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GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARK

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
CONSUMER PROTECTION & COMMERCE

Thursday, February 12, 2026
2:00 PM
State Capitol, Conference Room 329

In consideration of
HOUSE BILL 1749, HOUSE DRAFT 1
RELATING TO CESSPOOLS

House Bill 1749, House Draft 1, requires sellers, beginning 1/1/2027, to provide buyers with a wastewater system disclosure form before the execution of a real estate purchase contract; requires the Department of Health and Real Estate Commission to develop a standardized wastewater system disclosure form by 11/1/2026; and establishes penalties. **The Department of Land and Natural Resources (Department) supports this bill.**

Hawai'i has over 83,000 cesspools that discharge 52 million gallons of untreated sewage into the groundwater every day. Sewage discharge can adversely impact marine resources by causing increased nutrients in the nearshore environment leading to eutrophication, reduction in coral cover, and decreased marine species diversity. These effects frequently impact coral reef ecosystems, as sewage has been shown to travel quickly from land to sea. Thus, it is imperative to focus on effective management of wastewater to protect aquatic resources in Hawai'i. As such, it is imperative that homeowners are equipped with the knowledge, funding, and incentives necessary to encourage cesspool system upgrades. Requiring real estate sellers to provide buyers with critical information about wastewater systems on properties is important in providing the necessary knowledge for homeowners to be able to assist in these conversions. Recognizing the effect these actions will have on cesspool conversion efforts to encourage proper prioritization of conversion, the Department supports this measure.

Mahalo for the opportunity to comment on this measure.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Thursday, February 12, 2026, 2:00 PM
State Capitol, Conference Room 329

in consideration of
HB 1749, HD 1
RELATING TO CESSPOOLS.

Chair Matayoshi, Vice Chair Grandinetti, and Members of the House Committee on Consumer Protection & Commerce.

The Office of Planning and Sustainable Development (OPSD) **supports HB 1749, HD 1**, which beginning 1/1/2027, requires sellers to provide buyers with a wastewater system disclosure form before the execution of a real estate purchase contract; requires the Department of Health and the Real Estate Commission to develop a standardized wastewater system disclosure form by 11/1/2026; and establishes penalties.

OPSD recognizes the critical consumer protection issue addressed by this measure. The current lack of a standardized wastewater system disclosure in real estate transactions creates significant financial risks for homebuyers, who may unknowingly inherit the substantial costs of mandatory conversion. This lack of transparency can make housing unexpectedly more expensive and creates a barrier to informed decision-making in Hawai'i's housing market. Requiring a standardized disclosure form ensures that buyers are fully notified of existing wastewater systems, fostering a more equitable and transparent real estate market while advancing Hawai'i's 2050 cesspool conversion deadline.

OPSD supports the clarifying amendments integrated into HB 1749, HD1. Specifically, OPSD supports the removal of the requirement for the Department of Health (DOH) to prioritize Level 1 and 2 cesspools in their assistance efforts. This change recognizes that DOH already possesses the technical expertise and established frameworks to prioritize wastewater systems that pose the greatest risks to public health and the environment. Furthermore, we advocate for the transition in language from "cesspool" to the broader terms "wastewater" and "wastewater system." This nomenclature shift ensures that the scope of the State's environmental efforts remains comprehensive, addressing the modernization of our infrastructure as a holistic system rather than focusing on isolated components. For these reasons, the Office of Planning & Sustainable Development respectfully urges the committee to pass HB 1749, HD 1.

Thank you for the opportunity to testify in support of this measure.

Testimony of the Hawai'i Real Estate Commission

**Before the
House Committee on Consumer Protection & Commerce
Thursday, February 12, 2026
2:00 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
H.B. 1749, HD1, RELATING TO CESSPOOLS**

Chair Matayoshi and Members of the Committee:

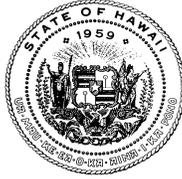
My name is Derrick Yamane, and I am the Chairperson of the Hawai'i Real Estate Commission ("Commission"). The Commission offers comments on this bill.

For the Commission, the relevant purpose of this bill is to require the Department of Health and the Real Estate Commission to develop a standardized cesspool disclosure form.

In current customary practice, the Hawaii Association of REALTORS® ("HAR") produces various forms for their membership to use, including a 6-page seller disclosure form addressing section 508D, Hawaii Revised Statutes requirements, which also includes wastewater disclosure content.

The Commission is concerned that producing a separate cesspool disclosure form will create confusion in the industry between buyers, sellers, lenders, and licensees, regarding what should or should not be disclosed by the seller of real property and having multiple forms for all parties.

Thank you for the opportunity to testify on this bill.



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

WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of HB1749 HD1
RELATING TO CESSPOOLS.**

REPRESENTATIVE SCOT Z. MATAYOSHI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date, Time and Room Number: 2/12/2026, 2:00 pm, 329

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health (“Department”) supports this measure and
3 offers comments and proposed amendments.

4 **Department Testimony:** The Environmental Management Division, Wastewater Branch (EMD-
5 WWB) provides the following testimony on behalf of the Department.

6 The amendments to Hawai'i Revised Statutes, Section 508D-15, support the
7 Department's mission to implement and maintain statewide programs for controlling water
8 pollution.

9 **Offered Amendments:** None.

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



‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

LATE

Testimony Presented Before the
House Committee on Consumer Protection & Commerce
Thursday, February 12, 2026 at 2:00 p.m.

By

Darren T. Lerner, PhD
Director, Sea Grant College Program,
School of Ocean and Earth Science and Technology
University of Hawai'i at Mānoa

and

Tao Yan
Director, Water Resources Research Center,
and

Vassilis Syrmos, PhD
Provost
University of Hawai'i at Mānoa

HB 1749 HD1 – RELATING TO CESSPOOLS

Chair Matayoshi, Vice Chair Grandinetti, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and Water Resources Research Center (WRRC) support with comments on HB 1749 HD1 relating to cesspools.

Cesspools are a significant source of groundwater and nearshore pollution, with over 83,000 cesspools statewide discharging approximately 53 million gallons of untreated sewage into the environment daily. They pose significant health risk to citizens statewide through the leakage of fecal contamination, including those whose properties rely on cesspools for sewage, posing risk of skin infection, higher rates of waterborne illness and unsanitary drinking water.

The conversion of cesspools in Hawaii is a pivotal component of the state's broader strategy to address water quality issues, promoting a cleaner and healthier environment for current and future generations to enjoy and avoiding the compounding impacts that climate change will have on our already stressed resources. As the amendment of HB 1749 notes, this conversion is ongoing at the state level with several bills providing financial support to various departments and state entities.

However, not all cesspools may be provided the same level of governmental support, providing an unequal financial burden to potential owners. As reflected in HB 1749 HD1, the Department of Health relies on the Hawai'i Cesspool Prioritization Tool to identify priority level 1 and priority level 2 cesspools for targeted assistance, rulemaking, and guidance to property owners. It is important for the seller to provide buyers with a cesspool disclosure, but also the priority level of the cesspool as determined by the Department of Health. This additional information may better inform buyers of their potential financial and health risks.

Thank you for the opportunity to testify on this measure.

February 12, 2026

The Honorable Scot Z. Matayoshi, Chair

House Committee on Consumer Protection & Commerce
State Capitol, Conference Room 329 & Videoconference

RE: House Bill 1749, HD1, Relating to Cesspools

HEARING: Thursday, February 12, 2026, at 2:00 p.m.

Aloha Chair Matayoshi, Vice Chair Grandinetti, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its almost 10,000 members. HAR provides **comments** on House Bill 1749, HD1, which beginning 1/1/2027, requires sellers to provide buyers with a wastewater system disclosure form before the execution of a real estate purchase contract. Requires the Department of Health and Real Estate Commission to develop a standardized wastewater system disclosure form by 11/1/2026. Establishes penalties. Effective 7/1/3000.

HAR develops standard forms utilized by the real estate industry in Hawaii. Our Standard Forms Committee continuously reviews or creates our real estate contracts to ensure the forms are current with industry standards and the law. In a real estate transaction, there are disclosures made in the *Seller's Real Property Disclosure Statement* (SRPDS) form.

Sellers are required to disclose "material facts" that are within the knowledge and control of the seller or observed from visible, accessible areas. As such, we currently include disclosure provisions relating to cesspools in our SRPDS. Sellers are asked "What type of wastewater/sewage system does the property have?" and must provide a detailed response.

HAR's Standard Forms Committee is in the process of updating its form to better inform buyers on the state law that cesspools need to be converted by 2050. As such, this measure may not be necessary.

The following is the proposed revision to the SRPDS that is currently undergoing review.

- 3) What type of waste water/sewage system does the property have? [] None
- a) [] Public Sewer [] Private Sewer Connected? [] Yes [] No
 If no, is connection currently required? [] Yes [] No
 Is there a separate sewer fee? [] Yes [] No If yes, describe in Section G.
 [] Individual Sewage Treatment Plant Vendor _____
 [] Cesspool [] Septic System Location _____
 Last Pumped _____ How Often? _____
 Did any cesspool or septic system pumping/overflow generate a report to any governmental agency? [] Yes [] No
 Was there a fine? [] Yes [] No
- b) Does the cesspool serve more than one dwelling or living unit (A "dwelling" or, "living unit" is defined as having its own kitchen/food preparation area, bathroom and sleeping/living area), including "ohana" units? [] Yes [] No
- c) [] Abandoned septic or cesspool Location _____ Filled? [] Yes [] No [] NTMK

CESSPOOL NOTICE: PURSUANT TO SECTION 342D-72, HAWAII REVISED STATUTES, ANY CESSPOOL THAT HAS NOT BEEN GRANTED AN EXEMPTION BY THE DIRECTOR OF HEALTH IS REQUIRED TO BE UPGRADED OR CONVERTED TO A DIRECTOR-APPROVED WASTEWATER SYSTEM OR CONNECTED TO A SEWERAGE SYSTEM BEFORE JANUARY 1, 2050. CONSULT THE DEPARTMENT OF HEALTH FOR ADDITIONAL GUIDANCE REGARDING CESSPOOL UPGRADE, CONVERSION, AND CONNECTION TIMELINESS AND ANY AVAILABLE FINANCING RESOURCES.

Mahalo for the opportunity to testify on this measure.

HAWAI'I OCEAN LEGISLATIVE TASK FORCE



February 12, 2026

Hawai'i State Legislature
House Committee on Consumer Protection and Commerce

Re: Testimony in SUPPORT for HB 1749 HD1, Relating to Cesspools

Aloha Chair Matayoshi, Vice Chair Grandinetti, and esteemed members of the committee,

The Hawai'i Ocean Legislative Task Force—a coalition of more than 150 individuals across over 20 organizations statewide—strongly supports HB 1749 HD1, relating to cesspools.

Cesspools are a significant source of groundwater and nearshore pollution, with over 83,000 cesspools statewide discharging approximately 53 million gallons of untreated sewage into the environment daily. This pollution threatens drinking water sources, coral reefs, and public health, contributing to higher rates of waterborne illnesses and ecosystem degradation.

Prioritizing the upgrade and conversion of priority level 1 and 2 cesspools, as mandated by the bill, ensures that the most environmentally and health-sensitive areas receive immediate attention. This targeted approach is both cost-effective and data-driven, aligning with recommendations from the Department of Health and national best practices. The appropriation for updating the Hawai'i Cesspool Prioritization Tool is essential, as accurate and current data will enable more effective resource allocation and project planning.

Requiring a standardized cesspool disclosure form in real estate transactions promotes transparency and protects both buyers and sellers. It addresses a longstanding gap in property transactions, where buyers may unknowingly inherit costly and environmentally risky cesspool liabilities. This measure will foster a more informed real estate market and encourage proactive cesspool remediation.

Establishing penalties for non-compliance is a necessary enforcement mechanism to ensure adherence to these new standards. The bill's comprehensive approach—combining regulation, funding, and public awareness—will accelerate cesspool conversions, reduce pollution, and support Hawai'i's long-term sustainability goals.

Ocean TF urges the legislature to advance HB 1749 HD1, as it represents a pragmatic and urgently needed step toward safeguarding Hawai'i's water resources, coastal ecosystems, and public health.

Mahalo for the opportunity to testify on this measure.



To: The Honorable Representative Scot Matayoshi, Chair, The Honorable Representative Tina Grandanetti, Vice Chair, and Members of the Consumer Protection and Commerce Committee!

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: **Hearing HB1749 HD1 RELATING TO CESSPOOLS**

Hearing: Thursday February 12, 2025 2:00 p.m.

Aloha Chair Matayoshi, Vice Chair Grandanetti, and Members of the Consumer Protection and Commerce Committee!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

The Hawai'i Reef and Ocean Coalition SUPPORTS HB1749 but suggests an amendment!

This bill would help buyers of real estate by requiring a standardized disclosure form before home sale.

Requiring a standardized disclosure form in real estate transactions that is not buried in closing paperwork promotes transparency and protects both buyers and sellers. It addresses a longstanding gap in property transactions, where buyers may unknowingly inherit costly and environmentally risky liabilities. This measure will foster a more informed real estate market and encourage proactive cesspool remediation.

I served as the Deputy Attorney General representing the DOH for 15 years. Based on my experience, I think **an amendment should be made to the HD1 bill**. The HD1 refers to “wastewater systems” (as opposed to “cesspools” in the original version). This term may create confusion because “wastewater systems” are not defined in the bill or statute but are defined with a different meaning in the Hawaii Administrative Rules, HAR Section 11-62-03. In the rules, “wastewater system” is a broad category that includes sewers and sewage and sludge treatment works. “Wastewater system” means “the category of all wastewater and wastewater sludge treatment, use, and disposal systems, including all wastewater treatment works, collection systems, wastewater sludge facilities, recycled water systems, and individual wastewater systems.”

To clarify the meaning of what must be disclosed and make it consistent with rules, **the bill should be amended to add the word “individual” before “wastewater systems.” In the rules. “individual wastewater systems” means facilities, such as septic systems, aerobic treatment units, and cesspools, that are not connected to a sewer and are used and designed to receive and dispose of:**

- (1) No more than one thousand gallons per day of domestic wastewater; or**
- (2) Greater than one thousand gallons per day of domestic wastewater from buildings with highly variable flows.**

Please pass this bill with this amendment!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



TO: House Committee on Consumer Protection and Commerce
Representative Scot Z. Matayoshi, Chair
Representative Tina Nakada Grandinetti, Vice Chair

FROM: Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition

DATE: Thursday, February 12, 2026

TIME: 2:00 PM

PLACE: Conference Room 329 & Videoconference

Re: HB 1749 HD1

Position: SUPPORT

The [Public Access to SunScreens](#) (PASS) Coalition is a multi-stakeholder coalition composed of public health groups, dermatologists, sunscreen manufacturers, and leading advocates for skin cancer patients. We also support efforts that protect our coral reefs.

We support this measure.

Cesspools are a pressing issue in Hawaii that impacts our health, water quality, and coral reefs. With over 83,000 cesspools in the state, discharging about 53 million gallons of raw sewage every day, immediate action is needed to mitigate their negative impact. Untreated wastewater leaking from cesspools into nearshore waters can cause high levels of nitrogen in the water, which leads to algae blooms that suffocate and cover our coral reefs.

Prioritizing the upgrade and conversion of priority level 1 and 2 cesspools, as mandated by the bill, ensures that the most environmentally and health-sensitive areas receive immediate attention. This targeted approach is both cost-effective and data-driven, aligning with recommendations from the Department of Health and national best practices. The appropriation for updating the Hawai'i Cesspool Prioritization Tool is essential, as accurate and current data will enable more effective resource allocation and project planning.

Requiring a standardized cesspool disclosure form in real estate transactions promotes



transparency and protects both buyers and sellers. It addresses a longstanding gap in property transactions, where buyers may unknowingly inherit costly and environmentally risky cesspool liabilities. This measure will foster a more informed real estate market and encourage proactive cesspool remediation.

Establishing penalties for non-compliance is a necessary enforcement mechanism to ensure adherence to these new standards. The bill's comprehensive approach — combining regulation, funding, and public awareness — will accelerate cesspool conversions, reduce pollution, and support Hawai'i's long-term sustainability goals.

HB1749 HD1 is needed now as it represents a pragmatic and urgently needed step toward safeguarding Hawai'i's water resources, coastal ecosystems, and public health. Mahalo you for the opportunity to testify.

Sincerely,
Lynn Miyahira
Public Access to SunScreens (PASS) Coalition

**Testimony of The Nature Conservancy
Supporting HB1749 HD1, Relating to Cesspools
Committee on Consumer Protection & Commerce
February 12, 2026 at 2:00 pm
Conference Room 329 and via Videoconference**

Dear Chair Matayoshi, Vice Chair Grandinetti, and Members of the Committee:

Mahalo for the opportunity to testify today. The Nature Conservancy (TNC) Hawai'i and Palmyra supports HB1749 HD1, which requires sellers to provide buyers with a wastewater system disclosure form before the execution of a real estate purchase contract and requires the Department of Health and Real Estate Commission to develop a standardized wastewater system disclosure form.

Science conducted by TNC and partners has shown that wastewater, particularly cesspools, are detrimental to the coral reefs that protect our coastlines and underpin our economy. Without clean coastal waters our reef ecosystems are put at even greater risk in the face of growing global stressors, including climate change. Contaminants emitted from cesspools, like organic nitrogen and phosphorus, pathogens, and others, can harm aquatic ecosystems by encouraging excess algal and bacterial growth and can also pose a threat to human health. Our research in He'eia, Maunalua, Olowalu, Hana and South Kohala has shown direct evidence of cesspool contamination in streams and coastal waters using a variety of bioindicators and chemical signatures.

HB1749 HD1 advances important goals by improving transparency for property owners and homebuyers. The wastewater system disclosure form will provide clearer, more accurate information about onsite wastewater systems, supporting informed decision-making and long-term planning as the state works to reduce wastewater pollution and reach the 2050 conversion mandate. Strengthening communication with homeowners and improving data consistency are critical steps toward protecting nearshore waters and the reef systems that sustain our islands.

Mahalo for the opportunity to testify in support of HB1749 HD1.

Guided by science, TNC is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 84,000 acres in 13 nature preserves and 18 managed areas and have supported over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands.

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House Committee on Consumer Protection & Commerce

Testimony on HB 1749 HD 1

Relating to Cesspools

February 12, 2026

02:00 PM

Room 329

The Climate Change and Health Working Group (CCHWG) is a cross-sector collaborative interested in strengthening climate and health resiliency in Hawai'i. CCHWG **supports HB 1749 HD1**, which strengthens transparency around wastewater systems by requiring disclosure of cesspools during real estate transactions and prioritizes the highest-risk cesspools for action in order to protect water quality, public health, and community well-being.

Testimony of the Hawai'i Climate Change and Health Working Group

In Support of HB 1749 HD 1 Relating to Cesspools

Aloha Chair Matayoshi, Vice Chair Grandinetti, and Members of the House Committee on Consumer Protection and Commerce,

Clean nearshore waters are essential for both public health and the health of coral reefs and coastal fisheries. Wastewater systems can pollute groundwater and nearshore waters by introducing elevated levels of contaminants such as nitrogen, phosphorus, and pathogens. Cesspools are particularly vulnerable to overflow and leakage due to sea-level rise and coastal erosion, as rising ocean levels can contaminate groundwater and soil. Like many coastal regions, Hawai'i depends on freshwater aquifers that are replenished by rainfall, meaning that changes to the water cycle can affect both the availability and quality of the state's drinking water supply.¹ Low-lying areas are also increasingly at risk of saltwater intrusion into these aquifers due to rising sea levels, further threatening the safety and stability of Hawai'i's drinking water.

¹ [Impacts of Climate Change on Honolulu Water Supplies and Planning Strategies for Mitigation](#), Board of Water Supply. 2019.

Across Hawai'i, there are approximately 88,000 cesspools. Using an estimated average conversion cost of \$23,000, the total cost of converting Hawai'i's approximately 88,000 cesspools exceeds two billion dollars. These conversion costs are likely to pose a significant financial burden for many residential property owners, particularly in a state where the cost of living is already among the highest in the nation.² HB 1749 HD1 helps address this challenge by improving transparency for buyers and prioritizing cesspools that pose the greatest risk to public health and the environment, allowing resources and assistance to be more strategically directed.

An estimated 43,000 of these cesspools pose a direct risk to public health.³ When cesspools overflow or leak, they expose people to infectious viruses and bacteria that can cause serious illness. Pathogens commonly found in cesspool contamination include hepatitis A, staphylococcus, salmonella, E.coli, and enterococci, which can lead to gastroenteritis, conjunctivitis, diarrhea, and skin infections among swimmers, paddlers, and beachgoers.

Climate change further exacerbates these challenges. Warmer air and water temperatures promote the growth and persistence of pathogens such as salmonella, shigella, vibrio cholerae, V. vulnificus, V. parahaemolyticus, Naegleria fowleri, Acanthamoeba species, Giardia lamblia, rotavirus, norovirus, cryptosporidium, and legionella.⁴ These conditions increase bacterial blooms and prolong seasons, raising infection risks through water contact.

Heavy rainfall and flooding also raise the risk of Cryptosporidium, V.cholera, hepatitis A, Leptospira, staphylococcus, and E.coli through contaminated soil and floodwaters.⁵

Warming ocean temperatures also heighten the risk of harmful algal blooms (HABs), which are events where algae and cyanobacteria multiply rapidly and produce toxins that can make people sick.⁶ Health impacts from HAB exposure range from stomach pain, vomiting, diarrhea, fecal headache, and skin or eye irritation, to more serious effects such as neurological symptoms, muscle weakness, respiratory distress, liver and kidney toxicity, and even death.⁷

HB 1749 HD1 represents an important step toward protecting public health, safeguarding drinking water, and preserving Hawai'i's nearshore ecosystems by ensuring informed real estate transactions and prioritizing the highest-risk cesspools for action.

Mahalo for the opportunity to testify. The climate crisis is a health crisis.

Sincerely,

The Climate Change & Health Working Group

² [Cesspool Conversion Finance Research Summary Report](#), Hawai'i Department of Health. 2021.

³ [Cesspools in Hawai'i](#), Hawai'i Department of Health. 2026.

⁴ [Waterborne Diseases That Are Sensitive to Climate Variability and Climate Change](#), Jan Semenza & Albert Ko. 2023.

⁵ [Waterborne Diseases That Are Sensitive to Climate Variability and Climate Change](#), Jan Semenza & Albert Ko. 2023.

⁶ [Harmful Algal Blooms \(HABs\) and Health](#), Hawai'i Department of Health. 2025.

⁷ [Symptoms Caused by Harmful Algal Blooms](#), CDC. 2024



LATE

Housing Hawai'i's Future
PO Box 3043
Honolulu, HI 96802-3043

February 12, 2026

TO: Chair Matayoshi and Members of the House Commerce and Consumer
Protection Committee
RE: HB 1749, Relating to Cesspools

Dear Chair Matayoshi and Committee Members,

Housing Hawai'i's Future is a nonprofit dedicated to creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

We support House Bill 1749. This bill would require sellers of real property to provide buyers with a wastewater system disclosure form before the execution of a purchase.

Cesspools and failing or inadequate onsite wastewater systems have well-documented impacts on public health, drinking water, and nearshore ecosystems in Hawai'i. The Department of Health has estimated that there are roughly 83,000 to 88,000 cesspools statewide. Failing systems also impact the supply of housing inventory available to residents.

They are also often prohibitively expensive to convert. This carries significant and often unanticipated financial implications for residents. State estimates indicate that converting a cesspool to a septic system or other approved wastewater treatment system typically costs \$20,000 to \$40,000, and can exceed \$50,000 in areas with challenging conditions.

Providing a standardized wastewater system disclosure form prior to the execution of a real estate purchase contract is a practical, low-cost way to align private real estate transactions with the State's affordability and public health objectives. Early disclosure will help buyers assess future liabilities associated with cesspools or substandard systems. **Please advance HB1749.**

Thank you,

A stylized, circular signature in black ink, appearing to be the name "Lee Wang".

Lee Wang
Executive Director
Housing Hawai'i's Future

A handwritten signature in black ink, appearing to be "Perry Arrasmith".

Perry Arrasmith
Director of Policy
Housing Hawai'i's Future



lee@hawaiifuture.org

Housing Hawai'i's Future
PO Box 3043
Honolulu, HI 96802-3043
perry@hawaiifuture.org

LATE



February 12, 2026

House Committee on Consumer Protection & Commerce
Hawai'i State Legislature



Re: Testimony in **STRONG SUPPORT** of HB1749, Relating to Cesspools
Hearing: 02/12//26 2:00pm Room 329 Via Video conference.

Aloha Chair Matayoshi, Vice-Chair Grandinetti, and Committee Members:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations (WAI) I am writing in **support** of HB1749. This bill would require a standardized disclosure form before sale which would help to inform real estate buyers.

WAI is an environmental non-profit dedicated to protecting our water resources by reducing sewage pollution from cesspools. Hawaii has more than 83,000 cesspools across the state, discharging 52 million gallons of raw sewage each day into Hawaii's waters, contributing to groundwater contamination, harmful bacteria exposure, nutrient pollution, and coral reef degradation. WAI supports more innovative, affordable, and eco-friendly solutions to wastewater management.

WAI respectfully submits testimony in support of HB1749 and appreciates the Legislature's continued leadership on addressing Hawai'i's wastewater pollution challenges.

We would like to offer comments towards greater clarity on the HD1. In reference to "wastewater systems", this term could potentially be confusing, as opposed to "cesspools" it is not defined in the bill, and holds a different meaning in the Hawaii Administrative Rules HAR S.11-62-03.

To improve clarity and consistency with rules we suggest HB1749 should add "individual" before the term "wastewater systems".

Aloha and mahalo for the legislatures continued attention to this issue.

Jessica Kai Paisley

Program and Legal Specialist, Wastewater Alternatives & Innovations

PS Here's an article WAI's Director Stuart Coleman just wrote for Hawaii Business Magazine about the issue:

<https://www.hawaiibusiness.com/cut-the-crap/>

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Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 11, 2026

TESTIMONY OF BERNARD P. CARVALHO, JR.
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON

HB 1749, HD 1, RELATING TO CESSPOOLS
House Committee on Consumer Protection & Commerce
Thursday, February 12, 2026
2:00 p.m.
Conference Room 329
Via Videoconference

Dear Chair Matayoshi and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 1749, HD 1, Relating to Cesspools. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I support the intent of HB 1749, HD 1, which recognizes the importance of data-driven tools like the Hawai'i Cesspool Prioritization Tool in making sound and informed environmental health decisions. Additionally, this measure strengthens real estate disclosure requirements by requiring sellers to provide a standardized Department of Health wastewater disclosure form prior to execution of a purchase agreement, thereby supporting informed decision-making upfront.

Thank you again for this opportunity to provide testimony in support of HB 1749, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

BERNARD P. CARVALHO, JR.
Councilmember, Kaua'i County Council

RM:dmc

HB-1749-HD-1

Submitted on: 2/11/2026 1:08:21 PM

Testimony for CPC on 2/12/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kiefer	Individual	Support	Written Testimony Only

Comments:

House Committee on Consumer Protection & Commerce

Testimony on HB 1749 HD 1

Relating to Cesspools: **SUPPORT**

My name is Elizabeth Kiefer, I am an internal medicine physician, also trained in epidemiology, and I am on faculty at JABSOM. I also co-founded the Climate Change and Health Working Group.

The Climate Change and Health Working Group (CCHWG) is a cross-sector collaborative interested in strengthening climate and health resiliency in Hawai‘i. I support HB 1749 HD1, which strengthens transparency around wastewater systems by requiring disclosure of cesspools during real estate transactions and prioritizes the highest-risk cesspools for action in order to protect water quality, public health, and community well-being.

Clean nearshore waters are essential for both public health and the health of coral reefs and coastal fisheries. Wastewater systems can pollute groundwater and nearshore waters by introducing elevated levels of contaminants such as nitrogen, phosphorus, and pathogens. Cesspools are particularly vulnerable to overflow and leakage due to sea-level rise and coastal erosion, as rising ocean levels can contaminate groundwater and soil. Like many coastal regions, Hawai‘i depends on freshwater aquifers that are replenished by rainfall, meaning that changes to the water cycle can affect both the availability and quality of the state’s drinking water supply. Low-lying areas are also increasingly at risk of saltwater intrusion into these aquifers due to rising sea levels, further threatening the safety and stability of Hawai‘i’s drinking water.

Across Hawai‘i, there are approximately 88,000 cesspools. Using an estimated average conversion cost of \$23,000, the total cost of converting Hawai‘i’s approximately 88,000 cesspools exceeds two billion dollars. These conversion costs are likely to pose a significant financial burden for many residential property owners, particularly in a state where the cost of living is already among the highest in the nation. HB 1749 HD1 helps address this challenge by improving transparency for buyers and prioritizing cesspools that pose the greatest risk to public health and the environment, allowing resources and assistance to be more strategically directed.

An estimated 43,000 of these cesspools pose a direct risk to public health. When cesspools overflow or leak, they expose people to infectious viruses and bacteria that can cause serious illness. Pathogens commonly found in cesspool contamination include hepatitis A, staphylococcus, salmonella, E.coli, and enterococci, which can lead to gastroenteritis, conjunctivitis, diarrhea, and skin infections among swimmers, paddlers, and beachgoers.

Climate change further exacerbates these challenges. Warmer air and water temperatures promote the growth and persistence of pathogens such as salmonella, shigella, vibrio cholerae, V. vulnificus, V. parahaemolyticus, Naegleria fowleri, Acanthamoeba species, Giardia lamblia, rotavirus, norovirus, cryptosporidium, and legionella. These conditions increase bacterial blooms and prolong seasons, raising infection risks through water contact.

Heavy rainfall and flooding also raise the risk of Cryptosporidium, V.cholera, hepatitis A, Leptospira, staphylococcus, and E.coli through contaminated soil and floodwaters.

Warming ocean temperatures also heighten the risk of harmful algal blooms (HABs), which are events where algae and cyanobacteria multiply rapidly and produce toxins that can make people sick. Health impacts from HAB exposure range from stomach pain, vomiting, diarrhea, fecal headache, and skin or eye irritation, to more serious effects such as neurological symptoms, muscle weakness, respiratory distress, liver and kidney toxicity, and even death.

HB 1749 HD1 represents an important step toward protecting public health, safeguarding drinking water, and preserving Hawai'i's nearshore ecosystems by ensuring informed real estate transactions and prioritizing the highest-risk cesspools for action.

Mahalo for the opportunity to testify. The climate crisis is a health crisis.

Sincerely,

Elizabeth Kiefer, MD MPH

The Climate Change & Health Working Group

HB-1749-HD-1

Submitted on: 2/11/2026 1:22:18 PM

Testimony for CPC on 2/12/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Ostroski	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Matayoshi, Vice Chair Grandinetti, and esteemed members of the committee,

Cesspools are an enormous source of pollution, a threat to human health, and a destroyer of critical coral reef systems and the marine habitats and biodiversity within them. Prioritizing the upgrade and conversion of priority level 1 and 2 cesspools, as mandated by the bill, ensures that the most environmentally and health-sensitive areas receive immediate attention. This is data-driven, best practice, and a critical path forward. It protects buyers and sellers and encourages proactive cesspool remediation. We can't wait for 2050 to start taking action.

I am personally invested and engaged in this issue through relationships with local non-profits and leaders and fully understand how important this next step in proactive cesspool remediation is.

I urge you to advance HB1749. It's urgent, and leaders and experts in the field of wastewater, coral reef restoration, and water quality concur that this is a much-needed, comprehensive approach to safeguarding our water resources, coastal ecosystems, and public health.

Mahalo for the opportunity to submit testimony.

Carrie Ostroski, Waikoloa, cwostroski@gmail.com

LATE

HB-1749-HD-1

Submitted on: 2/11/2026 9:58:30 PM

Testimony for CPC on 2/12/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Hixon	Individual	Support	Written Testimony Only

Comments:

As a marine biologist who has studied Hawai'i's coral reefs since the 1970s, I have personally witnessed the decline of these immense natural resources. One of the main culprits has been poor coastal water quality that stimulates the growth of seaweeds that smother living coral, killing our reefs. Cesspools leach wastewater into our coastal ocean, containing chemicals that fertilize seaweeds. I urge you to pass this bill.