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## HOUSE CONCURRENT RESOLUTION

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.

1           WHEREAS, certain state agencies, including the Department  
2 of Health, monitor the presence of environmentally toxic  
3 chemicals in water, soil, and the air, and require remedial  
4 action if pollution levels exceed certain levels, often called  
5 environmental action levels or EALs; and

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7           WHEREAS, there are currently no procedural requirements or  
8 standards to establish EALs for various toxins that are  
9 monitored, or to revise, upward or downward, EALs for toxins and  
10 pollutants; and

11  
12           WHEREAS, for example, in April 2023, EALs for per- and  
13 polyfluoroalkyl substances (PFAS) have been raised by state  
14 agencies without advance public notice or public hearing and  
15 without advance publication of the scientific justification for  
16 the one hundred percent increase for perfluorooctanoic acid  
17 (PFOA), a type of PFAS, resulting in a relaxation of enforcement  
18 standards and a potential increase in pollution; and

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20           WHEREAS, increases in EALs by state agencies that are  
21 without scientific justification and contrary to the EALs  
22 established and enforced by federal agencies and other states  
23 may pose unreasonable risks to the State's environment and the  
24 human population; and

25  
26           WHEREAS, any increase in EALs must be scientifically  
27 justifiable, based on the severity of risks to human health and  
28 the environment and the probability of adverse effects on human  
29 health and the environment; and  
30



1 WHEREAS, procedures must be established to provide the  
2 public with advance notice and the opportunity to respond to any  
3 proposed modifications in EALS; and

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5 WHEREAS, the increases in EALS by state agencies without  
6 adequate scientific basis and procedural safeguards may violate  
7 the guarantees of article XI, sections 1 and 7 of the Hawaii  
8 State Constitution; and

9  
10 WHEREAS, the public has a right to know all relevant  
11 information about environmental toxins; and it is the  
12 responsibility of the state agencies charged with monitoring and  
13 remediating environmental toxins to ensure that the public  
14 receives all relevant information about the presence of  
15 environmental toxins in a timely manner; now, therefore,

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17 BE IT RESOLVED by the House of Representatives of the  
18 Thirty-second Legislature of the State of Hawaii, Regular  
19 Session of 2024, the Senate concurring, that every state agency  
20 that monitors environmental toxins and pollutants is urged to  
21 follow procedural and substantive requirements for the  
22 establishment and modifications of environmental action levels  
23 as follows:

- 24  
25 (1) Every state agency that monitors environmental toxins  
26 and pollutants should establish environmental action  
27 levels or substantively similar triggering mechanisms  
28 for each environmental toxin and pollutant the state  
29 agency monitors that are consistent with the best  
30 practices and most recent scientific evidence relating  
31 to the preservation of human health and a safe  
32 environment;
- 33  
34 (2) No modification to any environmental action level or  
35 similar triggering mechanism should be made except  
36 after adequate advance notice is given to the public,  
37 which should include all relevant scientific  
38 justifications for the proposed modification; and
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40 (3) Any state agency proposing a modification to any  
41 environmental action levels or similar triggering  
42 mechanism should comply with the requirements of

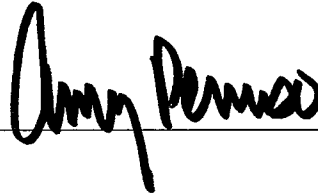


1 chapter 91, Hawaii Revised Statutes, and allow not  
2 less than thirty days for the public to comment on the  
3 proposed modification and conduct one or more public  
4 hearings at which comments relating to the proposed  
5 action may be received; and  
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7 BE IT FURTHER RESOLVED that every state agency that  
8 monitors environmental toxins and pollutants is urged to allow  
9 any resident of the State to petition for modifications of one  
10 or more environmental action levels or similar triggering  
11 mechanisms for environmental toxins and pollutants monitored by  
12 the state agency and promptly respond to the petition in the  
13 manner provided by chapter 91, Hawaii Revised Statutes; and  
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15 BE IT FURTHER RESOLVED that certified copies of this  
16 Concurrent Resolution be transmitted to the Governor and  
17 Director of Health.  
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19  
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OFFERED BY:



MAR - 8 2024

