

HB3150

HD2

Measure Title:
RELATING TO THE HAWAII EMERGENCY PLANNING AND COMMUNITY
RIGHT-TO-KNOW ACT.

Report Title:
Emergency Planning and Community Right-to-Know Act

Description:
Clarifies the different reporting requirements for hazardous substances and extremely
hazardous substances. (HB3150 HD1)

Package:
Governor

Companion:
SB3072

Introducer(s):
SAY (BR)

Current Referral:
HTH/ENE

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 HEALTH AND ENERGY AND ENVIRONMENT

**H.B. 3150, HD2, RELATING TO THE HAWAII EMERGENCY PLANNING AND
COMMUNITY RIGHT-TO-KNOW ACT**

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

**March 19, 2008
1:15 P.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

1 appropriate chemical inventories with better accuracy. In turn, this more accurate and broader set of
2 chemical inventory information will provide first responders, such as County fire departments, and other
3 emergency response agencies as well as Local Emergency Planning Committees (LEPCs), with an
4 increased capability to protect public health and safety when they respond to emergencies, such as
5 hurricanes, fires, earthquakes, and prepare response plans. We ask that the effective date of the Act be
6 changed from “January 1, 2050” to “upon its approval.”

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

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

CHARMAINE TAVARES
MAYOR



NEAL A. BAL
Interim Chief

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919

March 17, 2008

The Honorable David Y. Ige, Chair
Committee on Health
The State Senate
State Capitol, Room 215
Honolulu, Hawaii 96813

The Honorable Ron Menor, Chair
Committee on Energy and Environment
The State Senate
State Capitol, Room 208
Honolulu, Hawaii 96813

Dear Chairs Ige and Menor:

Subject: HB 3150, H.D. 2 Relating to the Hawaii Emergency Planning and Community Right-To-Know Act

I am Neal A. Bal, Fire Chief of the County of Maui, Department of Fire and Public Safety. Our Department supports H.B. 3150, H.D. 2, 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 extreme hazardous fire or release conditions. Accurate information will be used as a planning tool prior to and during emergency conditions and can 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.

I hereby urge your committees' support on the passage of H.B. 3150, H.D. 2.

Should you have any questions, please call me at (808) 270-7561.

Sincerely,

A handwritten signature in black ink that reads "Neal A. Bal".

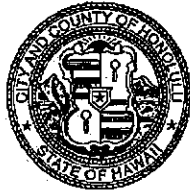
NEAL A. BAL
Interim Fire Chief

NAB:rgkm

HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4121 • FAX: (808) 524-3439 • INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR



CARTER DAVIS
CHAIR

LELAND NAKAI
COORDINATOR

March 17, 2008

The Honorable David Y. Ige, Chair
Committee on Health
Room 215
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: **Support for H.B. 3150, H.D. 2**

Dear Senator Ige:

The Honolulu Local Emergency Planning Committee strongly supports H.B. 3150, H.D. 2, 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,

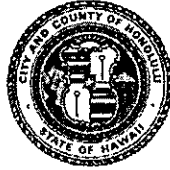
A handwritten signature in black ink, appearing to read "Carter Davis", is written over a printed name and title.

Carter Davis
Chair, Honolulu LEPC

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

MUFI HANNEMANN
MAYOR



KENNETH G. SILVA
FIRE CHIEF

ALVIN K. TOMITA
DEPUTY FIRE CHIEF

March 18, 2008

The Honorable David Y. Ige, Chair
Committee on Health
The State Senate
State Capitol, Room 215
Honolulu, Hawaii 96813

The Honorable Ron Menor, Chair
Committee on Energy and Environment
The State Senate
State Capitol, Room 208
Honolulu, Hawaii 96813

Dear Chairs Ige and Menor:

Subject: H.B. 3150, H.D. 2 Relating to the Hawaii Emergency Planning and Community Right-To-Know Act

I am Kenneth G. Silva, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports H.B. 3150, H.D. 2, 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 extreme hazardous fire or release conditions. Accurate information will be used as a planning tool prior to and during emergency conditions and can 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 HFD urges your committees' support on the passage of H.B. 3150, H.D. 2.

Should you have any questions, please call HFD Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA
Fire Chief

KGS/LR:bh