

MAR 16 2026

SENATE 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
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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
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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
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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
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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
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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
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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
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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

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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,

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17 BE IT RESOLVED by the Senate of the Thirty-third
18 Legislature of the State of Hawaii, Regular Session of 2026,
19 that the United States Department of Defense is urged to
20 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



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
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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
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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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OFFERED BY: Mike Gabbaro

