



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378
doh.testimony@doh.hawaii.gov

In reply, please refer to:
File:

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

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: 3/21/2023

Room Number: 325

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