

FEB 02 2009

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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, Hawaii has the highest number 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

7  
8           WHEREAS, this rate more than doubles when including visitor  
9 statistics, making Hawaii the nation's riskiest destination in  
10 terms of water safety; and

11  
12           WHEREAS, a high drowning rate detracts from the State's  
13 image as a safe and pleasurable visitor destination; and

14  
15           WHEREAS, Hawaii's keiki are the most vulnerable to  
16 drowning, which in Hawaii and nine other states, is the leading  
17 cause of death among children aged fourteen and younger; and

18  
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

24  
25           WHEREAS, storm water detention and retention ponds and  
26 rainwater catchments are similarly used to harvest runoff  
27 rainwater; and

28



1 WHEREAS, unregulated and poorly maintained detention and  
2 retention ponds, often mistaken for recreational bodies of water  
3 by Hawaii's children, pose a serious health and safety risk and  
4 should be clearly marked with hazard and warning signs that  
5 prohibit swimming and water sports; and  
6

7 WHEREAS, the Department of Health has recommended action by  
8 setting a goal to cut Hawaii's drowning rate by more than half,  
9 reducing it to less than one resident per one hundred thousand  
10 by 2010; and  
11

12 WHEREAS, the American Academy of Pediatrics and the  
13 Consumer Product Safety Commission have recommended fencing to  
14 protect children from circumventing adult supervision, and the  
15 State's Injury Prevention Panel has recommended four-sided  
16 isolation fencing for residential pools; and  
17

18 WHEREAS, just like pools, rainwater detention and retention  
19 ponds should be similarly enclosed with chain-link or see-  
20 through fencing that is at least four feet high and accessible  
21 only by a single locked gate; and  
22

23 WHEREAS, a rainwater detention and retention pond safety  
24 program needs to be implemented statewide to protect the safety  
25 of our children; and  
26

27 WHEREAS, the program should develop and implement rules and  
28 regulations that balance the importance of regulating rainwater  
29 detention and retention ponds to ensure public safety with the  
30 assurance of compliance by all state agencies and private sector  
31 builders and developers; now, therefore,  
32

33 BE IT RESOLVED by the Senate of the Twenty-fifth  
34 Legislature of the State of Hawaii, Regular Session of 2009, the  
35 House of Representatives concurring, that the Department of  
36 Health is hereby requested to implement a Statewide Rainwater  
37 Detention and Retention Pond Safety Program as part of the  
38 Safety Program:  
39

- 40 (1) Encourage and assist developers or persons responsible  
41 for constructing or maintaining a retention pond,  
42 detention pond, or catchment area pond by adopting a  
43 maintenance and inspection plan to ensure adequate  
44 safety;



1 (2) Encourage installation of chain link or see-through  
 2 fencing and signage to deter children from playing and  
 3 congregating around or near these ponds or drainage  
 4 areas; and  
 5

6 (3) Develop retention pond, detention pond, and catchment  
 7 area pond safety components in the Department's  
 8 curriculum;  
 9

10 and  
 11

12 BE IT FURTHER RESOLVED that the Department of Health is  
 13 urged to request the Governor to provide funding to implement  
 14 the Statewide Rainwater Detention and Retention Pond Safety  
 15 Program to the fullest extent required; and  
 16

17 BE IT FURTHER RESOLVED that the Statewide Rainwater  
 18 Detention and Retention Pond Safety Program should not be  
 19 applied to or affect golf course properties; and  
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21 BE IT FURTHER RESOLVED that certified copies of this  
 22 Concurrent Resolution be transmitted to the Governor, Director  
 23 of Health, and all county boards of water supply.  
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 25  
 26

OFFERED BY: Shoanne Chun Adland  
 Will Eyer  
 [Signature]

