

ACT 211

S.B. NO. 1024

A Bill for an Act Relating to Environment.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The department of health is moving toward adoption of a risk-based environmental management strategy, which is based upon risk assessment to human health and the environment, rather than upon rigid technical standards.

Under the Comprehensive Emergency Response, Compensation and Liability Act of 1980 (CERCLA) and the Oil Pollution Act of 1990 (OPA 90), the department of health has responsibility as a “natural resources trustee.” To fulfill this responsibility, the department must have the ability to evaluate the impact of chemical releases and oil spills on the complex ecosystems of Hawaii. This expertise requires an individual who is trained and experienced in the field of ecological risk assessment.

In addition, as a trustee, the department is required to conduct damage assessments and negotiate penalties with those responsible for chemical releases and oil spills that harm the environment.

To do this effectively, the department must have expertise in-house to support the claims made by the State. It is difficult for the department to make its case and negotiate successfully without a credible expert in the area of natural biology and ecological risk assessment. This is a very specialized field of study and the expertise will support all the programs of the environmental health administration.

SECTION 2. Chapter 128D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§128D- Ecological risk assessor. The department may establish a permanent exempt position for an ecological risk assessor for the purpose of assessing ecological risks and damages. The position shall be appointed by the director without regard to chapters 76 and 77. The funds for this position shall come from the environmental response revolving fund established in section 128D-2; provided that

the duties of the ecological risk assessor shall bear a rational nexus to the intent and purposes of chapter 128D.”

PART II

SECTION 3. Section 321-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department of health, with the approval of the governor, may prescribe such rules as it deems necessary for the public health or safety respecting:

- (1) The occupations or practices of laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, [sanitarians, asbestos inspectors, asbestos management planners, asbestos abatement project designers, lead inspectors, lead risk assessors, lead abatement workers, lead abatement supervisors, and lead abatement project designers;] and environmental health professionals;
- (2) The health, education, training, experience, habits, qualifications, or character of persons to whom certificates of registration or permits for these occupations or practices may be issued;
- (3) The health, habits, character, practices, standards, or conduct of persons holding these certificates or permits; or
- (4) The grounds or causes for revoking or suspending these certificates or permits.

The rules shall have the force and effect of law.”

PART III

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved July 2, 1999.)

Note

1. Edited pursuant to HRS §23G-16.5.