

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

H.B. 3150, HD1, RELATING TO THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

February 12, 2008
8:55 A.M.

- 1 **Department's Position:** The Department of Health strongly supports this administration bill.
- 2 **Fiscal Implications:** There will be some facilities that have to pay reporting fees for extremely
3 hazardous substances when they did not do so before.
- 4 **Purpose and Justification:** The bill amends section of 128E-6 (a) (2), Hawaii Revised Statutes (HRS),
5 of the Hawaii Emergency Planning and Community Right-To-Know Act (HEPCRA), to clarify the
6 reporting requirements for "extremely hazardous substances." There have been some cases where
7 businesses thought the law only required them to report "extremely hazardous substances" when they
8 had 10,000 pounds instead of 500. The bill separates the different reporting requirements for "hazardous
9 substances" and "extremely hazardous substances" to make sure that businesses file the required
10 chemical inventory reports for "extremely hazardous substances" and pay the fee.

11 Protecting and preserving the health and safety of the residents of Hawaii is a primary function
12 of the Department, this bill augments that function by ensuring that emergency responders and the
13 department have complete and accurate information about the location and types of "extremely
14 hazardous substances" at an emergency site. Affected businesses will be able to fill out and report their
15 appropriate chemical inventories with better accuracy. In turn, this more accurate and broader set of

1 chemical inventory information will provide first responders, such as County fire departments, and other
2 emergency response agencies as well as Local Emergency Planning Committees (LEPCs), with an
3 increased capability to protect public health and safety when they respond to emergencies, such as
4 hurricanes, fires, earthquakes, and prepare response plans.

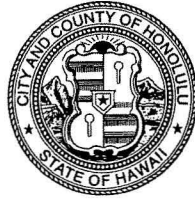
5 This bill also enhances the Department's mission of protecting and preserving the environment.

6 Thank you for the opportunity to testify on this important measure.

HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE
CITY AND COUNTY OF HONOLULU RECEIVED FEB 11 2008

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



CARTER DAVIS
CHAIR

LELAND NAKAI
COORDINATOR

February 8, 2008

Honorable Hermina Morita, Chair
Committee on Energy & Environmental Protection
Room 405
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: Support for H.B. 3150

Dear Representative Morita:

The Honolulu Local Emergency Planning Committee strongly supports HB 3150, the proposed amendment to the Hawaii Emergency Planning and Community Right-To-Know Act, HRS 128E.

We have found in the City and County of Honolulu that in a number of instances facilities misinterpret the reporting requirements of HRS Section 128E-6 (a) (2), and do not file the required chemical inventory form. This lack of important chemical information poses potential risks to responders and the community during an emergency situation involving these chemicals.

The clarification of Section 128E-6 (a) (2) will help to further emphasize the different reporting requirements for "hazardous substances" and "extremely hazardous substances" and minimize any confusion that facilities may have on reporting these substances. Better reporting by facilities will allow our emergency responders to better prepare for any emergency involving these hazardous chemicals.

We strongly believe that this bill will enhance the safety of our island community and further protect our citizens and the environment.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Davis", is written over a horizontal line.

Carter Davis
Chair, Honolulu LEPC

Bryan J. Baptiste
Mayor

Robert F. Westerman
Fire Chief

John T. Blalock
Deputy Fire Chief



COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihu'e, Kaua'i, Hawaii 96766

February 11, 2008

The Honorable Hermina M. Morita, Chair
Committee on Energy & Environmental Protection
House of Representatives
State Capitol, Room 314
Honolulu, Hawaii 96813

Dear Chair Morita:

Subject: H.B. 3150, H.D. 1 Hawaii Emergency Planning and Community Right-To-Know Act

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD). The KFD supports H.B. 3150, H.D. 1, which proposes to clarify the Hawaii Emergency Planning and Community Right-To-Know Act reporting requirements. As a first responder agency, it is imperative that our personnel know the risks and potential risks concerning hazardous materials that are present in a building or facility, especially under extremely hazardous fire or release conditions. Accurate information will be used as a planning tool prior to and during emergency conditions and can literally mean the difference between life and death. This information is also essential for facility owners to plan for the safety of its employees, who will be the first-line of defense if or when emergency conditions arise.

The KFD urges your committee's passage of S.B. 2710.

Should you have any questions, please call me at 241-6500.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert F. Westerman'.

Robert F. Westerman
Fire Chief

RFW/cz

RECEIVED FEB 11 2008



February 8, 2008

The Honorable Hermina Morita
Chairman, House Committee on Energy & Environmental Protection
State House of Representatives
State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

Subject: Support for HEPCRA Bill Amendment

This letter is in support of the Department of Health's Bill to Amend Section 128E-6(a)(2), Hawaii Revised Statutes, of the Hawaii Emergency Planning and Community Right-To-Know Act (HEPCRA), which has caused confusion about the chemical reporting requirements for "hazardous substances" and "extremely hazardous substances".

Campbell Local Emergency Action Network (C.L.E.A.N.) is a non-profit organization with a mission of promoting the safety, health and well-being of the communities in and surrounding the Campbell Industrial Park area. Our member companies include Chevron, HECO, James Campbell Company, Kalaeloa Partners LP, Tesoro, AES, Covanta Energy, The Gas Company, Imperium Renewables, Airgas Gaspro, BEI Hawaii, DSR Logistics, Grace Pacific, Hawaiian Cement, Hawaii Medical Center West, Holomua Elementary School, Occupational Training Inc., and Oahu Gas Services.

Sincerely,

A handwritten signature in black ink that reads "Annie K. Lam".

Annie K. Lam
President

cc: Chiyome Leinaala Fukino, M.D.
The Honorable Mike Gabbard
The Honorable Sharon Har
The Honorable Todd Apo

HOUSE OF REPRESENTATIVES
THE TWENTY-FOURTH LEGISLATURE
REGULAR SESSION OF 2008

RECEIVED

2008 FEB -5 P 1: 34

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Hermina M. Morita, Chair
Rep. Mele Carroll, Vice Chair

SERGEANT-AT-ARMS
HOUSE OF
REPRESENTATIVES

Rep. Ken Ito Rep. Roland D. Sagum, III
Rep. Jon Riki Karamatsu Rep. Scott K. Saiki
Rep. Michael Y. Magaoay Rep. Cynthia Thielen

NOTICE OF DECISION MAKING

DATE: Tuesday, February 12, 2008
TIME: 9:00 am
PLACE: Conference Room 312
 State Capitol
 415 South Beretania Street

A G E N D A

The following measure(s) were previously heard on **January 29 and February 5, 2008.**

<u>HB 2235</u>	RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM. Authorizes the use of moneys in the deposit beverage container deposit special fund to acquire real property for redemption centers.	EEP, FIN
<u>HB 2554</u>	RELATING TO RENEWABLE ENERGY. Permits small wind energy systems in all land use districts where structures of any sort are allowed except for the conservation district unless permitted by the department of land and natural resources.	EEP, WLH
<u>HB 2919</u>	RELATING TO AIR POLLUTION CONTROL. Prohibits cruise ships from burning bunker fuel as an air pollutant within five miles of Nawiliwili harbor; defines bunker fuel oil.	EEP, TRN/TAC
<u>HB 2504</u>	RELATING TO LIGHTING. Phases-out and bans the use of lighting products with lead and high mercury content; establishes a statewide lighting efficiency standard for general purpose lights; directs the Department of Health to develop a statewide recycling program for recycling mercury-containing compact florescent bulbs.	EEP, FIN
<u>HB 2505</u>	RELATING TO ENERGY. Establishes a renewable energy facilitator position with DBEDT.	EEP, FIN
<u>HB 2552</u>	RELATING TO RENEWABLE ENERGY. Requires the department of business, economic development, and tourism to develop a model ordinance for renewable energy projects for adoption by the counties. Appropriates funds to develop the model ordinance.	EEP, FIN



HOUSE OF REPRESENTATIVES
THE TWENTY-FOURTH LEGISLATURE
REGULAR SESSION OF 2008

RECEIVED

2008 FEB -7 P 8: 14

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION - AT-ARMS

Rep. Hermina M. Morita, Chair
Rep. Mele Carroll, Vice Chair

SECRETARY
HOUSE OF
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Rep. Ken Ito Rep. Roland D. Sagum, III
Rep. Jon Riki Karamatsu Rep. Scott K. Saiki
Rep. Michael Y. Magaoay Rep. Cynthia Thielen

NOTICE OF DECISION MAKING

DATE: Tuesday, February 12, 2008
TIME: 9:05 am
PLACE: Conference Room 312
 State Capitol
 415 South Beretania Street

A G E N D A

The following measure(s) were previously heard on **January 31 and February 7, 2008.**

<u>HB 2711</u>	RELATING TO INTEGRATED SOLID WASTE MANAGEMENT. Permit the department of health to distribute excess moneys in the deposit beverage container deposit special fund to the counties to support the establishment and maintenance of recycling programs.	EEP, FIN
<u>HB 2779</u>	RELATING TO GRAY WATER. Requires the department of health to establish a gray water recycling program.	EEP, FIN
<u>HB 3444</u>	RELATING TO ENERGY. Establishes the energy security special fund and the energy security tax and appropriates moneys. Effective 7/1/08.	EEP, FIN
<u>HB 2661</u>	RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES. Authorizes the issuance of special purpose revenue bonds in a total amount not to exceed \$38,000,000 to assist Hui Mana 'Oma' o to establish facilities to convert potential renewable energy resources into electrical energy for public consumption.	EEP, FIN
<u>HB 2550</u>	RELATING TO PUBLIC UTILITIES. Increases the total rated generating capacity produced by eligible customer-generators. Increases the maximum capacity of an eligible customer-generator. Requires the public utilities commission to adopt rules that incorporate best practices interconnection standards.	EEP, CPC

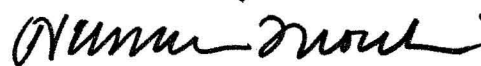
As this is a decision making meeting only, no public testimony will be accepted.



If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-6790 at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

For further information, please call the Committee Clerk at 586-8435.

Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" Web site at www.capitoltv.org OR call 550-8074.



Rep. Hermina Morita
Chair

