



February 11, 2021

The Honorable Mark A. Nakashima, Chair  
The Honorable Scot Z. Matayoshi, Vice Chair  
House Committee on Judiciary and Hawaiian Affairs  
Hawaii State Legislature  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairperson Nakashima and Vice Chairperson Matayoshi:

As representatives of leading public health and safety organizations working to pass highway and auto safety laws that prevent unnecessary deaths and injuries and contain crash costs, we urge you to support Senate Bill (SB) 634, SB 754 and House Bill (HB) 651. This legislation will lower the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), deter drunk driving and save lives.

Drunk driving is a deadly and costly threat to Hawaii families and visitors that requires urgent attention and action. In 2019, there were 108 fatalities on the state's roads and at least one third of those deaths (36) involved alcohol-impaired drivers (National Highway Traffic Safety Administration (NHTSA)). Traffic crashes also cost Hawaii taxpayers over \$575 million annually. Advancing .05 percent BAC legislation will dissuade dangerous drinking and driving across all levels of impairment as well as curb needless highway deaths and injuries that threaten all road users.<sup>i</sup>

Opponents may state that lowering the BAC will reduce alcohol sales and endanger certain businesses, but reducing BAC limits does not discourage alcohol consumption.<sup>ii</sup> Additionally, studies show that when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the operation of the criminal justice system. Early data from Utah, which began enforcing a .05 percent BAC law on December 30, 2018, is promising. In 2019, the number of alcohol-impaired driving fatalities dropped 37 percent (2018: 62, 2019: 39), and the percentage of traffic fatalities involving an alcohol-impaired driver dropped as well (2018: 24 percent and 2019: 16 percent). In 2019, alcohol consumption and tourism in the state went up and the total number of arrests for alcohol-impaired driving decreased.<sup>iii</sup> Moreover, more than 90 countries have already adopted .05 percent BAC or lower limits and affirm the safety benefits of the policy.<sup>iv</sup>

Research and laboratory evidence finds that most adults are significantly impaired at .05 percent BAC.<sup>v</sup> When behind the wheel of a car, driving skills are degraded resulting in reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency driving situations.<sup>vi</sup> The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is seven to 21 times higher than for drivers without measurable alcohol.<sup>vii</sup>

In 2019, more than 10,000 people died in crashes caused by alcohol-impaired driving across the nation.<sup>viii</sup> According to 2010 NHTSA data, these tragic yet preventable crashes resulted in \$201 billion in comprehensive costs to society. When this figure is adjusted solely for inflation, it amounts to more than \$241 billion in 2020. Traffic crashes also impact businesses. Motor vehicle crashes cost U.S. employers up to \$47.4 billion annually in direct expenses. Drunk driving crashes cost employers \$6 billion each year. Nearly 83 percent of drunk driving costs to employers, \$5 billion, are due to "off the job" alcohol use.<sup>ix</sup>

Since the mid-1990s, the percentage of drunk driving fatalities has plateaued, indicating that progress has stagnated.<sup>x</sup> If all states adopted a .05 percent BAC or lower law, our nation would experience an 11 percent decline in fatal alcohol crashes and 1,790 lives would be saved.<sup>xi</sup> A Texas Medical Center Health Policy Institute national poll found 55 percent of Americans approve lowering the BAC limit while driving to .05 percent.<sup>xii</sup>

Each person killed in a preventable alcohol-related crash on Hawaii roads forever changes the lives of families and communities. The data are clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. We urge you to take this critical step to seriously address the death and injury toll of alcohol-impaired driving by supporting SB 634, SB 754 and HB 651. Thank you for consideration of our views.

Sincerely,

Catherine Chase, President  
Advocates for Highway and Auto Safety

Janette Fennell, Founder and President  
KidsAndCars.org

Marcus Kowal and Mishel Eder, Co-founders  
Liam's Life Foundation  
Parents of Liam Mikael Kowal

Alex Otte, National President  
Mothers Against Drunk Driving (MADD)

Lorraine Martin, President and CEO  
National Safety Council

David A. Sleet, Ph.D.  
Professor Emeritus  
College of Health San Diego State University

Honorable T. Bella Dinh-Zarr, Former Vice Chair  
National Transportation Safety Board  
Co-founder, .05 Saves Lives Coalition

Thomas M. Louizou, Former Regional Administrator  
National Highway Traffic Safety Administration  
Co-founder, .05 Saves Lives Coalition

Additional organizations that recommend or support .05 percent BAC policy:

American Medical Association (AMA)  
American Public Health Association (APHA)  
Association for the Advancement of Automotive  
Medicine (AAAM)  
FIA Foundation  
Liam's Life Foundation  
National Academies of Sciences, Engineering and  
Medicine (NAEM)

National Road Safety Foundation  
National Transportation Safety Board (NTSB)  
Remove Intoxicated Drivers (RID)  
Safe States Alliance  
Society for Public Health Education  
Transportation Alternatives  
Vision Zero Network  
World Health Organization (WHO)

cc: House Committee on Judiciary and Hawaiian Affairs Members

<sup>i</sup> NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

<sup>ii</sup> NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

<sup>iii</sup> Leaver, Jennifer, *The State of Utah's Travel and Tourism Industry 2019*, Kem C. Gardner Policy Institute University of Utah, September 2020. Utah Department of Alcoholic Beverage Control, Annual Reports 2018, 2019 and 2020, available at: <https://abc.utah.gov/about-dabc/annual-reports/>. *17<sup>th</sup> Annual DUI Report to the Utah Legislature*, Utah Commission on Criminal and Juvenile Justice, 2019. Available at: <https://le.utah.gov/interim/2019/pdf/00004834.pdf>.

<sup>iv</sup> Fell, James C., *The Merits of Adopting a 0.05 Administrative Blood Alcohol Concentration Limit for Driving*, *Am J Public Health*. 2016 June; 106(6): 977–978.

<sup>v</sup> Ibid.

<sup>vi</sup> MADD, *What is .08?* Available at: <http://www.madd.org/drunken-driving/about/understanding-08.html>

<sup>vii</sup> Fell, Jim C., Voas, Robert B., *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014.

<sup>viii</sup> NHTSA data provided upon request, December 2020.

<sup>ix</sup> Network of Employers for Traffic Safety (NETS) *Cost of Motor Vehicle Crashes to Employers – 2015*, June 2016.

<sup>x</sup> NASEM, *Getting To Zero Alcohol-Impaired Driving Fatalities - .05% BAC Safety Brief*, 2018.

<sup>xi</sup> NORC: Fell JC & Scherer M, Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05

Grams per Deciliter in the United States, 2017. Available at: <https://bit.ly/2E5p1iq>

<sup>xiii</sup> Governing.com, *How Drunk Is Too Drunk to Drive?* October 2018. Available at: <https://bit.ly/2Et1r6C>.