

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:

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

**HCR 187/HSCR 1342, REQUESTING A STUDY ON CONTROL MEASURES
FOR VOLATILE ORGANIC COMPOUND EMISSIONS FROM PAINT SPRAY
BOOTHS USED BY AUTO BODY REFINISHERS**

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

**April 8, 2009
3:00 p.m.**

1 **Department's Position:** The Department of Health supports this measure.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** This resolution asks the Department of Health to study possible ways to
4 regulate and control volatile organic compound (VOC) emissions that come from paint spray booths
5 used by auto body refinishers. The study should include how other states are regulating the VOC
6 emissions from auto body refinishers and also how to best utilize the permitting requirements of the
7 Honolulu Fire Department and the City Department of Planning and Permitting to resolve conflicts.

8 The Department of Health recognizes the problems that can sometime arise in mixed-use areas
9 that contain light industrial activities, commercial businesses, and residential dwellings. The staff does
10 receive and respond to such complaints, some of which involve paint over-sprays and odors from the
11 paint spraying operations of the auto body refinishers. Although the paint over-sprays can be captured
12 by the exhaust filters of the paint spray booth, filters are not effective at controlling the VOC emissions
13 and the source of odors. Finding no reasonable controls for capturing the VOC emissions, other states

1 have regulated VOC emissions through the required use of low VOC paints, alternative equipment, and
2 applicable spraying techniques.

3 The study would help identify the available control measures and practices being employed
4 today to minimize the VOC emissions from the auto body refinishers. The information would be useful
5 in reaching out to and educating the many small business in the field and hopefully minimize any
6 potential neighborhood conflicts.

7 Thank you for the opportunity to testify.

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COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihue, Kauai, Hawaii 96766

April 7, 2009

The Honorable Robert Herkes, Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawaii 96813

Dear Chair Herkes:

Subject: H.C.R. 187, H.R. 153 Study on Control Measures for Emissions from Paint Spray Booths

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD support H.C.R. 187, H.R. 153, which requests a study on control measures for volatile organic compound emissions from paint spray booths used by auto body refinishers. We will support the cooperative effort to work with the mentioned agencies to develop solutions to reducing emissions from spray booth businesses that create health issues for neighboring residents.

The fire code prescribes minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards of fire, explosion and dangerous conditions. The fire code evolves over time in reaction to advances in building material technology and the lessons learned from fires involving injury and deaths to minimize the devastating results that may occur.

The SFC and the KFD urge your committee's support on the passage of H.C.R 187, H.R. 153 and we look forward to this opportunity to improving our community environment and safety.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a long, sweeping underline.

Robert Westerman
Fire Chief, County of Kauai

RFW/eld

wakai1-Karen

From: penny levin [pennysfh@hawaii.rr.com]
Sent: Monday, April 06, 2009 5:59 PM
To: CPCtestimony
Subject: Testimony HCR187_CPC_8Apr09

Aloha Honorable Committee members;

I strongly support HCR187.

I currently live downwind from a mixed resident/industrial area and my residential zoned neighborhood is affected by the odors of car detailing and painting shops on a regular basis. Nearby there is a preschool and homes right across the street from an autobody paint shop.

This isn't about the smell of strong coffee, garlic or fried food, which some may like or dislike but poses no health risk. In fact, if this was just about the "odor" it might be something we could live with, but it is not.

The type of paints and clearcoat covers applied to vehicles emit dangerous volatile chemicals that can cause nausea, burn the skin and nasal passages, cause skin rashes, headaches or damage the brain at concentrated levels. Many have ingredients listed as cancer causing agents.

There are some that would argue that these same materials can be purchased by an individual in a store and hence shouldn't be regulated. An individual who purchases the paints or clearcoat at a store or works at such a facility is making a personal choice (although they may not be aware of the health risks involved). Residents and children have no choice.

If you read the labels of these products they have very strong health warnings, including documented toxicity to humans, animals and aquatic invertebrates. They also carry strong recommendations to seek medical attention if exposed. At a quantity use level, there are HI-OSH and EPA rules for disposal (which are likely not met by most small shops).

The regularity of exposure due to a nearby paint shops is problematic. As a resident, we do not have a choice to be exposed to these chemicals or not, this is our homes. Some sectors of my neighborhood were here 80 to 90 years before adjacent areas were even zoned as mixed use industrial and such businesses moved in. Other portions are newer subdivisions that have no buffer between the industrial zoning and the residential zoning other than a required and useless 10ft setback that does nothing to protect residents from such exposures.

I have talked with the various state agencies regarding this problem and learned there is nothing they can do. Hawaii has no state law that can be applied to assess the dangers of frequent exposure to these chemical odors, or put a stop to practices that expose communities to the health risks potentially associated with these products - because they are not visible. The Department of Health can only regulate visible smoke such as burning tires or fields. Regulations dealing with volatile chemicals apply only to large facilities and not small businesses such as paint shops.

At issue in the law is also the way impacts are measured. A company may be allowed to emit X pounds of volatile chemicals per year into the air, yet the damage to human health comes at the time of emission. For example, emissions may be particularly intense several days a month, and on those days cause illness to exposed residents, but the total emissions annually may be well below the allowable rate. These small companies have also learned to get around the system. Some of them don't start spraying until the end of the

day when there is no one at the DOH to record an incident or visit a shop. They count on the fact that by the next day, no one is going to report them and if a complaint is filed, the emission impacts are long gone.

My community is exposed to this scenario regularly. Recently, the intensity of two days of emissions (once during the day and once at pau hana time) caused nausea, vomiting, severe headaches, burning of nasal passages, and dizziness for three days; but, it had been a couple of weeks since the last episode.

This is not about "odor" but chemical toxicity. The risk to our young children has never been measured.

The language of the law and the ability of the state to regulate these dangerous chemicals is long overdue. I urge you to pass HCR187.

Mahalo.

Penny Levin
Maui