



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 COMMENTING on HB2095
RELATING TO EMERGENCY MANAGEMENT**

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON WATER & LAND
REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 2/6/2024 Room Number: 325

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** The purpose of this measure is to specify additional measure under
3 HRS 340E-5 that the Director of Health may take in response to an emergency situation which
4 may impact drinking water by regulated public water systems upon discovery of a contamination
5 associated with the emergency event. The Hawaii Department of Health (HDOH) offers the
6 following comments:

7 The proposed bill does not add additional measures for the Director of Health to take,
8 during an emergency situation, because the Director already has authority to prescribe and
9 enforce all additional measures proposed in the bill under HAR Chapter 11-19 "Emergency Plan
10 for Safe Drinking Water."

- 11 • Section (a) items 1 to 5 of HB2095, is duplicative of language already present in
12 the rules under HAR Chapter 11-19-4 "Responsibilities in emergency
13 circumstances involving drinking water."
- 14 • Section (b) items 1 to 6 of HB2095 is prescriptive and does not have explicit
15 language in HAR Chapter 11-19. However all items noted in section (b) of the
16 bill are within the discretionary authority for the Director of Health to prescribe
17 specific response actions under HAR Chapter 11-19-4 (3) "To prescribe
18 appropriate procedures to be undertaken by water suppliers and consumers to
19 minimize health risk resulting from any such contamination of drinking water."

- 1 • Section (c), types A and B emergencies, is taken verbatim from HAR Chapter 11-
2 19-3 “Types of Emergencies.”

3 Because the subject bill proposes “additional” measures already written in HAR Chapter
4 11-19, HB2095 is not necessary because it is redundant.

5 **Offered Amendments:** None



DATE: February 5, 2024

TO: Representative Linda Ichiyama
Chair, Committee on Water & Land

Representative Nicole E. Lowen
Chair, Committee on Energy & Environmental Protection

FROM: Matt Tsujimura

RE: **H.B. 2095, Relating to Emergency Management**
Hearing Date: Tuesday, February 6, 2024 at 9:05 a.m.
Conference Room 325

Dear Chair Ichiyama, Chair Lowen, and Members of the joint Committees on Water & Land and Energy & Environmental Protection:

Natalie F. Enclade, PhD, Executive Director of BuildStrong America submits this testimony in support of H.B. 2095, RELATING TO EMERGENCY MANAGEMENT, which specifies some of the measures the Director of Health may take in response to emergency circumstances affecting the availability of safe drinking water or the discovery of contamination in a public water source. Wildfires nationally are increasing in frequency and severity and can contaminate water or interrupt water distribution. Wildfires and other natural hazards pose a threat to Hawaii's safe drinking water. Recent wildfires in the State affected safe drinking water in Lahaina, Kohala, Wahiawa, and communities in upcountry Maui. BuildStrong applauds Representative Lowen and the Hawaii legislature for recognizing that the State should have a detailed plan for providing clean drinking water to better prepare for any emergencies.

BuildStrong America brings together a diverse group of fire service members, emergency responders, insurers, engineers, architects, contractors, manufacturers, finance, technology consumer organizations, and code specialists, among others. The primary goal is to unite stakeholders committed to building a more resilient America in the face of natural hazards and other challenges to drive down the rising costs of natural, technological, or man-made disasters. Specifically, BuildStrong America advocates for stronger, safer, sustainable, and resilient lifeline infrastructure, like our water infrastructure.

From 2015 to 2019, nearly 40% of the U.S. population got their drinking water from systems that violated the federal Safe Drinking Water Act. The more severe health-based violations impacted almost 45 million people and contributed to cancer, cognitive and behavioral problems in children, infertility, and nervous system issues. This is why we are concerned with the availability of safe drinking water or the discovery of contamination in a public water source post wildfire.

The last thing impacted communities should have to worry about in the aftermath of a wildfire is whether their drinking water is poisonous. H.B. 2095 provides the Department of Health's Safe Drinking Water Branch with statutory authorization to take the necessary actions to ensure that people of Hawaii have potable water in the case of an emergency situation.

We recognize that emergencies are anything but predictable and identical. As such we are proposing amendments to H.B. 2095, which will ensure the department the greatest amount of flexibility to respond to situations as necessary. The proposed amendments are attached below.

BuildStrong America and its members stand ready to partner with the committees as they drive forward policies that contribute to stronger, safer, sustainable, and resilient lifeline infrastructure, specifically against disaster and climate impacts. The compelling arguments for these policy changes are grounded in overwhelming science and evidence. Together, we can help save lives and provide safe drinking water for Hawaii.

Thank you for the opportunity to testify.

A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that wildfires and other natural disasters pose a threat to Hawaii's safe drinking water. Wildfires nationally are increasing in frequency and severity and can contaminate water or interrupt water distribution. Recent wildfires in the State affected safe drinking water in Lahaina, Kohala, Wahiawa, and communities in upcountry Maui. The legislature believes that the State should have a detailed plan for providing ~~clean~~ **potable** drinking water to better prepare for any emergencies.

Accordingly, the purpose of this Act is to specify some of the measures the director of health may take in response to:

- (1) Emergency circumstances affecting the availability of safe drinking water; or
- (2) The discovery of contamination in a public water source.

SECTION 2. Section 340E-5, Hawaii Revised Statutes, is amended to read as follows:

" ~~[+]§340E-5[+]~~ **Plan for emergency provision of safe drinking water**. (a) The director shall promulgate a plan for the provision of safe drinking water under emergency circumstances. When the director determines that emergency circumstances exist in the State with respect to a need for safe drinking water, including a type A or type B emergency, **it shall be the responsibility of the director to** ~~the director may~~ [take such actions as necessary to provide water where it otherwise would not be available.]:

- (1) Coordinate with other government agencies and the private sector to provide safe drinking water and necessary supplies to affected areas;
- (2) Analyze water samples from each affected area to determine the existence and extent of any contamination;
- (3) Recommend appropriate measures to be taken by water suppliers and residents in the affected area, to minimize the health risks of any contamination;

(4) Assist water suppliers, if necessary, in notifying affected residents regarding the seriousness of the emergency circumstances and any measures to be taken by residents pursuant to paragraph (3); and

(5) If emergency drinking water supplies are to be provided by an alternative water source, ~~confirm that the alternative water source is safe and that the means of transporting the water to the affected area will not affect the water's quality or safety.~~ and assure that the alternative source is coming from a regulated public water system, and the means of transportation have been permitted by the department.

(b) If contamination is discovered in a public water source, the director may require any affected public water supplier to:

(1) Investigate and carry out additional testing, in consultation with the department;

(2) Create timelines for further investigation and additional testing;

(3) Increase the frequency and duration of future testing;

(4) Test in additional locations, including specific locations within a distribution system;

~~(5) Flush the public water system prior to the confirmed detection of contaminants;~~

~~(5) Provide notice to affected customers, in the form and on a timeline determined by the director, of a confirmed contamination; or~~

(76) Implement any additional remediation measures, including but not limited to disconnecting sources, flushing distribution systems, or carrying out necessary repairs, or replacements replacing equipment, if contamination is found in a water source, treatment facility, conveyance facility, or distribution system.

(c) For purposes of this section:

"Type A emergency" means a major state or county disaster, including but not limited to a nuclear disaster, tsunami, earthquake, volcanic eruption, flood, wildfire, hurricane, or tornado. Type A emergencies are generally characterized by:

(1) Relatively widespread disruption of many basic public services in the affected area;

(2) A significant number of affected people and, consequently, a significant extent and degree of public health risk, requiring greater assistance from, and cooperation with, other government agencies; and

(3) Major strains on available resources, with greater likelihood that assistance priorities and allocation of the department's resources will be set by agencies other than the department.

"Type B emergency" means a limited situation affecting only water systems, including but not limited to a drought, major contamination of a system's basic

water source, or major destruction or impairment of a system's physical facilities, that substantially interferes with the quantity and quality of water delivered to the public. Type B emergencies are generally characterized by:

(1) An impact essentially limited to the water system and not directly affecting other public services;

(2) A more limited number of affected people, but a possibly high degree of public health risk; and

(3) More flexibility available to the department in setting its assistance priorities and more access by the department and water supplier to other resources for assistance."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Report Title:

Benzene Testing; Authorized

Description:

Requires benzene testing by public water systems after a wildfire.

HB-2095

Submitted on: 2/5/2024 11:45:13 AM

Testimony for WAL on 2/6/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawaii Reef and Ocean Coalition	Comments	Written Testimony Only

Comments:

Hawaii Reef and Ocean Coalition supports the intent of the bill, clarifying the authorities of the DOH and actions DOH may take to protect drinking water in times of emergencies such as wildfires or contamination.

HB-2095

Submitted on: 1/31/2024 6:54:02 PM

Testimony for WAL on 2/6/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Justin Silva	Individual	Support	Written Testimony Only

Comments:

Specifies some of the measures the Director of Health may take in response to emergency circumstances affecting the availability of safe drinking water or the discovery of contamination in a public water source

HB-2095

Submitted on: 2/4/2024 3:59:13 PM

Testimony for WAL on 2/6/2024 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

I support HB 2095, this is a real concern.

Mahalo,

Tamara Paltin