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In reply, please refer to:
File:

**Testimony in SUPPORT of SB0445 SD1
RELATING TO POLLUTION ABATEMENT**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
SENATOR DONOVAN DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 3/3/2023

Room Number: 211

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department strongly supports SB0445 SD1 to deter potential
5 violation of law and to remove any economic benefit gained by violating the law. The potential
6 to face severe financial penalties for violations is much more likely to deter persons from taking
7 actions. This will give the Department greater ability to ensure that any financial benefits of
8 such violations are eliminated. For example, if the Department is limited by the statutes to only
9 assess \$25,000 in fines for a single violation, but the violator gained a greater amount of value by
10 violating, there is an economic benefit to such violations. The last time some of these fines were
11 updated was more than twenty years ago. In the intervening years, there have been many
12 changes to the economy, most notably changes due to inflation, which weakens the financial
13 deterrence of these fines.

14 The Department also strongly supports the appropriation to fund one full-time equivalent
15 (1.0 FTE) environmental health specialist within the Clean Water Branch (CWB) of the
16 Department. The additional staffing strengthens the Department's ability to implement and
17 enforce environmental law. Current staffing levels for CWB personnel have not increased in
18 nearly two decades. During the same period, the universe of regulated facilities has dramatically
19 increased as has the stress on Hawaii's water resources. The addition of an FTE to the CWB

1 would support the program's ability to identify and reduce threats to Hawaii's surface water
2 resources.

3 Financial deterrence is essential to ensuring that wanton violations to State environmental
4 law are less likely to occur and that the State is taking a strong stance against any such violators.
5 The additional staff in the CWB is also necessary to assist in implementing and enforcing the
6 penalties assessed under the applicable statute as implemented by the CWB. For these reasons,
7 the Department strongly supports passing this bill.

8 Thank you for the opportunity to testify.

9 **Offered Amendments:** None