

MAR 08 2024

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# SENATE 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 Senate of the Thirty-second  
14 Legislature of the State of Hawaii, Regular Session of 2024,  
15 that every state agency that monitors environmental toxins and  
16 pollutants is urged to follow procedural and substantive  
17 requirements for the establishment and modifications of  
18 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: 

