
HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL
RESOURCES CONSERVATION SERVICE TO TAKE CERTAIN ACTIONS
REGARDING FUGITIVE DUST.

1 WHEREAS, many acres of former agricultural land in the
2 State have become vacant for various reasons; and

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4 WHEREAS, in windy conditions, large dust storms arise from
5 these lands; and

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7 WHEREAS, the dust storms deposit precious topsoil into the
8 ocean, thereby damaging the reefs and the marine environment, as
9 well as detrimentally affecting the health of the residents
10 downwind; and

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12 WHEREAS, although the Department of Health's Clean Air
13 Branch regulates the discharge of fugitive dust in the State and
14 imposes penalties for violations, existing rules do not require
15 land owners to have fugitive dust mitigation plans approved by
16 the Director of Health and the existing penalty structure does
17 not consider the scale of the dust emission; and

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19 WHEREAS, there is a disincentive for owners of large areas
20 of vacant undeveloped land to take immediate action to control
21 fugitive dust discharge from their lands to preserve the
22 topsoil, prevent contamination of the marine environment, and
23 protect the health and safety of the nearby communities; now,
24 therefore,

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26 BE IT RESOLVED by the House of Representatives of the
27 Thirty-second Legislature of the State of Hawaii, Regular
28 Session of 2023, the Senate concurring, that the United States
29 Department of Agriculture Natural Resources Conservation Service
30 is urged to:



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- (1) Create an updated list of reasonable precautions that a landowner may take to prevent visible fugitive dust from the land from becoming airborne, particularly when the land is vacant and undeveloped;
- (2) Specify the best practical operations or treatments an owner of vacant undeveloped land may take or implement to prevent visible fugitive dust that originates from the land from being discharged beyond the land's lot line;
- (3) Urge each owner of vacant, undeveloped land in the State to submit to the United States Department of Agriculture Natural Resources Conservation Service a fugitive dust mitigation plan for the owner's vacant undeveloped land; and
- (4) Review calculations for dust impacts during fallow periods of crop production and recommend best practices to minimize impacts to downwind communities; and

BE IT FURTHER RESOLVED that the United States Department of Agriculture Natural Resources Conservation Service is requested to monitor fugitive dust across the State; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the United States Secretary of Agriculture and head of the Pacific Islands Area State Office of the United States Department of Agriculture Natural Resources Conservation Service.

