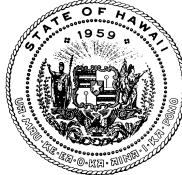


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELA

STATE OF HAWAI'I
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB2094
RELATED TO TOXIC CHEMICALS**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR ANGUS L.K. McKELVEY, CHAIR
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Hearing Date, Time and Room Number: 02/12/2026, 3:05 pm, 225

- 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 of Health provides comments on SB2094, which
- 5 requires environmental action levels (EALs) to be consistent with the best practices and most
- 6 recent scientific evidence relating to the preservation of a safe environment, prohibits
- 7 modifications to EALs unless certain procedural requirements are met, and allows residents to
- 8 petition for modifications to EALs.

- 9 **Department Testimony:** The Hazard Evaluation and Emergency Response Office (HEER)
- 10 provides the following testimony on behalf of the Department.

- 11 Environmental action levels are standardized screening levels for concentrations of
- 12 contaminants in soil, soil gas, and groundwater that are used in decision making throughout the
- 13 Environmental Hazard Evaluation Process. Hawaii's EALs primarily represent a compilation of

1 U.S. Environmental Protection Agency (EPA) and other State and international agency's
2 guidance pertinent to environmental contamination issues. A comprehensive manual titled
3 *Screening for Environmental Sites with Contaminated Soil and Groundwater* was first published
4 in 2005 and is regularly updated. These documents are posted on the Hazard Evaluation and
5 Emergency Response (HEER) EAL webpage (<https://health.hawaii.gov/heer/guidance/ehe-and-eals/>), and the scientific justification for the EALs, including references, are provided in detail in
6 the appendices of the guidance. Additionally, justification for any updates is specifically
7 discussed in Appendix 9 of the guidance document.

8 Prior to setting EAL guidance, the Department coordinates with EPA, other states and
9 the private sector. The methods used to prepare the EALs are similar to that of developing
10 "Environmental Screening Level (ESL)" by the EPA. All EAL guidance has gone through a peer-
11 review process by experts at the EPA, and researchers from the University of California system
12 to be deemed scientifically sound, before going into effect. Before a new EAL is published, the
13 HEER Office requests feedback from approximately 300 scientists and other experts. Before a
14 new EAL is published, the HEER Office requests feedback from approximately 300 scientists and
15 other experts.

16 Because the EALs serve as guidance, when a chemical is found to be more toxic than
17 previously thought by the USEPA or another agency, the EAL is reduced (reflecting a lowering of
18 the "safe" concentration). In other cases, when the initial estimates of a chemical's toxicity are
19 found to be overly conservative, the EAL is adjusted upwards. Overall, Hawaii's EALs are more
20 conservative (lower) than similar action or screening levels used by other states. This is because
21 the Hawaii EALs emphasize potential leaching of contaminants from soil and impacts to the
22 island's groundwater resources.

23 The Department recognizes the Legislature's interest in public notification and comment
24 regarding any changes or updates related to the EALs. We fully understand the importance of
25 transparency, trust, and effective communication with the public. The Department is open to
26 holding additional public meetings and forums to educate and inform the public of any

1 potential amendments to the EALs. The Department will continue to provide webinars on the
2 background and use of the EALs as posted on the HEER webinar webpage:
3 <https://health.hawaii.gov/heer/guidance/heer-webinars>

4 However, as the EALs are screening levels, the Department requires flexibility in
5 amending the EALs, especially in the event of a hazardous chemical or public safety emergency.
6 Time is of the essence in environmental hazard response, and the Department respectfully
7 requests continued flexibility in amending EALs based on the best science and expertise
8 available. While the Department welcomes public feedback, EALs must remain based on
9 science and protective of public health and the environment.

10 **Offered Amendments:** None

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



Environmental Caucus of The Democratic Party of Hawai'i

TESTIMONY OF THE ENVIRONMENTAL CAUCUS OF THE DEMOCRATIC PARTY OF HAWAII IN STRONG SUPPORT OF SB2094 RELATING TO TOXIC CHEMICALS

To: Senator Mike Gabbard, Chair; Senator Herbert M. "Tim" Richards, III, Vice Chair and COMMITTEE ON AGRICULTURE AND ENVIRONMENT

and

**Senator Angus L.K. McKelvey, Chair; Senator Mike Gabbard, Vice Chair and
COMMITTEE ON GOVERNMENT OPERATIONS**

**Hearing: Thursday, February 12, 2026 • 3:05 PM Conference Room 225 &
Videoconference**

Aloha Chairs Gabbard and McKelvey, Vice Chairs Richards and Gabbard, and Members of the Committees,

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports SB2094, which requires state agencies to establish Environmental Action Levels (EALs) that protect human health and the environment; prohibits modifications to EALs without transparent procedural safeguards; and creates a petition process allowing any Hawai'i resident to request updates based on scientific evidence or community concern.

I. Why SB2094 Is Critically Needed

Environmental Action Levels are intended to serve as early-warning thresholds—signals that contamination must be investigated and addressed before it harms people, ecosystems, or drinking-water resources. Yet in recent years, Hawai'i has witnessed EAL changes that occurred without public notice, without transparent justification, and without alignment to human-health risks.

This bill restores public trust by ensuring that EALs cannot be quietly altered in ways that obscure contamination or weaken protections.

II. Examples of EAL Changes Without Public Notice

During the Red Hill crisis, the Honolulu Board of Water Supply (BWS) raised serious concerns about unexplained increases to several petroleum-related EALs. These changes occurred after the Navy reported extremely high levels of Total Petroleum Hydrocarbons (TPH) in groundwater samples.

For example:

- The groundwater EAL for TPH-d (diesel range) was raised from 160 µg/L to 400 µg/L without public explanation or scientific justification.
- Navy samples later showed TPH-d at 140,000 ppb—over 350 times the previous EAL—and TPH-g at 20,000 ppb, more than 66 times the earlier gasoline-range threshold.
- Instead of triggering stronger regulatory action, the EALs were quietly increased, creating the appearance that standards were being adjusted to match contamination rather than protect the public.

This pattern undermines the purpose of EALs and erodes public confidence in environmental oversight.

III. Examples Where EALs Fail to Reflect Human-Health Risk

SB2094 is also necessary because several existing EALs do not reflect current toxicological science or the lived experience of impacted communities:

- Jet fuel constituents such as benzene, naphthalene, and PAHs pose carcinogenic and neurological risks at extremely low concentrations, yet Hawai‘i’s EALs remain higher than levels recommended by federal health agencies.
- Soil vapor intrusion risks from petroleum hydrocarbons are underestimated in some EAL tables, despite evidence that indoor air exposure can occur at concentrations far below current thresholds.
- Sensitive populations—including pregnant people, infants, kūpuna, and immunocompromised residents—are not explicitly considered in EAL derivations, even though they face disproportionate harm from toxic exposure.

These gaps demonstrate the need for a transparent, science-based, and participatory process for establishing and modifying EALs.

IV. How SB2094 Strengthens Public Health and Environmental Protection

SB2094 provides three essential reforms:

1. Clear, protective EALs established by agencies responsible for monitoring toxins and pollutants.
2. Procedural safeguards—including justification, transparency, and public notice—before any EAL can be modified.
3. A petition process empowering residents to request updates when new science emerges or when existing EALs fail to protect human health.

These reforms ensure that environmental standards reflect the best available science and the values of transparency, accountability, and public participation.

V. Conclusion

The Environmental Caucus of the Democratic Party of Hawai'i urges the Committees to pass SB2094. Hawai'i's communities deserve environmental standards that are transparent, science-based, and protective of human health—not standards that can be quietly altered in response to contamination events.

Mahalo for the opportunity to testify in strong support of this important measure.

Alan Burdick, Co-Chair

Mike Ewall, Co-Chair

Melodie Aduja, Co-Chair Emerita, Environmental Caucus Democratic Party of Hawai'i

SB-2094

Submitted on: 2/10/2026 7:52:00 PM
Testimony for AEN on 2/12/2026 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2094 that requires state agencies that monitor environmental toxins and pollutants to establish environmental action levels (EALs) to ensure the preservation of a safe environment, and prohibit modifications to EALs unless certain procedural requirements are met. This measure further establishes a process to allow any resident to petition for modifications to an established EAL.

Hawaii currently has no procedural requirements or standards to establish EALs for various toxins that are monitored, or to raise or lower EALs for toxins and pollutants. The lack of procedural requirements or standardized methods for establishing EALs for toxins is a significant problem because it leads to inconsistent, scientifically weak, or legally indefensible safety standards, which directly increases risks to human health and the environment. Without standardized, evidence-based procedures, the resulting EALs may be based on outdated methods, fail to account for cumulative effects, and leave toxic substances largely unregulated, particularly in vulnerable communities.

SB2094 is a much-needed measure towards the protection of the health and environment of the people of Hawaii. I urge you to pass SB2094.

SB-2094

Submitted on: 2/11/2026 8:28:58 AM
Testimony for AEN on 2/12/2026 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
John Bickel	Individual	Support	Written Testimony Only

Comments:

I support this bill as it would strengthen Hawai‘i’s protections against toxic chemicals by requiring state agencies to set transparent, science-based Environmental Action Levels (EALs) and preventing behind-the-scenes changes that put public health at risk. Toxic chemicals make us sick. Protect our health.

To: Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair
Committee on Agriculture and Environment

Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair
Committee on Government Operations

From: Veronica Moore, Individual Citizen

Date: February 11, 2026

RE: Senate Bill 2094

Measure Title: RELATED TO TOXIC CHEMICALS.

Report Title: DOT; EALs; Toxic Chemicals; Pollutants; Procedural Requirements; Public Notice

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2094. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore

SB-2094

Submitted on: 2/11/2026 11:02:12 PM
Testimony for AEN on 2/12/2026 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

I support SB 2094 because we absolutely need to monitor and decrease the quantity of toxic chemicals in our water, soil, and air. When pollution levels exceed environmental action levels remedial measures must be instituted immediately by state agencies.

I don't understand why this State has huge 3 gal. containers, actually any size container of Round Up, sitting on the shelves of hardware/plant nursery stores like Lowes, Home Depot, and City Mill. Why are we allowing any consumer to use huge amounts of this pesticide and pollute our water, soil and air with it, without limits. There should be much harsher limits on pesticides in this State. We are poisoning and losing native species and contaminating our watersheds, soil, and ocean reefs with pesticides.

Thank you for considering my views.