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**SB562 SD1**

I usually don't like to comment on things in politics, but as President of HGEA Bargaining Unit 14, representing lifeguards around the state of Hawaii, it is my duty to voice my disgust about what is happening at the State Legislature. The Hawaii Association for Justice, a group of personal injury lawyers, and others are misleading the public and some legislators in what I see as an effort to make money off of Hawaii's tax payers.

The Plaintiff's Law Firm and the Hawaii Association for Justice are the ones who have the most to gain from a change in the law, not the public. I take offense to the comment in Hawaii Civil Beat, April 10, 2017 that we, City & County lifeguards OPERATE AT A SUBSTANDARD LEVEL. We are considered the best at what we do, bar none. As an Ocean Safety Officer for the City and County of Honolulu for thirty-four years, the Lead-PWC Jet-Ski Rescue Operator Trainer for the City & County of Honolulu since its inception of PWC operations in 1991, co-author of the original PWC Rescue Training Manual, and author of the revised PWC Rescue Training Manual, I feel that statements are being made by people who don't have a clue as to what we do.

Lifeguards in Hawaii perform their duties under the most adverse and dangerous conditions in the world. We are the number one at-risk ocean lifeguards in the world, and yet we are among the lowest paid lifeguards in the nation. Hawaii's shorelines can be the perfect playground for little children and visiting tourists, but at moments notice can turn into an ocean of certain death. We deal with the largest surf in the world and we put our lives in danger everyday to save you and your families. We are undermanned, underequipped and underpaid. We struggle to fill the towers with personnel daily because the counties don't have the money in the budgets to hire more lifeguards. And we still have unguarded areas and beaches around the state.

According to the Civil Beat article, Kalani Vieira, Kauai's Ocean Safety Bureau Operations Chief, told lawmakers this month that there have been no drownings at Ke'e Beach — part of Haena State Park on the island's remote North Shore — since lifeguards started working there in 2008. There had been several drownings there in years prior. In 2016, he said lifeguards rescued 28 people, administered first aid 258 times and performed 24,936 preventative actions, such as warning people about the ocean conditions. Nearly 200,000 people visited the beach last year. Those numbers far surpassed 2015 as the beach continues to grow in popularity.

Former Ocean Safety Administrator Ralph Goto, now of the non-profit Hawaiian Lifeguard Association, stated in testimony to the legislature that the chances of fatal drownings at a beach protected by a United States Lifeguard Association-Certified lifeguard are 1 in 18 million. All ocean lifeguards in Hawaii are certified by USLA.

Jim Howe, Honolulu's former Ocean Safety Chief, who now directs its Department of Emergency Services that ocean drownings continue to be the leading cause of visitor deaths in Hawaii and gave this real-life example:

A young man from the north shore went to the Waimea Bay jump rock with a group of friends. He grew up on the north shore and had been there many times, the lifeguards there knew him and his

family. The young man decided to do a handstand dive off the jump rock instead of jumping into the water below. On the way down he hit his head on a rock outcropping, was knocked unconscious and landed in the water. The lifeguards responded and were able to get to him and save him.

A couple of years later this case was heard in court in front of a jury. The plaintiffs charge was that the lifeguards were negligent because they failed to warn the young man about the consequences of diving off the jump rock. The trial went on for some time and at the end the jury deliberated for just twenty minutes and came back with a verdict that the lifeguards were not negligent.

All good, right? Not really, it cost over \$500,000 for the city to win this lawsuit. Not to mention all the time and angst for the lifeguards involved who were accused of not doing their job. This \$500,000 could have paid for ten more lifeguards for a year at the beaches to keep others safe. Of course, this is a tragedy for the young man, his family, the lifeguards involved, and for our entire island community. What good did this do?

The Hawaii Association for Justice and others want to use tax payers' money to pay the attorney general to fight frivolous cases in court. Money that is needed to man unguarded beaches, extend working hours for lifeguards, train and equip more PWC Mobile Rescue Units around the State. Yet it is being proposed to address the added risk for the counties by having the state enter into a contract with the county and provide sufficient funds to purchase liability insurance or to have the state defend and indemnify the counties so the state carries the risks associated with state beach parks. **WE NEED THAT MONEY TO KEEP OUR BEACHES, FAMILIES, BEACH GOERS, SURFERS AND TOURIST INDUSTRY SAFE.** We need the support of the legislature to stop this type of rhetoric once and for all. Lifeguards save lives - that's what we do, we don't have time to stop and think if we're going to get sued for risking our lives to save a stranger/someone in trouble. This is just plain ABSURD!

Please call your State Representatives and State Senators and urge them to support Senate Bill 562 SD1 in support of limited liability protection for Hawaii's Ocean Safety Lifeguards and to end the sunset clause to make this permanent.

Mahalo Nui Loa!