



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on SB0738
RELATING TO WASTEWATER MANAGEMENT**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR JOY A. BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 7, 2025; 2:00 pm; Room Number: 225

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health ("Department") offers comments on this
3 proposed measure.

4 **Department Testimony:** The Environmental Management Division ("EMD") provides the
5 following testimony on behalf of the Department.

6 The Department supports the intent of this proposed measure. However, there
7 currently are no federal wastewater rules for perfluoroalkyl and polyfluoroalkyl substances
8 ("PFAS").

9 The U.S. Environmental Protection Agency ("EPA") recently submitted a new
10 Information Collection Request ("ICR") to the Office of Management and Budget ("OMB") in
11 October 2024 to obtain approval for the Publicly Owned Treatment Works ("POTW") Influent
12 PFAS Study¹, which will collect nationwide data on industrial wastewater discharges of PFAS

¹ <https://www.epa.gov/eg/potw-influent-pfas-study>

1 into the environment. This information collection will produce a robust, national data set that
2 will enable the EPA to characterize the type and quantity of PFAS in industrial discharges. The
3 EPA will use this wastewater sampling data to identify and prioritize industrial point source
4 categories where additional study or regulations may be warranted to control PFAS discharges.

5 On January 14, 2025, the EPA released the Draft Sewage Sludge Risk Assessment for
6 Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) for public comment².
7 The draft risk assessment reflects the agency's latest scientific understanding of the potential
8 risks to human health and the environment posed by the presence of PFOA and PFOS in sewage
9 sludge that is land applied as a soil conditioner or fertilizer (on agricultural, forested, and other
10 lands), surface disposed (e.g., placed in a sewage sludge-only landfill called a monofill), or
11 incinerated. The draft risk assessment is being released for a 60-day public comment period,
12 which will begin upon publication of the draft risk assessment in the Federal Register. The EPA
13 is accepting written comments from the public on the draft risk assessment from
14 January 15, 2025 through March 17, 2025.

15 Therefore, the EPA has not yet developed regulations for PFAS. Any future regulation
16 under CWA section 405 would occur after the completion of the final risk assessment³. If the
17 EPA proposes regulatory standards for PFOA and/or PFOS in sewage sludge, the public will have
18 an opportunity to provide comment.

19 The Department, Hazard Evaluation and Emergency Response Office has taken action to
20 better understand PFAS in Hawai'i, including wastewater effluent and biosolids⁴.

² <https://www.epa.gov/biosolids/draft-sewage-sludge-risk-assessment-perfluorooctanoic-acid-pfoa-and-perfluorooctane>

³ <https://www.epa.gov/biosolids/frequent-questions-and-answers-draft-sewage-sludge-risk-assessment-pfoa-and-pfos>

⁴ <https://health.hawaii.gov/heer/environmental-health/highlighted-projects/pfas/>

Offered Amendments: The Department respectfully offers the following revisions to this measure. Additions appear as double underlined and deletions appear as parenthetical double strikeouts.

The offered amendment to Section 1 is for clarification between wastewater treatment works that do and do not intend to land apply their sewage sludge.

The offered amendment to Section 3 is to clarify that the Department believes the proposed measure is applicable in accordance with the current §342D-4, Hawaii Revised Statutes, under “sewage sludge”.

The offered amendment to Section 4 is to clarify that testing for specific amounts of PFAS is more accurate than testing for any amount of PFAS.

SECTION 1, Page 1, lines 4-8: “§342D- Testing for perfluoroalkyl and polyfluoroalkyl substances. A wastewater treatment (plant) works that has been designed and approved for land application of its sewage sludge shall test sewage sludge and any other residual material that is intended for land application for the presence of perfluoroalkyl and polyfluoroalkyl substances.”

SECTION 3, Page 1, lines 16-17 and Page 2 lines 1-11: “§342D-4 Duties; rules. In addition to any other power or duty prescribed by law and in this chapter, the director shall prevent, control, and abate water pollution in the State and may control all management practices for domestic sewage, sewage sludge, ~~(land)~~and recycled water, ~~(and other residual materials or sewage sludge accumulated at a wastewater treatment plant that may contain any amount of perfluoroalkyl and polyfluoroalkyl substances,)~~ whether or not the practices cause water pollution. In the discharge of this duty, the director may adopt rules pursuant to chapter 91 necessary for the purposes of this chapter. Any person heard at the public hearing shall be given written notice of the action taken by the department with respect to the rules.”

SECTION 4, Page 2, lines 19-21 and Page 3, lines 1-2: “ [§342D-5] Rules; specific. The director may establish by rule, water quality standards, effluent standards, treatment and pretreatment standards, and standards of performance for specific areas and types of discharges in the control of water pollution, thereby allowing for varying local conditions[.]; provided that the director shall adopt rules providing for the safe disposal and sequestration of sewage sludge and other residual materials accumulated at a wastewater treatment (plant) works that contain (any amount) specific amounts of perfluoroalkyl and polyfluoroalkyl substances.”

Thank you for the opportunity to testify on this measure.



To: The Honorable Senators Mike Gabbard and Joy San Buenaventura, Chairs, the Honorable Senators Tim Richards, III, and Henry Aquino, Vice Chairs, and Members of the Committees on Agriculture and Environment and Health and Human Services.

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: **Hearing SB738 RELATING TO WASTEWATER MANAGEMENT**

Hearing: Friday February 7, 2025, 2:00 p.m.

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Committees on Agriculture and Environment and Health and Human Services:

Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

Hawai'i Reef and Ocean Coalition **SUPPORTS** this legislation **and proposes two amendments!**

PFAS (per- and polyfluoroalkyl substances) are a family of chemicals also known as “forever chemicals” because they don’t break down. They persist in our environment and many appear to have serious health consequences even at very low levels. PFAS presence is a recent but **serious concern regarding land applications of sewage sludge.**

Exposure to PFAS has been associated with a **variety of health risks**, including:

- Increased risk of several types of cancer, particularly kidney and testicular cancer, but also possibly cancers in the digestive, endocrine, oral cavity and respiratory systems.
- Effects on the immune system, including decreased vaccine response.

- Hormonal changes and developmental issues, particularly affecting fetal development during pregnancy.
- Elevated cholesterol levels and potential metabolic effects.

Given the health risks of even very low levels of PFAS, wastewater treatment plants should indeed test sewage sludge for PFAS before any land application. This testing is crucial due to the persistent and bioaccumulative nature of **PFAS, which pose significant environmental and public health risks.**

Regulators are increasingly emphasizing the need for such testing before land application practices to mitigate risks related to PFAS contamination. Several other states have enacted restrictions or guidelines regarding the application of sewage sludge contaminated with PFAS. Regulations vary significantly from state to state.

- California and other states have implemented or are considering restrictions to protect public health and prevent PFAS from entering groundwater and food supplies.
- Maine law requires testing of biosolids for PFAS levels before any land application. Maine has adopted specific measures limiting or prohibiting the land application of sewage sludge containing PFAS above certain thresholds. This includes both monitoring and reporting requirements for treatment plants and a state directive addressing the management of biosolids with PFAS contamination.
- Vermont has established specific rules limiting the concentrations of PFAS in land-applied biosolids.
- New York has introduced strict standards that govern PFAS levels permitted in biosolids before any land application.

Hawai'i should join these states that are restricting wastewater sludge land applications unless they are tested and found free of PFAS as this bill requires.

The bill should be amended in two ways:

- 1. A clearer definition of PFAS is needed** than exists currently in HRS Sec. 321-601, which reads: “‘Perfluoroalkyl and polyfluoroalkyl substances’ or ‘PFAS’ means all members of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.” **On page 1, lines 7-8, the definition of PFAS should be amended to read:**

“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as defined in section 321-601 are “fluorinated substances that contain a perfluoroalkyl moiety with two adjacent fully fluorinated carbons or perfluoroalkyl ether moiety, at least one fully fluorinated methyl or methylene carbon atom (without any Hydrogen/Chlorine/Bromine/Iodine atom attached to it); that is, a PFAS is any chemical

with at least a perfluorinated methyl group (-CF₃) or a perfluorinated methylene group (-CF₂-).

This is adapted from a widely used definition from the Organization for Economic Co-operation and Development (OECD, 2021, p. 7), an intergovernmental organization with 38 member countries established in 1961 to stimulate economic progress and world trade.

2. The laboratory must be qualified to test for PFAS. On page 3 at lines 12-13 the bill should be amended to read:

“Provided that if testing conducted pursuant to section 342D-- at a laboratory certified by the national environmental laboratory accreditation program or the US department of defense environmental laboratory accreditation program yields any amount of ...”

Please pass this bill with these two amendments!

Mahalo!

Hawai‘i Reef and Ocean Coalition (by Ted Bohlen)



Environmental Caucus of The Democratic Party of Hawai'i

February 6, 2025

Testimony in Support of SB738: Relating to Wastewater Management

To: Senate Committee on Agriculture and Environment
Sen. Mike Gabbard, Chair; Sen. Herbert M. “Tim” Richards, III, Vice Chair

Senate Committee on Health and Human Services
Sen. Joy A. San Buenaventura, Henry J.C. Aquino, Vice Chair

From: Environmental Caucus of the Democratic Party of Hawai'i

Date: February 7, 2025, 2:00 p.m. , Conference Room 225 & video

Re: SB 738: Relating to Wastewater Management

Position: Strong Support

Aloha!, Chair Gabbard, Chair San Buenaventura, Vice Chair Richards, Vice Chair Aquino, and Members of the Senate Committee on Agriculture and Environment and the Senate Committee on Health and Human Services

The Environmental Caucus of the Democratic Party of Hawai'i, strongly supports SB738, which would require wastewater treatment plants to test sewage sludge and other residual materials for the presence of perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill also would mandate the Department of Health to adopt rules for the safe disposal and sequestration of sewage sludge containing PFAS.

Key Points:

- 1. Environmental Protection:** SB 738 would ensure that wastewater treatment plants test for PFAS, protecting Hawaii's environment from these harmful chemicals.
- 2. Public Health:** The bill would prioritize public health by requiring the safe disposal of sewage sludge containing PFAS, preventing these substances from contaminating water sources.
- 3. Regulatory Compliance:** By prohibiting the issuance or renewal of permits if PFAS are found in sewage sludge on certain lands, SB738 would ensure compliance with rigorous environmental standards.

4. **Preventing Contamination:** The bill would prevent the application of PFAS-contaminated sewage sludge on agricultural land, lands with drainage tiles, lands draining into state waters, and lands within a 500-year floodplain.
5. **Agricultural Safety:** Where PFAS are not tested in wastewater, their reclamation and use for agricultural purposes, such as irrigation and fertilizer, can lead to contamination of produce. This contamination can seep into the soil, groundwater, and aquifers, posing a significant risk to both environmental and human health.

Critical Arguments in Favor:

1. **Reducing PFAS Pollution:** By mandating testing and safe disposal of sewage sludge containing PFAS, SB 738 significantly reduces the risk of PFAS pollution in Hawai‘i.
2. **Safeguarding Drinking Water:** The bill would help protect drinking water sources from contamination, to help ensure that communities have access to safe and clean water.
3. **Promoting Sustainable Practices:** SB 738 would encourage sustainable wastewater management practices, contributing to the long-term health of Hawai‘i’s ecosystems.
4. **Public Awareness:** The bill would help raise public awareness about the very serious dangers of PFAS and promote responsible handling of these substances. The general public just does not know about them, and we all need to increase people’s awareness.

Supporting Information: On April 21, 2022, Maine Governor Janet Mills signed into law a bipartisan bill, LD 1911, that is the first in the nation to ban the spreading of sludge and sludge-derived compost as fertilizer. Sludge has been the source of widespread contamination from PFAS, forcing family farms to shut down and poisoning drinking water wells of entire communities. The law bans the use of sludge as a soil amendment.

Widely used as fertilizer, industrial and municipal sewage sludge, referred to as “biosolids” by industry, are the semi-solid material left over after the wastewater treatment process. This sludge can become heavily polluted with toxic chemicals, such as PFAS, since many contaminants contained in the industrial and municipal wastewater do not break down during the treatment process. Then, when the contaminated sludge is applied to farmland, it pollutes the soil, and toxic chemicals can get transferred to our food. About 60% of sewage sludge produced in the US each year is applied to land.

PFAS have been used by manufacturers for their grease- and water-proofing properties, but there are hundreds of other applications. PFAS have been linked to serious health problems such as cancer, hormone disruption, immune system suppression, decreased vaccine response, and reproductive problems. PFAS are known as “forever chemicals” because they don’t break down in the environment.

Schofield Wastewater Treatment Facility: The Schofield Wastewater Treatment Facility treats wastewater from five military installations, including Schofield Barracks, Fort Shafter, Aliamanu Military Reservation, Fort DeRussy, and Tripler Army Medical Center. Aqua Engineers, Inc., which operates the facility, sells its reclaimed water and sludge for agricultural purposes on

Oahu. However, there are concerns about the lack of testing and filtering for PFAS in the reclaimed water and sludge, leading to **non-compliance with environmental regulations**.

Dangers of Unfiltered Reclaimed Water and Fertilizer:

1. **Health Risks:** PFAS are persistent chemicals that can accumulate in the human body over time, potentially leading to adverse health effects such as cancer, liver damage, and immune system issues.
2. **Environmental Impact:** PFAS can contaminate soil, groundwater, and surface water, posing risks to wildlife and ecosystems.
3. **Food Safety:** Using contaminated reclaimed water and sludge in agriculture can lead to the uptake of PFAS by crops, which can then enter the food chain and pose risks to consumers.
4. **Regulatory Non-Compliance:** The lack of testing and filtering for PFAS may result in non-compliance with environmental regulations, leading to potential legal and financial consequences.

States Actively Regulating Biosolids:

- **Connecticut:** Bans the sale of biosolids and wastewater sludge containing PFAS.
- **Maine:** Prohibits land applying biosolids.
- **Michigan:** Requires monitoring PFAS in all land-applied biosolids since 2021 and has prohibited applying industrially impacted biosolids since 2017. Wastewater Treatment Plants (WWTPs) must sample for PFAS before land application. If PFOS is above 125 ppb, WWTPs cannot apply biosolids to land without eliminating sources of the chemicals and implementing plans for pre-treatment to reduce concentrations. If PFOS is between 50 ppb and 125 ppb, the application rate must be lowered to 1.5 dry tons or less.

States Requiring Biosolids Monitoring/Sampling:

- **Colorado:** Since 2023, biosolids sampling is required monthly or annually, depending on the amount generated. The trigger level for source assessment and reporting is 50 ppb or greater.
- **Vermont:** In 2020, updated Solid Waste Rules to require PFAS monitoring in biosolids produced in or imported to the state, as well as soils, groundwater, and crops at land application sites.
- **New Hampshire:** Since 2019, requires all Sludge Quality Certificate biosolids to be monitored.
- **Minnesota:** Monitoring influent for PFAS at approximately 90 wastewater treatment facilities to guide source identification and reduction work.

- **Massachusetts:** Since 2019, requires PFAS monitoring for residuals approved for land application, including biosolids, on a quarterly basis.

States Monitoring/Sampling Biosolids on a Voluntary Basis:

- **Arizona:** In June 2022, conducted a one-time voluntary screening of PFAS in biosolids at 25 WWTPs.
- **Maryland:** Collecting PFAS sampling data for biosolids from selected treatment plants on a voluntary basis to inform future actions.
- **South Carolina:** Requested producers of municipal, domestic, and industrial sludge voluntarily sample for PFAS constituents in permit applications for land application.
- **Washington:** In April 2024, conducted a one-time voluntary sampling event at approximately 45 WWTPs and plans to compile data for a final report.

So far, only Maine has banned land applying biosolids, resulting in significant waste disposal challenges. Other states are primarily focused on data gathering and potential source control while awaiting further guidance and direction from the EPA or state legislatures.

Conclusion: The Environmental Caucus of the Democratic Party of Hawai‘i urges the Committee to support SB 738. This bill represents a significant step toward protecting Hawaii’s environment and public health by addressing the presence of PFAS in wastewater management.

Thank you very much for considering our testimony.

Respectfully,

Melodie Aduja and Alan Burdick
Co-chairs Environmental Caucus
Democratic Party of Hawai‘i

SB-738

Submitted on: 2/4/2025 10:16:10 PM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Braja RuthAnne Tarletz	Testifying for The Environmental Caucus of the Democratic Party of Hawaii	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Chair San Buenaventura, Vice Chair Richards, Vice Chair Aquino, and Members of the Senate Committee on Agriculture and Environment and Committee on Health and Human Services,

The Environmental Caucus of the Democratic Party of Hawai‘i, strongly supports SB738.

1. Environmental Protection: SB738 ensures that wastewater treatment plants test for PFAS, protecting Hawai‘i’s environment from these harmful chemicals.

2. Public Health: The bill prioritizes public health by requiring the safe disposal of sewage sludge containing PFAS, preventing these substances from contaminating water sources.

3. Regulatory Compliance: By prohibiting the issuance or renewal of permits if PFAS are found in sewage sludge on certain lands, SB738 ensures compliance with rigorous environmental standards.

4. Preventing Contamination: The bill prevents the application of PFAS-contaminated sewage sludge on agricultural land, lands with drainage tiles, lands draining into state waters, and lands within a 500-year floodplain.

5. Agricultural Safety: Where PFAS is not tested in wastewater, its reclamation and use for agricultural purposes, such as irrigation and fertilizer, can lead to contamination of produce. This contamination can seep into the soil, groundwater, and aquifers, posing a significant risk to both environmental and human health.

Arguments in Favor

1. Reducing PFAS Pollution: By mandating testing and safe disposal of sewage sludge containing PFAS, SB738 significantly reduces the risk of PFAS pollution in Hawai'i.

2. Safeguarding Drinking Water: The bill protects drinking water sources from contamination, ensuring that communities have access to safe and clean water.

3. Promoting Sustainable Practices: SB738 encourages sustainable wastewater management practices, contributing to the long-term health of Hawai'i's ecosystems.

4. Public Awareness: The bill raises public awareness about the dangers of PFAS and promotes responsible handling of these substances.

Conclusion The Environmental Caucus of the Democratic Party of Hawai'i urges the Committees to support SB738. This bill represents a significant step toward protecting Hawai'i's environment and public health by addressing the presence of PFAS in wastewater management.

Thank you for considering our testimony.

SB-738

Submitted on: 2/5/2025 2:20:20 PM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Ewall	Testifying for Energy Justice Network	Support	Written Testimony Only

Comments:

Sewage sludge has permanently contaminated farms with PFAS as well as with toxic metals, dioxins, and other pollutants. It also has pharmaceutical residues and pathogens, even if heat treated (pathogens can regrow as an EPA whistleblower exposed many years ago. It is not safe for anything other than digesting and landfilling it. Please follow the lead of Maine and Connecticut by passing this bill.

SB-738

Submitted on: 2/4/2025 12:07:15 PM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

PFAS, aka "forever chemicals" pose great hazards to human health. PFAS in food grown on land supplemented with treated sewage have been linked to deadly cancers on the mainland. There is no reason to think that the same thing could not happen here. Once the soil is contaminated with PFAS it will continue to be deadly, as far as we know, forever.

SB-738

Submitted on: 2/4/2025 11:22:14 PM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

SB-738

Submitted on: 2/5/2025 2:32:28 AM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dylan Okihiro	Individual	Support	Written Testimony Only

Comments:

I support bill SB738 because testing for PFAS will keep people healthy and safe from dangerous levels of chemicals.

SB-738

Submitted on: 2/5/2025 3:09:20 AM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bonnie Fraser	Individual	Support	Written Testimony Only

Comments:

PFAs are so harmful. Please test the water for them.

SB-738

Submitted on: 2/5/2025 4:31:48 AM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

Absolutely must test PFAS in wastewater.

SB-738

Submitted on: 2/5/2025 7:05:02 AM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Amy knowles	Individual	Support	Written Testimony Only

Comments:

I support the bill because testing wastewater for PFAS that will be discharged into the environment is the responsible thing to do. Releasing PFAS into the environment will create lasting problems and should be monitored.

SB-738

Submitted on: 2/5/2025 8:10:22 AM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judy McCluskey	Individual	Support	Written Testimony Only

Comments:

SB738 has my strong support.

SB-738

Submitted on: 2/5/2025 6:58:21 PM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

Please support SB738. This bill represents a significant step toward protecting Hawaii's environment and public health by addressing the presence of PFAS in wastewater management.

It reduces PFAS Pollution: By mandating testing and safe disposal of sewage sludge containing PFAS, SB738 significantly reduces the risk of PFAS pollution in Hawaii.

It safeguards Drinking Water: The bill protects drinking water sources from contamination, ensuring that communities have access to safe and clean water.

It promotes Sustainable Practices: SB738 encourages sustainable wastewater management practices, contributing to the long-term health of Hawaii's ecosystems.

It raises Public Awareness: The bill informs the public about the dangers of PFAS and promotes responsible handling of these substances.

Mahalo for your support for clean, safe drinking water in Hawaii.

SB-738

Submitted on: 2/5/2025 10:38:49 PM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support SB738 that requires a wastewater treatment plant to test sewage sludge and any other residual material for the presence of PFAS, and requires the Department of Health to adopt administrative rules for the safe disposal and sequestration of sewage sludge and other residual material that contain any amount of PFAS. This measure further prohibits the issuance or renewal of permits if testing yields PFAS in sewage sludge or other residual material on land used for agronomic purposes, on land where drainage tiles have been installed, on land that drains into waters of the State, or land in a five hundred-year floodplain.

Oahu is already suffering from the contamination of these “forever-chemicals” due to the Navy’s criminal negligence at Red Hill. Testing for PFAS is crucial because "forever chemicals" are linked to serious health concerns like cancer, developmental issues, and immune system dysfunction, making it vital to monitor.

Please pass this important measure.

SB-738

Submitted on: 2/6/2025 5:51:38 AM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joe DiNardo	Individual	Support	Written Testimony Only

Comments:

Aloha Representatives, PFAS are one of the most toxic/deadliest class of chemicals that have been introduced into industrial/consumer markets; with the chemical PFOA causing kidney cancer at 7 parts per quadrillion (based on human epidemiology studies) and PFOS causing pancreatic/liver cancers at 1 part per trillion (based on animal studies). These substances have been used in tens of thousands of industrial/consumer products going as far back as the 1960's even though industry knew that they were toxic in the 1950's. This has caused the widespread contamination of PFAS chemicals throughout our world. With that said, it is imperative that all sources of pollution associated with PFAS contamination be measured, at a laboratory certified by either the National Environmental Laboratory Accreditation Program or the US Department of Defense Environmental Laboratory Accreditation Program, and if identified that, that source be considered dangerous/hazardous to human and environmental health and, therefore, be prohibited from being applied to "sewage sludge or other residual material on land used for agronomic purposes, on land where drainage tiles have been installed, on land that drains into waters of the State, or land in a five hundred-year floodplain"

Please support SB738 and initiate testing on potential sources of PFAS contamination ASAP ...
Mahalo, Joe DiNardo - Toxicologists since 1976

**DEPARTMENT OF ENVIRONMENTAL SERVICES
KA 'OIHANA LAWELawe KAIĀPUNI
CITY AND COUNTY OF HONOLULU**

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LATE

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DIRECTOR
PO'O

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
WAS 25-20

February 6, 2025

The Honorable Mike Gabbard, Chair
The Honorable Herbert M. "Tim" Richards, III, Vice Chair
and Members of the Committee on Agriculture and Environment
The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
and Members of the Committee on Health and Human Services
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chairs Gabbard and San Buenaventura, and Vice Chairs Richards, III and Aquino:

SUBJECT: Senate Bill 738 - Relating to Wastewater Management

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following testimony in opposition to SB 738, Relating to Wastewater Management.

The U.S. Environmental Protection Agency (EPA), which develops and enforces laws regulating the land application of biosolids, is carefully studying the subject of PFAS in sewage sludge. On January 14, 2025, the EPA published a "Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS)" for public comment. (Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) are both part of the group of chemicals known as PFASs. They are the most persistent PFAS chemicals in the environment and the most widely studied). The public comment period is January 15 through March 17, 2025. Per the EPA, "The draft risk assessment reflects the agency's latest scientific understanding of the potential risks to human health and the environment posed by the presence of PFOA and PFOS in sewage sludge that is land applied as a soil conditioner or fertilizer (on agricultural, forested, and other lands), surface disposed (e.g., placed in a sewage sludge-only landfill called a monofill), or incinerated." The EPA notes that, once finalized, the risk assessment will inform the EPA's potential future regulatory actions under the Clean Water Act.

ENV relies on the land application of sewage sludge at parks, golf courses, and agriculture lots as the primary method for disposal. For example, virtually all of the sewage

The Honorable Mike Gabbard, Chair
The Honorable Herbert M. "Tim" Richards, III, Vice Chair
and Members of the Committee on Agriculture and Environment
The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
and Members of the Committee on Health and Human Services
February 6, 2025
Page 2

sludge at ENV's Sand Island Wastewater Treatment Plant – more than 3,000 tons per year - is processed into pellets that are land applied. Without land application, sewage sludge would have to be disposed at H-POWER or the Waimanalo Gulch Landfill.

I strongly encourage the committees to defer this bill, which would lead to a ban on the land application of sewage sludge with *any* amount of PFAS, to allow the EPA time to assess any risks to public health and the environment, and, if appropriate, develop and implement regulations to address those risks.

Should you need further information, please contact me at (808) 768-3486.

Sincerely,

For Roger Babcock, Jr., Ph.D., P.E.
Director Designate

LATE



January 29, 2025

To: Senate Committee on Agriculture and Environment
Senator Mike Gabbard, Chair
Senator Herbert M. “Tim” Richards, III, Vice Chair

Senate Committee on Health and Human Services
Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Hawai‘i State Legislature

Re: SB 738 relating to Wastewater Management

Hearing: Friday, February 7, 2025, 2:00 pm, Conference Room 225 & video

Position: **Strong Support**

Aloha, Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Senate Committees on Agriculture and Environment and Health and Human Services. The Health Committee of the Democratic Party of Hawai‘i **strongly supports** SB 738. As you know, it would provide for monitoring of the PFAS family of chemicals in wastewater that is used to irrigate crops for human consumption.

The PFAS class of chemicals was long considered a benign accomplishment of twentieth-century technology. Now we are belatedly learning that the PFAS chemicals are likely the sources of cancers in humans and animals, and they are likely causing other damage to the environment.

We really need **robust public education about these PFAS chemicals and what they are doing to us.** The Health Committee hopes and trusts that this bill will be just one of several that will start tackling this enormous problem.

Thank you very much for the opportunity to testify regarding this important bill.

Respectfully,

/s/ Alan B. Burdick, Chair
Burdick808@gmail.com 808-927-1500

LATE

SB-738

Submitted on: 2/7/2025 10:29:04 AM

Testimony for HHS on 2/7/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William South	Individual	Support	In Person

Comments:

Please pass this very important bill that will benefit all Hawaii and its people.