



STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony in SUPPORT of SB0445 SD2 HD1
RELATING TO POLLUTION ABATEMENT**

REPRESENTATIVE KYLE T. YAMASHITA, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: 3/31/2023

Room Number: 308

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department strongly supports SB0445 SD2 HD1 to deter
5 potential violation of law and to remove any economic benefit gained by violating the law. The
6 potential to face severe financial penalties for violations is much more likely to deter persons
7 from taking actions. This will give the Department greater ability to ensure that any financial
8 benefits of such violations are eliminated. For example, if the Department is limited by the
9 statutes to only assess \$25,000 in fines for a single violation, but the violator gained a greater
10 amount of value by violating, there is an economic benefit to such violations. The last time some
11 of these fines were updated was more than twenty years ago. In the intervening years, there have
12 been many changes to the economy, most notably changes due to inflation, which weakens the
13 financial deterrence of these fines.

14 The Department also strongly supports the appropriation to fund one full-time equivalent
15 (1.0 FTE) environmental health specialist within the Clean Water Branch (CWB) of the
16 Department. The additional staffing strengthens the Department's ability to implement and
17 enforce environmental law. Current staffing levels for CWB personnel have not increased in
18 nearly two decades. During the same period, the universe of regulated facilities has dramatically
19 increased as has the stress on Hawaii's water resources. The addition of 1.0 FTE to the CWB

1 would support the program's ability to identify and reduce threats to Hawaii's surface water
2 resources.

3 Financial deterrence is essential to ensuring that wanton violations to State environmental
4 law are less likely to occur and that the State is taking a strong stance against any such violators.
5 The additional staff in the CWB is also necessary to assist in implementing and enforcing the
6 penalties assessed under the applicable statute as implemented by the CWB. For these reasons,
7 the Department strongly supports passing this bill.

8 Thank you for the opportunity to testify.

9 **Offered Amendments:** None



To: The Honorable Chair Kyle Yamashita, the Honorable Vice Chair Lisa Kitagawa, and Members of the Committee on Finance

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

Re: Hearing **SB445 SD2 HD1 RELATING TO POLLUTION ABATEMENT**

Hearing: Friday March 31, 2023, 2:00 p.m., room 308

Aloha Chair Yamashita, Vice Chair Lisa Kitagawa, and Members of the Committee on Finance:

Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SB445 SD2 HD1.

The 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.

In order to protect water quality effectively, the Department of Health (DOH) needs to have adequate civil penalties for violations and adequate staffing to enforce. Civil penalties must be large enough to prevent violators from experiencing an economic benefit by violating. The civil penalties for violations have not changed in over twenty years. During that time, inflation has weakened the deterrent value of the civil penalties substantially. Similar federal penalties

have automatically increased with inflation to \$59,973. This bill would **bring civil penalties in line with those federal penalties.**

Current staffing levels within DOH's Clean Water Branch have not increased in nearly two decades. An **additional environmental health specialist will strengthen DOH's ability to implement and enforce water pollution laws.**

The Hawai'i Reef and Ocean Coalition **STRONGLY SUPPORTS** this bill to enhance enforcement against water pollution in Hawai'i.

Please pass this bill! Mahalo!

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



Aloha committee members,

My name is Arwen Revere and I'm a high school student from Kailua and a member of the environmental organization Wild Kids, whom I am representing today. Wild Kids is in strong support of SB445. We are deeply concerned about the state of our environment and the impact of pollution on our natural resources and health.

As young people, we are the ones who will inherit the consequences of the actions taken today. It is our duty to protect the environment for future generations, and this bill would be a significant step in the right direction. By increasing civil penalties for pollution violations, we can send a strong message that damaging our environment will not be tolerated. These penalties would act as a deterrent to those who would seek to harm our natural resources and put our health at risk.

In addition, the establishment of funds for one full-time environmental health specialist position would be a crucial investment in the future of our state. The specialist would be able to monitor pollution levels, develop policies to protect our environment and conduct research to better understand the effects of pollution on our health. This investment in our environment would not only benefit us now but also for future generations.

We urge you to support this bill and prioritize the well-being of our environment and the health of our communities. It is time for us to take action and protect our natural resources and health for a better future.

Thank you for considering our testimony.

Arwen Revere on behalf of Wild Kids