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# SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A STATEWIDE  
RAINWATER DETENTION AND RETENTION POND SAFETY PROGRAM.

1           WHEREAS, Hawaii has one of the highest numbers of drowning  
2 incidents in the country with an annual rate average of 2.4  
3 victims for every one hundred thousand residents who drown in  
4 the State's ocean waters, lakes, dams and reservoirs, rainwater  
5 retention and detention ponds, flood waters, swimming pools,  
6 spas, and private homes; and  
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8           WHEREAS, this rate more than doubles when including visitor  
9 statistics, making Hawaii one of the nation's riskiest  
10 destinations in terms of water safety; and  
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12           WHEREAS, a high drowning rate detracts from the State's  
13 image as a safe and pleasurable visitor destination; and  
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15           WHEREAS, Hawaii's keiki are very vulnerable to drowning,  
16 which in Hawaii and nine other states, is the leading cause of  
17 death among children aged fourteen and younger; and  
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19           WHEREAS, while drowning accidents in swimming pools are the  
20 leading cause of injury and death among children under the age  
21 of five, Hawaii's older keiki are more vulnerable to drowning in  
22 the ocean, lakes, ponds, dams and reservoirs, rainwater  
23 catchments, and detention and retention ponds; and  
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25           WHEREAS, storm water detention and retention ponds and  
26 rainwater catchments are similarly used to harvest runoff  
27 rainwater; and  
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29           WHEREAS, unregulated and poorly maintained detention and  
30 retention ponds, often mistaken for recreational bodies of water  
31 by Hawaii's children, pose a serious health and safety risk and  
32 should be clearly marked with hazard and warning signs that  
33 prohibit swimming and water sports; and  
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35           WHEREAS, the Department of Health has recommended action by  
36 setting a goal to cut Hawaii's drowning rate by more than half,

1 reducing it to less than one resident per one hundred thousand  
2 by 2010; and

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4 WHEREAS, the American Academy of Pediatrics and the  
5 Consumer Product Safety Commission have recommended fencing to  
6 protect children from circumventing adult supervision, and the  
7 State's Injury Prevention Panel has recommended four-sided  
8 isolation fencing for residential pools; and

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10 WHEREAS, just like pools, rainwater detention and retention  
11 ponds should be similarly enclosed with chain-link or see-  
12 through fencing that is at least four feet high and accessible  
13 only by a single locked gate; and

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15 WHEREAS, a rainwater detention and retention pond safety  
16 program needs to be implemented statewide to protect the safety  
17 of our children; and

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19 WHEREAS, the program should develop and implement rules and  
20 regulations that balance the importance of regulating rainwater  
21 detention and retention ponds to ensure public safety with the  
22 assurance of compliance by all state agencies and private sector  
23 builders and developers; now, therefore,

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25 BE IT RESOLVED by the Senate of the Twenty-fifth  
26 Legislature of the State of Hawaii, Regular Session of 2009,  
27 that the Department of Health is hereby requested to implement a  
28 Statewide Rainwater Detention and Retention Pond Safety Program  
29 as part of the Safety Program to:

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31 (1) Encourage and assist developers or persons responsible  
32 for constructing or maintaining a retention pond,  
33 detention pond, or catchment area pond to adopt a  
34 maintenance and inspection plan to ensure adequate  
35 safety;

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37 (2) Encourage installation of chain link or see-through  
38 fencing and signage to deter children from playing and  
39 congregating around or near these ponds or drainage  
40 areas; and

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42 (3) Develop retention pond, detention pond, and catchment  
43 area pond safety components in the Department's  
44 curriculum; and

1  
2 BE IT FURTHER RESOLVED that the Department of Health is  
3 urged to request the Governor to provide funding to implement  
4 the Statewide Rainwater Detention and Retention Pond Safety  
5 Program to the fullest extent required; and

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7 BE IT FURTHER RESOLVED that the Statewide Rainwater  
8 Detention and Retention Pond Safety Program should not be  
9 applied to or affect golf course properties; and

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11 BE IT FURTHER RESOLVED that certified copies of this  
12 Resolution be transmitted to the Governor, the Director of  
13 Health, and all county boards of water supply.