

JAN 21 2026

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# A BILL FOR AN ACT

RELATING TO AIR POLLUTION.

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

1       SECTION 1. The legislature finds that the department of  
2 health's clean air branch is responsible for air pollution  
3 control in the State. Filing a complaint with the clean air  
4 branch involves requiring the complainant to gather information,  
5 including locations of the incident, type of pollution, and time  
6 the incident occurred; contacting the clean air branch to  
7 provide the information and submit a complaint; scheduling a  
8 time with an investigator to observe the alleged pollution; and  
9 having the inspector determine whether a violation has occurred  
10 during the inspection or within a couple of days of the  
11 inspection. Under existing procedures, a violation is  
12 determined only if the inspector observes the pollution, which  
13 allows violators to pollute without consequence so long as an  
14 inspector is not present to observe the pollution.

15       Accordingly, the purpose of this Act is to allow air  
16 pollutants collected by a complainant or department of health's  
17 clean air branch master to be used as evidence to initiate



1 complaints on air pollution; in hearings in connection with air  
2 pollution; and in legal proceedings in the name of the State for  
3 the prevention, control, or abatement of air pollution.

4 SECTION 2. Section 342B-15, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[+]§342B-15[+] **Complaints; hearings; appointment of**  
7 **masters.** (a) The director may:

8 (1) Receive or initiate complaints on air pollution, hold  
9 hearings in connection with air pollution, and  
10 institute legal proceedings in the name of the State  
11 for the prevention, control, or abatement of air  
12 pollution; and

13 (2) Appoint a master or masters to conduct investigations  
14 and hearings.

15 (b) Air pollutants gathered by a master appointed pursuant  
16 to subsection (a)(2) or a complainant may be used as evidence:

17 (1) To initiate a complaint on air pollution;  
18 (2) In hearings in connection with air pollution; and  
19 (3) In legal proceedings in the name of the State for the  
20 prevention, control, or abatement of air pollution."



# S.B. NO. 2229

1       SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4       SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:                     *ALS*                    



# S.B. NO. 2229

**Report Title:**

DOH; CAB; Air Pollution; Evidence

**Description:**

Allows air pollutants collected by a complainant or Department of Health's Clean Air Branch master to be used as evidence to initiate complaints on air pollution; in hearings in connection with air pollution; and in legal proceedings in the name of the State for the prevention, control, or abatement of air pollution.

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