



STATE OF HAWAI'I
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB2232
RELATING TO CLEAN WATER**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date, Time and Room Number: 02/05/2026, 9:00 am, 325

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 Position:** The Department offers comments.

5 **Department Testimony:** The Environmental Management Division, Clean Water Branch (EMD-
6 CWB) provides the following testimony on behalf of the Department.

7 The Department appreciates the intent to maintain strong protection for Hawai'i's
8 waters. However, this measure is unnecessary because Hawai'i's existing water pollution
9 control statutes already meet or exceed the protective requirements of the Clean Water Act
10 (CWA) as of January 1, 2026. In addition, this measure may unintentionally hinder the adoption
11 of future federal requirements that provide even greater protection.

12 Hawai'i Revised Statutes, Chapter 342D already incorporates the protection of the CWA,
13 and the Department annually certifies to the U.S. Environmental Protection Agency (EPA), as a
14 condition to being authorized by EPA to implement CWA programs in the State, that Hawai'i's
15 laws are no less protective than the CWA. Hawai'i's existing water pollution control rules
16 (Hawai'i Administrative Rules, Chapters 11-53, 11-54, and 11-55) do not incorporate federal

1 regulations solely by reference. Instead, the State has adopted its own regulatory framework
2 that aligns with federal requirements but is not dependent on automatic incorporation of
3 federal rule language merely by reference. As a result, no rule amendments would be required
4 at this time if this measure were enacted because the State's statutes and rules already stand
5 independently of federal regulatory text. Where Hawai'i's rules do reference federal
6 regulations, they specify the exact federal version and the date of applicability, ensuring clarity
7 and preventing unintended dynamic incorporation. This existing structure already provides
8 regulatory stability without the need for the static federal lock-in proposed by this measure.

9 This measure may also have the unintended consequence of preventing future federal
10 regulations that may be considered protective of water quality from being implemented in
11 Hawai'i. For example, federal regulations for per- and polyfluoroalkyl substances (PFAS) in
12 National Pollutant Discharge Elimination System (NPDES) permits are under development by
13 EPA. If PFAS NPDES federal regulations are promulgated in the future, this measure might
14 prevent Hawaii from incorporating these protections in the Hawaii NPDES rules. NPDES permits
15 issued by the Department would not be able to implement the PFAS federal requirements,
16 jeopardizing the NPDES program delegation.

17 For these reasons, the Department respectfully requests that the Committee defer this
18 measure.

19 **Offered Amendments:** None.

20 Thank you for the opportunity to testify on this measure.

HB-2232

Submitted on: 2/3/2026 8:05:51 PM

Testimony for EEP on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

SUPPORT!

HB-2232

Submitted on: 2/2/2026 5:03:47 PM

Testimony for EEP on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

I support HB2232.

HB-2232

Submitted on: 2/2/2026 9:02:01 PM

Testimony for EEP on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristie Duarte	Individual	Support	Written Testimony Only

Comments:

I support this intentional bill to protect our wai here in Hawai'i.

HB-2232

Submitted on: 2/3/2026 6:11:25 AM

Testimony for EEP on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry Support

2232 HB RELATING TO CLEAN WATER.	EEP	325 VIA VIDEOCONFERENCE	Feb 5, 2026 9:00 AM
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HB-2232

Submitted on: 2/3/2026 6:33:55 AM

Testimony for EEP on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

Strong support

HB-2232

Submitted on: 2/4/2026 10:28:10 AM

Testimony for EEP on 2/5/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sebastian Church	Individual	Support	Written Testimony Only

Comments:

To whom it may concern,

This is testimony to support state codification of water protection through HB2232. Wetlands are critical for food production, and the food production systems Hawai'i will need in order to become a food secure landmass. With the uncertainty and erosion of federal environmental protection, it is then the responsibility of the State of Hawai'i to protect its own resources in order to feed its own people. I implore you to pass HB2232 so Hawai'i may not be interrupted in the movement toward food security.

Ke aloha 'āina,

Sebastian Church