

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'AINA O KA MOKU'AINA 'O HAWAII



KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:
EMSIPSB 24x-0003

January 31, 2024

Mr. Mark Baker
President, Soft Lights Foundation
9450 SW Gemini Drive PMB 44671
Beaverton, Oregon 97008

Dear Mr. Baker:

The Hawaii Department of Health (DOH) has reviewed Soft Lights Foundation's (SLF) Petition for Rulemaking to Regulate Sirens and Flashing Lights (Petition) dated January 1, 2024. As a preliminary matter, the DOH finds that the Petition fails to meet the filing requirements of Hawaii Administrative Rules (HAR) § 11-1-51(b), which states that "[t]he petition shall be filed in writing." Under HAR § 11-1-4(c) (Filing of documents), "[a]ll documents . . . required by this chapter shall be" mailed or hand delivered to the Director of Health. The DOH may authorize electronic filing (i.e., via email) by specifying the means and filing date under HAR § 11-1-4(f). SLF emailed the Petition to the Emergency Medical Services Branch of the DOH. SLF did not seek or obtain authorization from the DOH to electronically file the Petition nor did SLF "file" the Petition with the DOH Director as required by HAR § 11-1-4(c). Accordingly, the DOH concludes that the Petition is subject to dismissal under HAR § 11-1-51(d).

However, even if the Petition met the filing requirements, the DOH finds that there are reasons to deny the Petition irrespective of whether it meets the filing requirements of HAR § 11-1-51(b). SLF proposes that use of emergency vehicle sirens shall be limited to a maximum of 80 decibels. The DOH finds that this proposal is arbitrary as there does not appear to be any data, information or studies cited in the Petition that would justify such a limitation.

SLF also proposes prohibiting flashing lights on emergency vehicles because flashing lights (1) cause negative neurological effects, and (2) create discriminatory barriers. The DOH is not aware of any consensus on or definitive studies proving a link between flashing lights and negative neurological impacts. Further, the DOH does not agree with your contention that flashing lights create discriminatory barriers.

After reviewing the Petition, the DOH denies the Petition based on the reasons stated herein.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Fink".

Kenneth S. Fink, MD, MGA, MPH
Director of Health