

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Judiciary and Labor

HB 619 HD1, PROPOSED SD1,

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

**March 28, 2013
10:30 am**

1 **Department's Position:** The department opposes this bill.

2 **Fiscal Implications:** This bill would require additional staffing that the department has not included or

3 funded in the Executive Biennium Budget and therefore may adversely affect other spending priorities.

4 **Purpose and Justification:** Enforcement of this legislation would require additional staff and legal

5 resources. Currently, there is no measure to determine at what point odors become injurious to public

6 health, therefore we would not be able to enforce this provision. The department would be required to

7 create standards that do not exist anywhere else in the nation with regards to the abating this nuisance.

8 We respectfully request that the legislature follow the recommendations of the community meeting held

9 earlier this year which the HD1 version of this bill addressed. The SD1 completely changes the

10 remedies that were presented at the forum on feral bird feeding sponsored by City and County of

11 Honoulu, the State Legislature, the DOH, the DLNR, HPD, and mental health professionals, that the

12 act of feeding the birds must be regulated, and not the level of odor or filth unless enforceable,

13 measurable standards are developed. There are no other States that have measurable standards. Current

1 laws regarding nuisances are extremely difficult if not impossible to enforce due to the lack of
2 measurable standards. It is also difficult to determine any “injury” to public health when there no
3 current epidemiological evidence that show any disease transmission as the result of the feeding of feral
4 birds.

5 The department would like to focus its limited resources in areas proven to be of public health
6 concern such as controlling the incidence of food borne illness risk factors in food establishments
7 through proper inspection frequencies that have been proven to produce consistent compliance with food
8 safety regulations which are directly related to outbreaks of food borne illness.

9 Thank you for the opportunity to testify.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 2:53 PM
To: JDLTestimony
Cc: strawberrycarey@hotmail.com
Subject: *Submitted testimony for HB619 on Mar 28, 2013 10:30AM*

LATE TESTIMONY

HB619

Submitted on: 3/27/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Carey Moyer	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 3:48 PM
To: JDLTestimony
Cc: henrich@hawaiiantel.net
Subject: Submitted testimony for HB619 on Mar 28, 2013 10:30AM

STATE TESTIMONY

HB619

Submitted on: 3/27/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia Henrich	Individual	Oppose	No

Comments: We have altered the natural habitat of so many species that we need to help. If providing food to wild birds is a crime, then it brings us one step closer to saying that humans rule the environment at whatever cost. Other species and then our own unfortunate members are not important. Let people who wish to nurture be allowed to do so. The negative impacts are so much less than the positives.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 28, 2013 8:11 AM
To: JDLTestimony
Cc: heinzu001@hawaii.rr.com
Subject: *Submitted testimony for HB619 on Mar 28, 2013 10:30AM*

HB619

Submitted on: 3/28/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
ursula heinz	Individual	Oppose	No

Comments:

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 9:52 PM
To: JDLTestimony
Cc: Imfkokokai@juno.com
Subject: Submitted testimony for HB619 on Mar 28, 2013 10:30AM

HB619

Submitted on: 3/27/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
lu fleming	Individual	Oppose	No

Comments: It is disheartening that a new law governing ALL people would deprive/consequence those who responsibly feed wild birds, but instead 'discipline those specifically' who abuse peaceful feeding methods by causing havoc, unreasonable, unlivable mess to his neighbor that is downright inconsiderate, but don't consequence us all!

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 6:58 PM
To: JDLTestimony
Cc: Dixoninhawaii@gmail.com
Subject: Submitted testimony for HB619 on Mar 28, 2013 10:30AM

HB619

Submitted on: 3/27/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dixon smith	Individual	Oppose	No

Comments: As a wild bird rescuer we frequently must attract an injured bird with a small amount of food or seed. THiis bill would criminalize a humanitarian act of reducing suffering of an injured animal. Please do not allow this Bill to pass as written.

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COMMITTEE ON JUDICIARY AND LABOR

HB 619 HD1 - RELATING TO FERAL BIRDS

Please do NOT pass this bill because it is an unnecessary one; people complaining that their property has been damaged by birds/pigeons fed by their neighbors ALREADY HAVE recourse available to them to stop this nuisance: they may take their neighbors to small claims court and prove that their actions have caused them damage and expense, and win compensation. It is senseless to criminalize harmless, and indeed, kind and sweet behavior. In addition, at a time when the economy is struggling, pet shops selling bird food will suffer as a consequence of people not being allowed to buy wild bird food. Further, rehabbing of foundlings will become illegal under this law. Try explaining that to a child. All rehabbing efforts will be in jeopardy and will simply result in civil disobedience – this is not the kind of law you want to create. Taking care of and casually feeding birds is a simple, inexpensive pleasure remaining in people's lives – do not tamper with it.

Sincerely,
Margy O'Kelly

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 28, 2013 6:47 AM
To: JDLTestimony
Cc: matt_lopresti@yahoo.com
Subject: *Submitted testimony for HB619 on Mar 28, 2013 10:30AM*

HB619

Submitted on: 3/28/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew LoPresti	Individual	Support	No

Comments:

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