

LINDA LINGLE
GOVERNOR OF HAWAII



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In reply, please refer to:
File:

COMMITTEE ON JUDICIARY

SB 1259, SD2, HB1, Relating to Environmental Response

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

March 31, 2009
4:00 P.M.

- 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 bills, and S.B.
7 No. 935 (companion to H.B. 1117, introduced by Representative Morita), along with stakeholder
8 identified amendments pertaining to all appropriate inquires. This bill revises Chapter 128D to include
9 two provisions similar to those in 42 United States Code section 9601 added by the federal Small
10 Business Liability Relief and Brownfields Revitalization Act in 2002. In doing so, this bill provides
11 consistency between state and federal environmental liability laws. It sets forth conditions under which
12 innocent contiguous property owners or "bona fide prospective purchasers" are not held liable for
13 damages or costs related to contamination of real property not caused by either party. This bill also

1 successfully reflects the results of extensive stakeholder involvement led by the Department over a two-
2 year period. This bill closely matches the needs identified, discussed, and endorsed by the community.

3 It is for the above stated reasons that the Department supports this bill as written.

4 Thank you for the opportunity to testify on this measure.