
HOUSE 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

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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

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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

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31 WHEREAS, procedures must be established to provide the
32 public with advance notice and the opportunity to respond to any
33 proposed modifications in EALs; and
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1 WHEREAS, the increases in EALS by state agencies without
2 adequate scientific basis and procedural safeguards may violate
3 the guarantees of article XI, sections 1 and 7 of the Hawaii
4 State Constitution; and

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

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

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20 (1) Every state agency that monitors environmental toxins
21 and pollutants should establish environmental action
22 levels or substantively similar triggering mechanisms
23 for each environmental toxin and pollutant the state
24 agency monitors that are consistent with the best
25 practices and most recent scientific evidence relating
26 to the preservation of human health and a safe
27 environment;
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29 (2) No modification to any environmental action level or
30 similar triggering mechanism should be made except
31 after adequate advance notice is given to the public,
32 which should include all relevant scientific
33 justifications for the proposed modification; and
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35 (3) Any state agency proposing a modification to any
36 environmental action levels or similar triggering
37 mechanism should comply with the requirements of
38 chapter 91, Hawaii Revised Statutes, and allow not
39 less than thirty days for the public to comment on the
40 proposed modification and conduct one or more public
41 hearings at which comments relating to the proposed
42 action may be received; and



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BE IT FURTHER RESOLVED that every state agency that monitors environmental toxins and pollutants is urged to allow any resident of the State to petition for modifications of one or more environmental action levels or similar triggering mechanisms for environmental toxins and pollutants monitored by the state agency and promptly respond to the petition in the manner provided by chapter 91, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor and Director of Health.

OFFERED BY: Amy Pardo

MAR - 8 2024