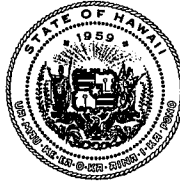


LINDA LINGLE
GOVERNOR OF HAWAII



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:

SENATE COMMITTEE ON JUDICIARY & GOVERNMENT OPERATIONS

S.B. 1259 S.D. 1, Relating to Environmental Response

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

February 25, 2009

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

2 **Fiscal Implications:** None.

3 **Purpose:** This bill provides state consistency with federal laws on the liability of bona fide prospective
4 purchasers and contiguous property owners for contaminated real property.

5 **Justification:** The Department of Health supports this bill in its entirety. This bill has been
6 successfully amended by replacing its contents with the language of the Administration bill, S.B. No.
7 935, along with stakeholder identified amendments pertaining to all appropriate inquiries. This bill
8 revises Chapter 128D to include two provisions similar to those in 42 United States Code section 9601
9 added by the federal Small Business Liability Relief and Brownfields Revitalization Act in 2002. In
10 doing so, this bill provides consistency between state and federal environmental liability laws. It sets
11 forth conditions under which innocent contiguous property owners or "bona fide prospective
12 purchasers" are not held liable for damages or costs related to contamination of real property not caused
13 by either party. This bill also successfully reflects the results of extensive stakeholder involvement led
14 by the Department over a two-year period. This bill closely matches the needs identified, discussed, and
15 endorsed by the community.

- 1 It is for the above stated reasons that the Department supports this bill as written.
- 2 Thank you for the opportunity to testify on this measure.