



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

**Testimony COMMENTING on SB2262  
RELATING TO POLLUTION**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR GLENN WAKAI, CHAIR  
SENATE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS

Hearing Date, Time and Room Number: 02/02/2026, 1:00 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's) appropriations and  
3 personnel priorities.

4 The Department roughly estimates that the cost to develop a centralized reporting  
5 system and database is \$300,000 with maintenance of \$60,000 per year.

6 The Department estimates that four (4) Environmental Health Specialist IV positions and  
7 one (1) additional clerical position are needed to implement the Department's portion of the  
8 proposed program at a cost of \$306,000 in salaries and \$50,000 in operational costs.

9 We have not discussed this measure with other state or county agencies and do not  
10 know whether additional funding is needed for their participation.

11 **Department Position:** The Department offers comments and proposed amendments.

**Department Testimony:** The Environmental Management Division, Solid and Hazardous Waste Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

Section 1. The Department recommends amending language to refer to reported complaints rather than reported violations. Complainants may report an event that is not a violation. Department staff may need to identify whether the circumstances of a complaint may be a potential violation of solid waste laws or rules. An investigation can confirm whether a violation occurred.

Section 2. The Department recommends that proposed language for vehicle forfeiture and community service penalties be placed under either Hawai'i Revised Statutes (HRS) §342H-37 or §342H-39 for criminal offenses. Administrative enforcement under HRS §342H-9 is carried out by the Department which does not have resources for administering vehicle forfeiture or community service programs. HRS §32H-37 and §342H-39 are under the authority of the Attorney General's Office which does administer programs for vehicle forfeiture and community service.

The Department uses *The Solid Waste Programs Administrative and Civil Penalty Policy* (revised May 30, 2014) to calculate the appropriate penalties while considering the potential for harm, extent of deviation from statutory or regulatory requirements, economic benefit of non-compliance, history of non-compliance, good faith, degree of willfulness/negligence, etc. The wide range of potential violations necessitates flexibility in imposing penalties. For example, a permittee who fails to submit an annual report for a second time should not have to pay a higher penalty (between \$10,000 and \$20,000) than a first-time dumper (between \$5,000 and \$10,000). Instead of a tiered penalty arrangement we recommend increasing the maximum penalty amount to \$25,000.

The Department also recommends an increase in maximum penalty to \$10,000 for restricting access to a property to inspect or investigate for solid waste violations (§342H-9(b)),

1 as the current maximum penalty is \$500. With the proposed increase in penalties for violations,  
2 the Department believes that the likelihood of property owners denying or restricting access to  
3 properties for inspections will also increase.

4 Section 3. The Department requests clarification on the intent of establishing an illegal  
5 dumping task force. Typically, it has been difficult to identify the perpetrators of illegal dumping  
6 as reported complaints often occur only when a pile of waste is discovered to have been  
7 discarded on a property. There are often no witnesses to the act nor evidence to link anyone to  
8 the waste left behind. The cleanup of the waste from illegal dumping has often fallen on the  
9 landowner of the property who is usually an innocent party.

10 In the past, the Department has been asked to investigate solid waste violations at  
11 active homeless encampments. This is problematic. The programs investigating solid waste  
12 complaints were not intended nor do we have the resources to lead efforts in addressing  
13 homelessness. Although there may be solid waste issues in such situations, it is our approach to  
14 consider any items claimed by a homeless individual to be their property, so there is the added  
15 difficulty of identifying solid waste from property. Environmental programs should not be the  
16 lead in addressing the complex and sensitive issue of homelessness.

17 Section 4. The Department requests clarification on the proposed language for  
18 environmentally sensitive areas. Is it the intent to direct the Department to define all streams,  
19 watersheds, and state parks as environmentally sensitive areas in rules we develop?

20 Section 6. Animal carcasses are not appropriate to add to the definition of hazardous  
21 waste. Hazardous waste is ignitable, corrosive, reactive, or toxic and does not include  
22 "biohazard" type waste. Hawai'i is an authorized state for the U.S. Environmental Protection  
23 Agency's (EPA's) national hazardous waste program implementing the Resource Conservation  
24 and Recovery Act (RCRA), Subtitle C. The State's definition is based upon the EPA definition of  
25 hazardous waste. Carcasses do not meet the criteria of hazardous waste. We recommend

1 deleting this section from the measure. Discarded carcasses are a solid waste under chapter  
2 342H.

3 Section 7. The Department uses *The Hazardous Waste Program Administrative and Civil*  
4 *Penalty Guidance* (revised January 2015) to calculate the appropriate penalties while  
5 considering the potential for harm, extent of deviation from requirements, economic benefit of  
6 non-compliance, history of non-compliance, degree of willfulness/negligence, etc. This is  
7 consistent with EPA's policy and is agreed to with EPA as part of the program's authorization.  
8 We recommend deleting this section from the measure.

9 Finally, we will require staff and funding to implement this program. Our current  
10 estimate is discussed under Fiscal Implications on page 1 of this testimony and is based on our  
11 current understanding of the measure. This estimate may change pending clarification on the  
12 intent of the task force listed in Section 3.

13 **Offered Amendments:** Amendments offered below only reference sections or portions of the  
14 measure where we are making recommendations for revision and do not include language for  
15 the establishment of positions and funding. We have highlighted text where we are  
16 recommending replacement or addition. If we are recommending deletion of any amendments  
17 in this measure, we have either stated the deletion or struck through the text. All other  
18 amendments are unchanged.

19 Section 1. Revisions to Page 1, Line 4 through Line 12.

20 "342H- **Complaint** reporting procedures. (a) The department shall establish and  
21 administer a centralized reporting system for use by the public to report **complaints** of this  
22 chapter, including a statewide online portal and telephone hotline. The department shall  
23 receive, track, and assign to the appropriate county **or state** authorities all reports from the  
24 public.

1        (b) The department shall establish standardized response timelines, which each county  
2        shall adopt, to ensure a prompt response to reports from the public of complaints."

3        Section 2. The Department recommends deleting the proposed amendments in  
4        Section 2 and offers the following amendments to subsection (a) and (b):

5        (a) Any person who violates this chapter, any rule adopted pursuant to this chapter, or  
6        any condition of a permit or variance issued pursuant to this chapter shall be fined not more  
7        than [~~\$10,000~~] \$25,000 for each separate offense. Each day of each violation shall constitute a  
8        separate offense. Any action taken in environmental court to impose or collect the penalty  
9        provided for in this subsection shall be considered a civil action.

10       (b) Any person who denies, obstructs, or hampers the entrance or inspection by any  
11       duly authorized officer or employee of the department of any building, place, or vehicle which  
12       the officer or employee is authorized to enter and inspect shall be fined not more than [\$500]  
13       \$10,000. Any action taken in environmental court to impose or collect the penalty provided for  
14       in this subsection shall be considered a civil action.

15       Section 6. The Department recommends deleting Section 6 of the measure (Page 7, line  
16       16 through Page 8, line 16).

17       Section 7. The Department recommends deleting Section 7 of the measure (Page 8, line  
18       17 through Page 11, line 13).

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

**SB-2262**

Submitted on: 1/30/2026 4:26:15 PM

Testimony for HHS on 2/2/2026 1:00:00 PM

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

Comments:

I, Johnnie-Mae L. Perry SUPPORT

2262 SB RELATING TO POLLUTION.	HHS/AEN/EIG	CR 225 & Videoconference	Feb 2, 2026 1:00 PM	<a href="#">View Notice</a>
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**SB-2262**

Submitted on: 2/2/2026 8:13:17 AM

Testimony for HHS on 2/2/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela Young	Testifying for Cares	Comments	Remotely Via Zoom

Comments:

Use my video testimony as reference.