
A BILL FOR AN ACT

RELATED TO TOXIC CHEMICALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that certain state
2 agencies, including the department of health, monitor the
3 presence of environmentally toxic chemicals in water, soil, and
4 air, and require remedial action if pollution levels exceed
5 certain concentrations, often called environmental action levels
6 or EALs. When an EAL is exceeded, the person or entity
7 responsible for the existence of the pollution is legally
8 required to take remedial action to reduce the level of toxicity
9 in the area under the person's or entity's control, so that the
10 EAL is no longer exceeded.

11 The legislature further finds that there are currently no
12 procedural requirements or standards to establish EALs for
13 various toxins that are monitored, or to raise or lower EALs for
14 toxins and pollutants. Previously, EALs have been raised by
15 state agencies without public notice and without publication of
16 the scientific justification, resulting in a relaxation of
17 enforcement standards and a potential increase in pollution.



1 The legislature further finds that some increases in local
2 EALs have lacked scientific justification and that the increases
3 are contrary to the EALs established and enforced by federal
4 agencies and agencies of other states. These increases may pose
5 unreasonable risks to the environment and the residents of the
6 State, and therefore it is necessary that any increases in EALs
7 be scientifically justifiable and based on the severity of risks
8 to human health and the environment, as well as the probability
9 of adverse effects. Procedures must be established to provide
10 the public with advance notice and the opportunity to respond to
11 proposed increases in EALs. Moreover, these actions by Hawaii
12 state agencies without adequate scientific basis and procedural
13 safeguards may violate the guarantees of article XI, sections 1
14 and 7 of the Hawaii State Constitution.

15 The legislature affirms that the public has a right to know
16 all relevant information concerning environmental toxins and
17 that state agencies charged with monitoring and remediating
18 environmental toxins are responsible for ensuring that the
19 public receives all relevant information about the presence of
20 environmental toxins in a timely manner.

21 Accordingly, the purpose of this Act is to:



- 1 (1) Establish procedural and substantive requirements for
- 2 the establishment and modification of environmental
- 3 action levels by state agencies; and
- 4 (2) Appropriate funds.

5 SECTION 2. (a) Every state agency that monitors

6 environmental toxins and pollutants shall establish

7 environmental action levels or substantively similar triggering

8 mechanisms that are consistent with the best practices and most

9 recent scientific evidence relating to the preservation of a

10 safe environment.

11 (b) No modification to any environmental action levels or

12 similar triggering mechanism shall be made except after adequate

13 advance notice to the public, which shall include provision of

14 all relevant scientific justifications for the proposed

15 modification. Any state agency proposing a modification shall

16 comply with the requirements of chapter 91, Hawaii Revised

17 Statutes, and allow not less than thirty days for the public to

18 comment on the proposed modification, and conduct one or more

19 public hearings where comments to the proposed action shall be

20 received.



1 SECTION 3. Any resident of the State may petition an
 2 agency that has established environmental action levels or
 3 similar triggering mechanism for the modification of any
 4 established environmental action levels or similar triggering
 5 mechanisms. The agency shall promptly respond to the petition
 6 in the manner provided by chapter 91, Hawaii Revised Statutes.

7 SECTION 4. There is appropriated out of the general
 8 revenues of the State of Hawaii the sum of \$ or so
 9 much thereof as may be necessary for fiscal year 2026-2027, to
 10 be allocated as follows:

11 (1) \$ for the development of a secure government
 12 portal website dedicated to environmental action
 13 levels monitored by state agencies; and

14 (2) \$ to create and host webinars on potential
 15 changes to environmental action levels.

16 The sum appropriated shall be expended by the department of
 17 health for the purposes of this Act.

18 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

EALs; Toxic Chemicals; Pollutants; Procedural Requirements;
Public Notice; Appropriation

Description:

Requires state agencies that monitor environmental toxins and pollutants to establish environmental action levels (EALs) to ensure the preservation of a safe environment. Prohibits modifications to EALs unless certain procedural requirements are met. Establishes a process to allow any resident to petition for modifications to an established EAL. Appropriates funds. Effective 7/1/2050. (SD1)

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