

JAN 17 2025

A BILL FOR AN ACT

RELATED TO TOXIC CHEMICALS.

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

1 SECTION 1. The legislature finds that certain state
2 agencies, including the department of health, monitor the
3 presence of environmentally toxic chemicals in water, soil, and
4 air, and require remedial action if pollution levels exceed
5 certain concentrations, often called environmental action levels
6 or EALs. When an EAL is exceeded, the person or entity
7 responsible for the existence of the pollution is legally
8 required to take remedial action to reduce the level of toxicity
9 in the area under the person's or entity's control, so that the
10 EAL is no longer exceeded.

11 The legislature further finds that there are currently no
12 procedural requirements or standards to establish EALs for
13 various toxins that are monitored, or to raise or lower EALs for
14 toxins and pollutants. Previously, EALs have been raised by
15 state agencies without public notice and without publication of
16 the scientific justification, resulting in a relaxation of
17 enforcement standards and a potential increase in pollution.



1 The legislature further finds that some increases in local
2 EALs have lacked scientific justification and that the increases
3 are contrary to the EALs established and enforced by federal
4 agencies and agencies of other states. These increases may pose
5 unreasonable risks to the environment and the residents of the
6 State, and therefore it is necessary that any increases in EALs
7 be scientifically justifiable and based on the severity of risks
8 to human health and the environment, as well as the probability
9 of adverse effects. Procedures must be established to provide
10 the public with advance notice and the opportunity to respond to
11 proposed increases in EALs. Moreover, these actions by Hawaii
12 state agencies without adequate scientific basis and procedural
13 safeguards may violate the guarantees of article XI, sections 1
14 and 7 of the Hawaii State Constitution.

15 The legislature affirms that the public has a right to know
16 all relevant information concerning environmental toxins and
17 that state agencies charged with monitoring and remediating
18 environmental toxins are responsible for ensuring that the
19 public receives all relevant information about the presence of
20 environmental toxins in a timely manner.



1 Accordingly, the purpose of this Act is to establish
2 procedural and substantive requirements for the establishment
3 and modification of environmental action levels by state
4 agencies.

5 SECTION 2. (a) Every state agency that monitors
6 environmental toxins and pollutants shall establish
7 environmental action levels or substantively similar triggering
8 mechanisms that are consistent with the best practices and most
9 recent scientific evidence relating to the preservation of a
10 safe environment.

11 (b) No modification to any environmental action levels or
12 similar triggering mechanism shall be made except after adequate
13 advance notice to the public, which shall include provision of
14 all relevant scientific justifications for the proposed
15 modification. Any state agency proposing a modification shall
16 comply with the requirements of chapter 91, Hawaii Revised
17 Statutes, and allow not less than thirty days for the public to
18 comment on the proposed modification, and conduct one or more
19 public hearings where comments to the proposed action shall be
20 received.



1 SECTION 3. Any resident of the State may petition an
2 agency that has established environmental action levels or
3 similar triggering mechanism for the modification of any
4 established environmental action levels or similar triggering
5 mechanisms. The agency shall promptly respond to the petition
6 in the manner provided by chapter 91, Hawaii Revised Statutes.

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

8
INTRODUCED BY:





S.B. NO. 667

Report Title:

EALs; Toxic Chemicals; Pollutants; Procedural Requirements;
Public Notice

Description:

Requires state agencies that monitor environmental toxins and pollutants to establish environmental action levels (EALs) to ensure the preservation of a safe environment. Prohibits modifications to EALs unless certain procedural requirements are met. Establishes a process to allow any resident to petition for modifications to an established EAL.

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