

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

**Testimony in SUPPORT of HB1749 HD2
RELATING TO CESSPOOLS.**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date, Time and Room Number: 03/23/2026, 1:30 pm, 225

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health ("Department") supports this measure.

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

5 The amendments to Hawai'i Revised Statutes, Section 508D-15, support the
6 Department's mission to implement and maintain statewide programs for controlling water
7 pollution. The Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force's
8 Individual Wastewater Systems Permitted Interaction Group recommended expanding public
9 education efforts and strengthening seller disclosure requirements related to cesspool
10 conversions. The Permitted Interaction Group found that improving disclosure and ongoing
11 public education can help reduce unexpected issues for property owners, increase compliance,
12 and support smoother progress toward achieving the 2050 mandate.

13 **Offered Amendments:** None.

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

Testimony of the Hawai'i Real Estate Commission

**Before the
Senate Committees on Agriculture and Environment
And
Health and Human Services
Monday, March 23, 2026
1:30 p.m.
Conference Room 225 and Videoconference**

**On the following measure:
H.B. 1749, HD2, RELATING TO CESSPOOLS**

Chairs Gabbard and San Buenaventura and Members of the Committees:

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.

The purpose of this measure is to require sellers to provide buyers with a cesspool 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 cesspool disclosure form.

The Commission supports the intent of this measure as it furthers the Commission's statutory obligation to protect the general public in its real estate transactions.

Historically, it has been ongoing customary practice that the Hawaii Association of REALTORS® 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. Therefore, to prevent confusion, the Commission suggests friendly amendments to page 3, lines 8-10:

"(c) Beginning January 1, 2027, when real property contains a cesspool, the seller shall provide a cesspool disclosure ~~form to be developed by the~~
~~department of health and real estate commission,~~ to the buyer, who shall provide

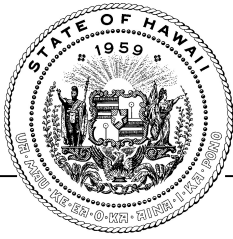
written acknowledgment of the cesspool disclosure form before the execution of a real estate purchase contract;”

and Section 2, starting on page 4, lines 10:

“SECTION 2. No later than November 1, 2026, the ~~department of health and real estate commission shall develop a standardized cesspool disclosure form~~ shall that:

- (1) Informs a buyer of whether the residential real property is served by a cesspool;
- (2) Informs a buyer of the location of the cesspool, if known, and the priority level as categorized under the Hawaii Cesspool Prioritization Tool developed by the university of Hawaii; and
- (3) Includes a statement in no less than fourteen—point font as follows:
“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.”

Thank you for the opportunity to testify on this bill.



**STATE OF HAWAI'I
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
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Director

before the
**SENATE COMMITTEE ON
AGRICULTURE AND ENVIRONMENT &
HEALTH AND HUMAN SERVICES**

Monday, March 23, 2026, 1:30 PM
State Capitol, Conference Room 225

in consideration of
**HB 1749, HD 2
RELATING TO CESSPOOLS.**

Chairs Gabbard and San Buenaventura, Vice Chairs Richards and McKelvey, and Members of the Committees.

The Office of Planning and Sustainable Development (OPSD) **supports HB 1749, HD 2**, 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.

For these reasons, the Office of Planning & Sustainable Development respectfully urges the committee to pass HB 1749, HD 2.

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

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

**Before the Senate Committees on
AGRICULTURE AND ENVIRONMENT
and
HEALTH AND HUMAN SERVICES**

**Monday, March 23, 2026
1:30 AM
State Capitol, Conference Room 225**

**In consideration of
HOUSE BILL 1749, HOUSE DRAFT 2
RELATING TO CESSPOOLS**

House Bill 1749, House Draft 2 proposes to require sellers, beginning 1/1/2027, to provide buyers with a cesspool disclosure form before the execution of a real estate purchase contract; requires the Department of Health and Real Estate Commission to develop a standardized cesspool 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 cesspools 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.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Agriculture and Environment
and
Senate Committee on Health and Human Services
March 23, 2026 at 1:30 p.m.

By

Darren T. Lerner, PhD
Director, Sea Grant College Program,
School of Ocean and Earth Science and Technology
and

Tao Yan

Director, Water Resources Research Center,
Department of Civil and Environmental Engineering
and

Vassilis Syrmos, PhD

Provost

University of Hawai'i at Mānoa

HB 1749 HD2 – RELATING TO CESSPOOLS

Chairs Gabbard and San Buenaventura, Vice Chairs Richards and McKelvey, and Members of the Committees:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and Water Resources Research Center (WRRC) support HB 1749 HD2 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 State has demonstrated a commitment to the conversion of cesspools, with several bills addressing mandatory conversion.

Full transparency in the State's real estate market, as proposed in HB 1749 HD2, will allow prospective buyers to be fully informed of their potential health and safety risks, obligation for mandatory conversion, and potential financial burden of a given property.

Thank you for the opportunity to testify on this measure.

March 23, 2026

The Honorable Mike Gabbard, Chair

Senate Committee on Agriculture and Environment

The Honorable Joy A. San Buenaventura, Chair

Senate Committee on Health and Human Services
 State Capitol, Conference Room 225 & Videoconference

RE: House Bill 1749, HD2, Relating to Cesspools

HEARING: Monday, March 23, 2026, at 1:30 p.m.

Aloha Chair Gabbard, Chair San Buenaventura, and Members of the Joint Committees:

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 **supports the intent** and offers amendments on House Bill 1749, HD2, which beginning 1/1/2027, requires sellers to provide buyers with a cesspool disclosure form before the execution of a real estate purchase contract. Requires the Department of Health and Real Estate Commission to develop a standardized cesspool 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. Additionally, HAR's Standard Forms Committee is in the process of updating its form to better inform buyers of the state law that cesspools need to be converted by 2050. 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?	<input type="checkbox"/>	None
a)	<input type="checkbox"/> Public Sewer	<input type="checkbox"/> Private Sewer	Connected? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If no, is connection currently required? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Is there a separate sewer fee? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe in Section G.		
	<input type="checkbox"/> Individual Sewage Treatment Plant Vendor		
	<input type="checkbox"/> Cesspool	<input type="checkbox"/> Septic System	Location _____
	Last Pumped _____	How Often? _____	
	Did any cesspool or septic system pumping/overflow generate a report to any governmental agency? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Was there a fine? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No		
c)	<input type="checkbox"/> Abandoned septic or cesspool	Location _____	Filled? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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.

If the Committee is inclined to pass this measure, we respectfully request the following amendments to align the disclosure with the other disclosure provisions under Hawaii Revised Statutes §508D-15:

Page 3, lines 7 -19:

~~(c) Beginning January 1, 2027, when real property contains a cesspool, the seller shall provide a cesspool disclosure form, to be developed by the department of health and real estate commission, to the buyer, who shall provide written acknowledgment of the cesspool disclosure form before the execution of a real estate purchase contract.~~

~~Any person who violates this subsection shall be fined no more than \$ _____; provided that failure to provide the cesspool disclosure form to a buyer shall not be deemed a violation of this subsection if the seller makes a good faith examination of relevant department of health and county records and mistakenly concludes that the real property does not contain a cesspool.~~

~~(c) When residential real property contains a cesspool, the seller shall disclose information pursuant to section 342D-72, Hawaii Revised Statutes, about the deadline to convert cesspools to a director-approved wastewater system or connect the property to a sewerage system.~~

Page 4, lines 10 – 20 and Page 5 lines 1-12:

~~SECTION 2. No later than November 1, 2026, the department of health and real estate commission shall develop a standardized cesspool disclosure form that:~~

~~(1) Informs a buyer of whether the residential real property is served by a cesspool;~~

~~(2) Informs a buyer of the location of the cesspool, if known, and the priority level as categorized under the Hawaii~~

~~Cesspool Prioritization Tool developed by the university of
Hawaii; and~~

~~(3) Includes a statement in no less than fourteen point
font as follows:~~

~~"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."~~

SECTION ~~3~~2. This Act does not affect rights and duties
that matured, penalties that were incurred, and proceedings that
were begun before its effective date.

SECTION ~~4~~3. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION ~~5~~4. This Act shall take effect on July 1, 3000.

Mahalo for the opportunity to testify on this measure.



To: The Honorable Chairs Mike Gabbard and Joy San Buenaventura, the Honorable Vice Chairs Herbert M. “Tim” Richards, III, and Angus McKelvey, and members of the Committees on Agriculture and Environment and Health and Human Services

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

Re: **Hearing HB1749 HD2 RELATING TO CESSPOOLS**

Hearing: Monday March 23, 2026 1:30 p.m.

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Richards and McKelvey, and members of the Committees on Agriculture and Environment and Health and Human Services!

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 HD2!

Given the high cost of upgrading cesspools, buyers of real estate should be made aware of cesspools on a property before they enter a purchase contract. This bill would help buyers and sellers of real estate by requiring a standardized disclosure form before home sale.

Requiring a standardized disclosure form in real estate transactions, one 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.

Please pass this bill to protect buyers and sellers of real estate.

Mahalo!

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



March 20, 2026

Senate Committee on Agriculture and Environment; Health and Human Services
Hawai'i State Legislature
Via Electronic Transmission

Re: Testimony in SUPPORT of HB 1749, Relating to Wastewater Systems
Hearing: Monday, March 23rd, 1:30pm via Videoconferencing

Aloha Chair Gabbard, Vice Chair Richards and members of the Committee on Agriculture and Environment; and Chair Beunaventura, Vice Chair McKelvey and members of the Committee on Health and Human Services,

The non-profit WAI: Wastewater Alternatives & Innovations (WAI) **supports** HB1749. This bill would require a standardized disclosure form before sale which would help to inform real estate buyers.

HB 1749 takes an **important** and **practical** step by requiring a standardized wastewater system disclosure form before the execution of a real estate purchase contract. Ensuring that buyers clearly understand whether a property is served by a cesspool promotes transparency and informed decision-making. Disclosure also encourages earlier planning for compliance with the State's 2050 cesspool conversion mandate. Clear information at the time of sale is a low-cost policy tool that protects both consumers and Hawai'i's environment.

WAI is an environmental non-profit dedicated to protecting our water resources, including by reducing sewage pollution from cesspools. Hawaii has more than 80,000 cesspools across the state, discharging about 50 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 **supports** HB1749 and appreciates the Legislature's continued leadership on addressing Hawai'i's wastewater pollution challenges. Thank you for the opportunity to submit testimony in support of this bill on behalf of Wastewater Alternatives & Innovations, and mahalo for your leadership on this important issue.

Aloha,

Stuart Coleman,

Jessica Kai Paisley,

Stuart H. Coleman, Executive Director

Jessica Kai Paisley, Program & Legal Specialist

HB-1749-HD-2

Submitted on: 3/20/2026 1:50:57 PM

Testimony for AEN on 3/23/2026 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Testifying for Friend's of Hanauma Bay	Support	Written Testimony Only

Comments:

Aloha Chairs and Committee Members,

Friends of Hanauma Bay Supports HB1749.

We urge you to pass this bill.

Mahalo!

HAWAI'I OCEAN LEGISLATIVE TASK FORCE



March 23, 2026

Hawai'i State Legislature
Senate Committee on Agriculture and Environment
Senate Committee on Health and Human Services

Re: Testimony in SUPPORT for HB 1749 HD2, Relating to Cesspools

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Richards and McKelvey, and esteemed members of the committees,

The Hawai'i Ocean Legislative Task Force—a coalition of more than 150 individuals across over 20 organizations statewide—strongly supports HB 1749 HD2, 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 HD2, 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.



Senate Committees on Agriculture & Environment and Health & Human Services

Testimony on HB 1749 HD 2

Relating to Cesspools

March 23rd, 2026

1:30 PM

Room 225

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

In Support of HB 1749 HD 2

Relating to Cesspools

Aloha Aloha Chair Gabbard, Chair San Buenaventura, Vice Chair Richards, Vice Chair McKelvey and Members of the Committees,

The Climate Change and Health Working Group (CCHWG) **supports HB 1749 HD2**, 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.

Who We Are and Why This Matters

CCHWG is a cross-sector collaborative committed to strengthening Hawai'i's public health resiliency in response to climate change. Guided by the principles of equity, justice, and aloha, we work across disciplines and communities to research, communicate, and advocate for policies that reduce climate-related health risks, particularly for communities that are disproportionately burdened.

Clean Water Is Foundational to Public and Environmental Health

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.

The Financial Reality of Statewide Conversion

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 HD2 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.

Direct Public Health Risks from Failing Cesspools

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 Intensifies Waterborne Disease Risks

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,

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

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

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

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 Oceans and Harmful Algal Blooms

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

A Strategic Step Toward Health and Water Protection

HB 1749 HD2 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

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



March 22, 2026

Senate Committee on Agriculture and Environment
Senate Committee on Health and Human Services
Hawai'i State Legislature
Via Electronic Transmission

Re: Testimony in SUPPORT of HB 1749 HD2, Relating to Cesspools
Hearing: Monday, March 23, 2026, 1:30 PM CR 225 & Via Videoconference

To: The Honorable Chair Gabbard, Honorable Chair San Buenaventura, Vice Chair Richards,
Vice Chair McKelvey, and Members of the Committees,

The Surfrider Foundation, Hawai'i Region, submits testimony in strong support of HB1749 HD2, Relating to Cesspools. Targeting high-risk cesspools is essential to reducing wastewater pollution that ends up in our groundwater, streams, and nearshore waters. HB1749 advances this goal by requiring the Department of Health to adopt rules that facilitate prioritizations of priority level 1 and priority level 2 cesspools in cesspool compliance program efforts to support upgrades, conversions, and connections. This targeted approach ensures limited resources are directed where they can achieve the greatest public health and environmental benefit.

Surfrider Foundation is a grassroots activist network dedicated to the protection of our oceans, waves, and beaches. Through our Blue Water Task Force (BWTF), a citizen-science water quality monitoring program on Kaua'i, Maui, and O'ahu, we regularly test more than 80 sites statewide for enterococcus, a fecal indicator bacteria. Many monitoring locations are situated near dense clusters of cesspools, including Kāne'ohe Bay at Kahalu'u, where water quality frequently exceeds state public health standards due to wastewater contamination.

HB1749 also strengthens real estate disclosure requirements by requiring sellers to provide a Department of Health standardized cesspool disclosure form prior to execution of a purchase contract. This improves transparency for buyers, supports informed decision-making, and helps ensure new property owners understand their obligations under Hawai'i's cesspool conversion mandate, interrupting the long-standing practice of kicking the can down the line.

By prioritizing the most harmful cesspools and improving clarity and accountability in property transactions, HB1749 supports more effective implementation of Section 342D-72, Hawai'i Revised Statutes, while advancing water quality, public health, and environmental protection statewide.

Thank you for the opportunity to submit testimony in strong support of HB1749 on behalf of the Surfrider Foundation's three Hawai'i chapters and members statewide.

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation



TO: Senate Committee on Agriculture and Environment
Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair

Senate Committee on Health and Human Services
Senator Joy San Buenaventura, Chair
Senator Angus McKelvey, Vice Chair

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

DATE: Monday, March 23, 2026

TIME: 1:30 PM

PLACE: Conference Room 225 & Videoconference

Re: HB 1749 HD2

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