
HOUSE 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, that the United States Department of
29 Agriculture Natural Resources Conservation Service is urged to:

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31 (1) Create an updated list of reasonable precautions that
32 a landowner may take to prevent visible fugitive dust



1 from the land from becoming airborne, particularly
2 when the land is vacant and undeveloped;

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4 (2) Specify the best practical operations or treatments an
5 owner of vacant undeveloped land may take or implement
6 to prevent visible fugitive dust that originates from
7 the land from being discharged beyond the land's lot
8 line;

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10 (3) Urge each owner of vacant, undeveloped land in the
11 State to submit to the United States Department of
12 Agriculture Natural Resources Conservation Service a
13 fugitive dust mitigation plan for the owner's vacant
14 undeveloped land; and

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16 (4) Review calculations for dust impacts during fallow
17 periods of crop production and recommend best
18 practices to minimize impacts to downwind communities;
19 and

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

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

