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## HOUSE 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  
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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  
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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  
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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  
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26           WHEREAS, numerous military installations in Hawaii have  
27 historically used, stored, or disposed of PFAS in connection  
28 with aqueous film-forming foam, industrial operations, aviation  
29 and vehicle systems, metal plating, maintenance activities,



1 waterproofed textiles, medical applications, waste streams, and  
2 other treated materials and equipment; and

3  
4 WHEREAS, the Comprehensive Environmental Response,  
5 Compensation, and Liability Act of 1980 (CERCLA) establishes a  
6 federal framework requiring investigation and remediation of  
7 releases of hazardous substances; and

8  
9 WHEREAS, pursuant to Title 40 United States Code section  
10 9620, federal departments and agencies, including the United  
11 States Department of Defense, are subject to and must comply  
12 with CERCLA in the same manner and to the same extent as  
13 nongovernmental entities; and

14  
15 WHEREAS, under the United States Department of Defense's  
16 investigative framework, areas of potential interest are  
17 identified to evaluate locations where releases of hazardous  
18 substances, including PFAS, may have occurred; and

19  
20 WHEREAS, current United States Department of Defense PFAS  
21 investigations in Hawaii have largely centered on aqueous film-  
22 forming foam-related areas of potential interest, which may not  
23 fully account for the broader range of PFAS-containing  
24 materials, operational uses, industrial processes, waste  
25 handling practices, and disposal pathways historically present  
26 at military facilities; and

27  
28 WHEREAS, in multiple instances in Hawaii, certain areas of  
29 potential interest have been closed following limited  
30 investigation, without comprehensive sampling of groundwater,  
31 surface water, soil, sediment, stormwater systems, or wastewater  
32 pathways, or evaluation of potential off-base migration; and

33  
34 WHEREAS, the United States Department of Defense has  
35 reported using Environmental Protection Agency Method 1633A for  
36 PFAS analysis related to surface water, groundwater, wastewater,  
37 leachate, soil, sediment, and biosolids, and Method 1633A is  
38 capable of detecting forty separate PFAS compounds; and

39  
40 WHEREAS, site inspections and PFAS investigative reports at  
41 military installations frequently disclose results for only a  
42 limited subset of PFAS compounds, rather than the full suite of



1 forty analytes that may be detected under Environmental  
2 Protection Agency Method 1633A; and

3  
4 WHEREAS, recent federal designation of certain PFAS  
5 compounds as hazardous substances under CERCLA, together with  
6 evolving scientific understanding of PFAS persistence, mobility,  
7 and exposure pathways, warrants reassessment of prior  
8 investigative determinations; and

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

16  
17 BE IT RESOLVED by the House of Representatives of the  
18 Thirty-third Legislature of the State of Hawaii, Regular Session  
19 of 2026, that the United States Department of Defense is urged  
20 to reassess prior determinations and closure decisions under the  
21 Comprehensive Environmental Response, Compensation, and  
22 Liability Act in light of evolving scientific understanding of  
23 per- and polyfluoroalkyl substances and recent federal hazardous  
24 substance designations; and

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

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

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38 BE IT FURTHER RESOLVED that such investigations should not  
39 be limited to aqueous film-forming foam use areas, but should  
40 include evaluation of all reasonably foreseeable PFAS-containing  
41 materials, operational uses, waste streams, industrial



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1 activities, medical applications, and disposal practices  
2 historically present at military facilities; and

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

11  
12 BE IT FURTHER RESOLVED that the United States Department of  
13 Defense is urged to conduct total oxidizable precursor assay  
14 testing, where scientifically appropriate, and to publicly  
15 disclose complete analytical results for all PFAS compounds  
16 tested, including the full list of forty PFAS analytes measured  
17 under Environmental Protection Agency Method 1633 or any  
18 successor method; and

19  
20 BE IT FURTHER RESOLVED that this body urges that, to the  
21 extent consistent with applicable law, the status of PFAS  
22 investigation, monitoring, disclosure, and remediation  
23 commitments be considered in any current or future negotiations  
24 regarding military leases of state-owned lands; and

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26 BE IT FURTHER RESOLVED that certified copies of this  
27 Resolution be transmitted to the United States Secretary of  
28 Defense and Adjutant General.

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30  
31 OFFERED BY: 

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