
HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO REASSESS PRIOR DETERMINATIONS AND CLOSURE DECISIONS UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT IN LIGHT OF EVOLVING SCIENTIFIC UNDERSTANDING OF PER- AND POLYFLUOROALKYL SUBSTANCES AND RECENT FEDERAL HAZARDOUS SUBSTANCE DESIGNATIONS.

1 WHEREAS, article XI, section 1, of the Hawaii State
2 Constitution provides that, for the benefit of present and
3 future generations, the State and its political subdivisions
4 shall conserve and protect Hawaii's natural beauty and all
5 natural resources, including land, water, air, minerals, and
6 energy sources, and promote the development and utilization of
7 these resources in a manner consistent with their conservation;
8 and
9

10 WHEREAS, article XI, section 7, of the Hawaii State
11 Constitution establishes that the State has an affirmative duty
12 to protect, control, and regulate the use of Hawaii's water
13 resources for the benefit of its people; and
14

15 WHEREAS, there exists an inherent tension between the
16 operational autonomy of federal military installations within
17 Hawaii and the State's constitutional obligation to safeguard
18 public health, water resources, and the environment; and
19

20 WHEREAS, per- and polyfluoroalkyl substances (PFAS) are a
21 class of synthetic chemicals characterized by environmental
22 persistence, resistance to degradation, and mobility in water,
23 and have been associated with adverse human health and
24 ecological effects in scientific literature; and
25

26 WHEREAS, numerous military installations in Hawaii have
27 historically used, stored, or disposed of PFAS in connection



1 with aqueous film-forming foam, industrial operations, aviation
2 and vehicle systems, metal plating, maintenance activities,
3 waterproofed textiles, medical applications, waste streams, and
4 other treated materials and equipment; and
5

6 WHEREAS, the Comprehensive Environmental Response,
7 Compensation, and Liability Act of 1980 (CERCLA) establishes a
8 federal framework requiring investigation and remediation of
9 releases of hazardous substances; and
10

11 WHEREAS, pursuant to Title 40 United States Code section
12 9620, federal departments and agencies, including the United
13 States Department of Defense, are subject to and must comply
14 with CERCLA in the same manner and to the same extent as
15 nongovernmental entities; and
16

17 WHEREAS, under the United States Department of Defense's
18 investigative framework, areas of potential interest are
19 identified to evaluate locations where releases of hazardous
20 substances, including PFAS, may have occurred; and
21

22 WHEREAS, current United States Department of Defense PFAS
23 investigations in Hawaii have largely centered on aqueous film-
24 forming foam-related areas of potential interest, which may not
25 fully account for the broader range of PFAS-containing
26 materials, operational uses, industrial processes, waste
27 handling practices, and disposal pathways historically present
28 at military facilities; and
29

30 WHEREAS, in multiple instances in Hawaii, certain areas of
31 potential interest have been closed following limited
32 investigation, without comprehensive sampling of groundwater,
33 surface water, soil, sediment, stormwater systems, or wastewater
34 pathways, or evaluation of potential off-base migration; and
35

36 WHEREAS, the United States Department of Defense has
37 reported using Environmental Protection Agency Method 1633A for
38 PFAS analysis related to surface water, groundwater, wastewater,
39 leachate, soil, sediment, and biosolids, and Method 1633A is
40 capable of detecting forty separate PFAS compounds; and
41



1 WHEREAS, site inspections and PFAS investigative reports at
2 military installations frequently disclose results for only a
3 limited subset of PFAS compounds, rather than the full suite of
4 forty analytes that may be detected under Environmental
5 Protection Agency Method 1633A; and
6

7 WHEREAS, recent federal designation of certain PFAS
8 compounds as hazardous substances under CERCLA, together with
9 evolving scientific understanding of PFAS persistence, mobility,
10 and exposure pathways, warrants reassessment of prior
11 investigative determinations; and
12

13 WHEREAS, the State is presently engaged in, or anticipates
14 engaging in, negotiations and decision-making concerning
15 military leases of state-owned lands, and informed lease
16 determinations require full transparency regarding environmental
17 contamination, monitoring status, investigative scope, and long-
18 term remediation obligations; now, therefore,
19

20 BE IT RESOLVED by the House of Representatives of the
21 Thirty-third Legislature of the State of Hawaii, Regular Session
22 of 2026, the Senate concurring, that the United States
23 Department of Defense is urged to reassess prior determinations
24 and closure decisions under the Comprehensive Environmental
25 Response, Compensation, and Liability Act in light of evolving
26 scientific understanding of per- and polyfluoroalkyl substances
27 and recent federal hazardous substance designations; and
28

29 BE IT FURTHER RESOLVED that the United States Department of
30 Defense is urged to initiate or supplement additional
31 preliminary assessments and site inspections where releases or
32 substantial threats of release may not have been fully
33 evaluated; and
34

35 BE IT FURTHER RESOLVED that the United States Department of
36 Defense is urged to expand PFAS investigations at all military
37 installations, sub-installations, training areas, medical
38 facilities, industrial sites, and former operating locations
39 within the State; and
40

41 BE IT FURTHER RESOLVED that such investigations should not
42 be limited to aqueous film-forming foam use areas, but should



H.C.R. NO. 200

1 include evaluation of all reasonably foreseeable PFAS-containing
2 materials, operational uses, waste streams, industrial
3 activities, medical applications, and disposal practices
4 historically present at military facilities; and
5

6 BE IT FURTHER RESOLVED that the United States Department of
7 Defense is urged to conduct comprehensive sampling of all
8 relevant environmental sources, including groundwater, drinking
9 water sources, surface water, soil, sediment, stormwater
10 systems, wastewater discharges, indoor air, and nearshore marine
11 environments, and to evaluate potential migration beyond
12 installation boundaries; and
13

14 BE IT FURTHER RESOLVED that the United States Department of
15 Defense is urged to conduct total oxidizable precursor assay
16 testing, where scientifically appropriate, and to publicly
17 disclose complete analytical results for all PFAS compounds
18 tested, including the full list of forty PFAS analytes measured
19 under Environmental Protection Agency Method 1633 or any
20 successor method; and
21

22 BE IT FURTHER RESOLVED that this body urges that, to the
23 extent consistent with applicable law, the status of PFAS
24 investigation, monitoring, disclosure, and remediation
25 commitments be considered in any current or future negotiations
26 regarding military leases of state-owned lands; and
27

28 BE IT FURTHER RESOLVED that certified copies of this
29 Concurrent Resolution be transmitted to the United States
30 Secretary of Defense and Adjutant General.
31
32
33

OFFERED BY: 

MAR 16 2026

