

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

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March 19, 2024

The Honorable Linda Ichiyama, Chair
and Members
House Committee on Water and Land
Hawai'i State Capitol, Room 430
Honolulu, Hawai'i 96813

Dear Chair Ichiyama and Members:

Subject: HCR 209/ HR 189: Urging Every State Agency that Monitors Environmental Toxins and Pollutants to Follow Certain Procedural and Substantive Requirements for the Establishment and Modifications of Environmental Action Levels

The Honolulu Board of Water Supply (BWS) supports House Concurrent Resolution (HCR) 209, House Resolution (HR) 189, urging every state agency that monitors environmental toxins and pollutants to follow certain procedural and substantive requirements for the establishment and modifications of Environmental Action Levels (EALs).

As stated in HCR 209 and HR 189, aside from the Department of Health (DOH), it is not clear which state agencies monitor the presence of environmentally toxic chemicals in water, soil, and the air, and require remedial action if pollution levels exceed certain levels, but there should be standardized procedures and requirements to do so depending on what is being measured, including a public review. In 2017, the DOH published as User's Guide to "Evaluation of Environmental Hazards at Sites with Contaminated Soil and Groundwater (EHE Guidance)."¹

According to the DOH Hazard Evaluation and Emergency Response (HEER) Office, EALs are concentrations of contaminants in soil, gas, and groundwater that are used in

¹ Hawai'i Department of Health, Environment Management Division. "Evaluation of Environmental Hazards at Sites with Contaminated Soil and Groundwater" Fall 2017.

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and Members
March 19, 2024
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decision making throughout the environmental hazard evaluation.² The EHE guidance is used in conjunction with the HEER's Office's "Technical Guidance Manual."³

The BWS supports transparency in government and agrees that the public has a right to know all relevant information about environmental toxins as stated in HCR 209 / HR 189. With the discovery of PFAS in our environment, the DOH should update its EHE Guidance and allow for public review and comment.

Thank you for the opportunity to testify in support of HCR 209 / HR 189.

Very truly yours,



for ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer



² Hawai'i Department of Health, Hazard Evaluation and Emergency Response Office.
<https://health.hawaii.gov/heer/guidance/ehe-and-eals/>

³ Ibid.



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAI'I
HOUSE COMMITTEE ON WATER AND LAND

March 19, 2024

HR189/HCR209 URGING EVERY STATE AGENCY THAT MONITORS ENVIRONMENTAL TOXINS AND POLLUTANTS TO FOLLOW CERTAIN PROCEDURAL AND SUBSTANTIVE REQUIREMENTS FOR THE ESTABLISHMENT AND MODIFICATIONS OF ENVIRONMENTAL ACTION LEVELS.

POSITION: SUPPORT

Aloha Chair Ichiyama, Vice Chair Poepoe and esteemed Members of the Committee,

The Democratic Party of Hawai'i supports HR189/HCR209 urging every state agency that monitors environmental toxins and pollutants to follow certain procedural and substantive requirements for the establishment and modifications of environmental action levels.

Our Party Platform states under "Environment and Energy":

"We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems."

Mahalo nui loa for your time and consideration.

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Environmental Caucus of The Democratic Party of Hawai'i

March 17, 2024

To: House Committee on Water and Land
Hon. Linda Ichiyama, Chair
Hon. Mahina Poepoe, Vice Chair

Re: HCR 209, HR189 relating to ENVIRONMENTAL ACTION LEVELS
Hearing: Tuesday, March 19, 2024, 9:30 a.m., Room 430 & videoconference
Position: Strong support

Aloha, Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee on Water and Land:

The Environmental Caucus of the Democratic Party of Hawai'i comprises some 7,500 politically active members of Hawai'i's majority political party. We strongly support this proposed resolution, which requests the Department of Health to place procedural standards on the administrative establishment and modification of "environmental action levels" (EALs) of polluting chemicals in Hawai'i's environment. (The higher the EAL, the more pollution goes unchecked.)

It is astonishing to realize that, for decades, Hawai'i's administrative authorities, primarily the State Department of Health, have revised the EALs on many toxic chemicals, invariably by weakening them by raising the EALs, at the request of polluting entities without actual outreach in giving public notice, without statements to the public of justifications, and without identification of any scientific basis for their administrative actions that have invariably relaxed enforcement standards. (DOH may well provide such information on its website, but this is not outreach. DOH could establish an email list for individuals and organizations that want advance notification of proposed changes in EALs.)

This resolution would urge the Department of Health to provide more robust advance public notice and outreach when the DOH is proposing changes in EALs, ask DOH to provide scientific evidence of its reasoning, provide justification for why it is in the public interest to make a change, and allow the public to present evidence in hearings.

Thank you for the opportunity to testify on this important resolution.

Melodie Adyja legislativepriorities@gmail.com

Alan B. Burdick burdick808@gmail.com

Co-Chairs, Environmental Caucus

HCR-209

Submitted on: 3/18/2024 5:57:09 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

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

Comments:

SUPPORT!

HCR-209

Submitted on: 3/18/2024 9:24:46 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Please support this important resolution!

With Aloha,

Lisa Bishop

Oahu Resident