety Plan’s emphasis on education, risk communication, and upstream prevention. It also supports the work of community-based organizations like FreediveSafe! Hawai‘i, whose outreach, training, and cultural grounding make them essential partners in reducing drowning statewide.

HB1765 is a balanced, common-sense measure that honors Hawai‘i’s fishing traditions while addressing a preventable cause of death. I respectfully urge the committee to pass this bill.

Mahalo,

Allison Schaefer

HB-1765-HD-1

Submitted on: 2/27/2026 5:59:05 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

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

Comments:

I strongly support this bill. As a founding member of the Hawaii Water Safety Coalition, I recognize that most of the drowning deaths related to spearfishing in Hawaii are preventable with informed safety practices. We have lost too many teens and young adults. Requiring warning labels on gear is a simple and cost-effective way to inform consumers that hazards exist but are preventable.

Dear Chair and Members of the Committee,

I am writing in strong support of HB1765, which addresses the need for improved water safety and drowning prevention in Hawai'i.

Hawai'i continues to face a serious and preventable drowning problem. According to the Hawai'i Water Safety Plan, Hawai'i has one of the highest drowning rates in the United States. Drowning remains a leading cause of death for Hawai'i's children and a significant cause of visitor fatalities.

As the host of *Deep Dive Into Water Safety*, a Kaua'i-based radio program and global podcast focused on drowning prevention, I have had the opportunity to interview leading water safety experts from Hawai'i and around the world. These experts consistently emphasize that drowning is preventable when communities invest in education, awareness, and coordinated prevention efforts.

HB1765 represents an important step toward strengthening Hawai'i's commitment to water safety.

Many drowning incidents occur not because people take unreasonable risks, but because they lack basic knowledge about ocean conditions, snorkeling safety, rip currents, and breath-hold activities such as freediving. Visitors and residents alike often underestimate the risks associated with breath-hold diving and underwater swimming.

Freediving and breath-hold diving have grown in popularity in Hawai'i. However, many participants are unaware of the risks of shallow-water blackout and hypoxic loss of consciousness, which can occur suddenly and without warning. These incidents are often silent and can be fatal even among strong swimmers.

Education about safe freediving practices including never diving alone, proper supervision, and understanding blackout risk is an important component of drowning prevention. Manufacturers information is important about staying safe while free diving.

Improving water safety education and prevention efforts will directly benefit:

- Hawai'i families
- Keiki and kūpuna
- Ocean recreation users
- Visitors
- Snorkelers and divers
- Schools
- Lifeguards
- Communities statewide

Through *Deep Dive Into Water Safety*, I have spoken with internationally recognized experts including Professor Rob Brander, Dr. Jamie MacMahan, Professor Mike Tipton, and other

leaders in drowning prevention. Their work confirms that education and prevention are among the most effective ways to reduce drowning.

HB1765 supports the goals of the Hawai'i Water Safety Plan by strengthening water safety education and prevention strategies across the state.

Hawai'i is an ocean state. Ensuring that residents and visitors understand how to stay safe in the water is essential to protecting lives.

I respectfully urge the committee to support HB1765.

Mahalo for the opportunity to provide testimony.

Margaret Wright

Host, Deep Dive Into Water Safety

Kaua'i, Hawai'i

HB-1765-HD-1

Submitted on: 2/27/2026 11:34:48 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerald Kosaki	Individual	Support	Written Testimony Only

Comments:

I am a retired battalion chief with the last 9 years overseeing ocean safety and rescue operations and I support this bill. I've seen too many times when experienced divers get into trouble and have even died because of shallow water blackout. We even had to pick up one of our own rescue personnel while he was diving on his day off. Education may not solve this problem completely but it definitely is a step in the right direction. Thank you for your consideration.

HB-1765-HD-1

Submitted on: 2/28/2026 6:17:41 AM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Lee	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is **Justin Lee**, and I have been spearfishing in Hawai‘i for over three decades. In that time, I’ve experienced some of the best days the ocean can offer — clear water, abundant fish, and the deep connection our community shares with the sea. I have also witnessed some of the saddest days — when a diver does not return safely to shore.

I am here in strong support of HB1765.

This bill is a straightforward, commonsense consumer protection measure. It does not regulate the sport of spearfishing. It does not limit access. It does not create enforcement on the water. It simply ensures that when someone purchases equipment specifically designed for breath-hold diving and spearfishing, they are clearly informed of a serious and well-documented risk: hypoxic or shallow-water blackout.

In Hawai‘i, we cherish our ocean traditions. Spearfishing and freediving are part of who we are. But with that tradition comes responsibility. Too many families in our islands have been affected by drowning incidents related to breath-hold diving. Many young divers — and even adults new to the sport — are unaware of how quickly hypoxic blackout can occur.

A simple label costing only a few cents on equipment priced between \$75 and \$650 can serve as a powerful reminder. It can prompt a parent to ask questions. It can encourage a new diver to seek proper safety training. It can reinforce the importance of never diving alone and always following buddy protocols.

HB1765:

- Protects consumers through clear disclosure.
- Supports public safety and drowning prevention.
- Maintains minimal cost and burden for businesses.
- Respects Hawai‘i’s ocean traditions.
- Encourages informed personal responsibility.

As someone who has seen both the beauty and the heartbreak our ocean can bring, I believe this is a practical, balanced step forward. It honors our way of life while helping prevent avoidable tragedies.

I respectfully urge your support for HB1765.

Mahalo for the opportunity to testify

Aloha Chair and Members of the Committee,

My name is Tabitha Pupuhi, and I strongly support HB1765. As a paramedic in Hawai'i, I have firsthand experience dealing with the tragedy caused by freediving and spearfishing fatalities. The devastation to families and communities by each death is heartbreaking to see, especially when it could have been prevented.

This bill is a simple, commonsense measure designed to provide consumers with clear information so they can make safe, informed decisions. It applies only to equipment specifically designed for breath-hold diving and spearfishing. It does not regulate the sport, restrict access, or create enforcement on the water.

Instead, it ensures that consumers are made aware of a well-documented and serious risk: hypoxic or shallow-water blackout.

Hawai'i continues to experience high drowning rates associated with freediving and spearfishing. Many participants, particularly youth, are unaware of these risks when purchasing equipment. Safety labeling is a proven, cost-effective, low-impact way to raise awareness.

A label costing only a few cents on equipment priced between \$75-\$650 provides families with an important prompt to seek safety education and follow proper buddy protocols.

HB1765:

- Protects consumers through clear disclosure.
- Supports public safety and drowning prevention.
- Maintains minimal cost and burden for businesses.
- Respects Hawaii's ocean traditions.
- Encourages informed personal responsibility.

This is a practical and effective consumer protection measure. I urge your support.

Mahalo for your consideration.

HB-1765-HD-1

Submitted on: 2/28/2026 2:01:29 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
christopher Funada	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Chris Funada, and I am in support of HB1765. Not everyone who starts spearfishing has the support they need to understand the dangers involved - especially inexperienced parents of a child who may be just starting to dive. A label will help educate those who are unfamiliar with the potential risks of the sport.

Mahalo
Chris

HB-1765-HD-1

Submitted on: 2/28/2026 2:07:03 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
michael	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill. Anything that attempts to save lives and educate people is good as long as it does not restrict one's right to purchase and use. Can only help-

HB-1765-HD-1

Submitted on: 3/1/2026 11:41:26 AM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauren Manuel	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of HB 1765 Spearfishing Safety

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

This testimony is in strong support of HB 1765.

Research in human factors and consumer product safety demonstrates that clear, visible hazard communication increases users’ awareness of risks and can influence safer decision-making. A foundational review published in *Current Directions in Psychological Science* concluded that warning signs and labels are effective in increasing hazard perception and directing attention toward safer behaviors when properly designed and placed.¹ The authors explain that warnings function by informing users of non-obvious hazards and motivating precautionary action.

Subsequent research in risk communication and warning design further demonstrates that signal words, visibility, and placement materially affect whether consumers notice, comprehend, and respond to safety information.² These findings form part of the scientific basis for longstanding warning label requirements on recreational and consumer equipment regulated by the U.S. Consumer Product Safety Commission.

The diving industry itself relies on this model. Scuba equipment is routinely accompanied by warnings regarding decompression sickness and oxygen toxicity because these physiological risks are not intuitive to users. Breath-hold diving and spearfishing involve a similarly non-obvious physiological hazard: hypoxic blackout. Many individuals who later experience shallow-water blackout report that they were unaware such a mechanism existed.

HB 1765 does not suggest that labeling alone eliminates drowning risk. Rather, it addresses a documented information gap through a narrowly tailored, low-cost disclosure requirement. Consumers cannot seek training, adopt structured buddy protocols, or modify behavior in response to a hazard they do not know exists. Point-of-sale disclosure ensures that purchasers of specialized breath-hold diving equipment are informed of this risk at the moment of acquisition.

Warning labels are a long-standing, evidence-informed tool used nationwide to reduce preventable injuries associated with consumer products and recreational equipment. HB 1765 applies that same consumer protection principle to a documented cause of preventable drowning

in Hawai'i.

Thank you for your time and consideration.

Mahalo,

Lauren Manuel

HB-1765-HD-1

Submitted on: 3/1/2026 4:45:59 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alyssa	Individual	Support	Written Testimony Only

Comments:

As a freediver who has used the safety information to actually save a life of a friend of mine who was a water woman, I can attest to how important safety warnings are. Shallow water blackout can be deadly IF not handled properly by individuals who are properly trained on shallow water black out as freedivers. I see way too many times people, tourists, with no water experience or time in the water, see spearfishing or freediving online and want to try it while they are here. They do not understand the warnings or precautions that come with a lack of understanding and or knowledge of the activity at hand. Warnings can be a helpful way to get people to think before they do, encourage them to take the proper steps to learn before participating to ensure safer ocean experiences. I strongly encourage and support the importance of this Bill as it can have a huge impact on the safety and awareness around the importance of educating and entering the ocean with an understanding and respect of the activities participated in.

HB-1765-HD-1

Submitted on: 3/1/2026 8:33:22 PM

Testimony for CPC on 3/3/2026 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

1765 HB RELATING TO SPEARFISHING SAFETY.

HB-1765-HD-1

Submitted on: 3/2/2026 7:44:37 AM

Testimony for CPC on 3/3/2026 2:00:00 PM

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

Comments:

Aloha

This bill raises awareness about freediver blackout and helps new divers stay safe through point-of sale information.

Spearfishing is a beloved sport and lifestyle here in Hawaii. However data shows many of the resident drownign accidents occur among individuals who were freediving. Clear labelling iwll help consumers make informed decisions.

Mahalo for your consideration

HB-1765-HD-1

Submitted on: 3/2/2026 10:22:00 AM

Testimony for CPC on 3/3/2026 2:00:00 PM

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

Comments:

Aloha Chair, Vice Chair, and members of the committee. I am writing as a bereaved family member who has lost loved ones to the ocean and as a founder of the Hawaii Water Safety Coalition - in strong support of HB 1765 relating to spearfishing. Having clear, evidence-based safety information at point of sale for spearfishing equipment will help amplify this urgently needed messaging. We have lost too many lives to freediver blackout in Hawaii and it is time for this common sense solution.

HB-1765-HD-1

Submitted on: 3/2/2026 11:49:14 AM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Kawabata	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

As mentioned prior, I understand the heartfelt thoughts behind this bill, but I DO NOT support this bill as written. The bill does not address the underlying need, which is education (face-to-face, online, etc.). Placing a label on gear will NOT stop breath hold accidents from occurring. Functional spearfishing gear doesn't kill people when used and handled properly.

Thank you.

HB-1765-HD-1

Submitted on: 3/2/2026 12:00:21 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Brant	Individual	Support	Written Testimony Only

Comments:

I support this bill. I have been a member of the USA freediving team for the past 5 years and hold several national masters records. I also work as a registrar at one of the HDOE charter school. I know first hand the risk of shallow water black outs and the safety benefits of training.

HB-1765-HD-1

Submitted on: 3/2/2026 12:49:38 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leonardo Mourao	Individual	Oppose	Written Testimony Only

Comments:

I believe this policy is both counterproductive and ineffective. Mandating that businesses place warning labels on freediving and spearfishing equipment about the risks of shallow water blackout is unlikely to prevent such incidents. Simply adding labels does not ensure that individuals will read, understand, or act on the information provided.

Furthermore, this type of regulation places an additional burden on businesses, potentially increasing production costs and, in turn, raising prices for consumers. It also represents an expansion of government control into the private sector, infringing on business autonomy and individual liberties.

Rather than imposing labeling requirements, a more constructive approach would be to allocate public funds toward free or low-cost safety courses. Providing accessible education and hands-on training would better equip individuals with the knowledge and skills needed to mitigate risks. In my view, empowering people through education is far more effective than expanding regulatory mandates that limit freedoms without meaningfully improving safety.

HB-1765-HD-1

Submitted on: 3/2/2026 1:04:09 PM

Testimony for CPC on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kyle Nakamoto	Individual	Support	Written Testimony Only

Comments:

Aloha, As a local Hawai'i resident, spearfisherman, and producer of Hawai'i Skin Diver TV, I am in support of this bill to help create a safer environment for those engaging in the sport of spearfishing. Many new to the sport are unaware of the dangers of shallow water black out and education is only way to help reduce these fatalities. "An ounce of prevention is always better than a pound of cure." Mahalo nui loa. Kyle Nakamoto