

JAN 28 2009

A BILL FOR AN ACT

RELATING TO VEHICULAR EMISSIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Carbon dioxide and other greenhouse gas
2 emissions resulting from the burning of fossil fuels and other
3 activities has been implicated in global climate change. If
4 heat-trapping greenhouse gas emissions continue, current
5 scientific consensus predicts a future very different than one
6 to which we are accustomed, with profound consequences on
7 Hawaii's environment and quality of life. The Pacific ocean may
8 inundate most of Waikiki, the business district in Honolulu, and
9 coastal resort areas on other islands. The underground aquifers
10 that provide potable water for our residents on the major
11 islands may become increasingly contaminated through saltwater
12 intrusion. More severe and more frequent storms and hurricanes
13 may strike the islands. Droughts may be more prolonged, and
14 subtle shifts in island microclimates may rapidly increase
15 extinctions of endangered plants and animals.

16 The State of California has sought to address part of this
17 challenge by adopting the nation's strictest vehicular emissions



1 standards. Based upon the "maximum feasible and cost-effective
2 reduction of greenhouse gas emissions" possible, the standards
3 require auto makers doing business in California to begin
4 implementing clean-running technology in new vehicles by 2009
5 and meet more stringent emission standards by 2016. The
6 standards call for cars and light trucks to reduce exhaust
7 pollutants by twenty-five per cent. Larger trucks and sport
8 utility vehicles must cut emissions by eighteen per cent.

9 Under the federal Clean Air Act, states may either adopt
10 the more stringent California program for its reduced automotive
11 emissions or adhere to federal standards. Some eighteen states
12 have adopted California's emission standards including New York,
13 Massachusetts, New Jersey, Connecticut, Rhode Island,
14 Washington, Oregon, and Vermont. Together, these states have
15 the potential to cut air pollution's public health risk
16 significantly. They also have the potential to influence
17 automotive technologies that impact the way cars are built
18 today. The legislature finds that it is time for the State of
19 Hawaii to meet the challenge of reducing global warming and set
20 vehicular emission standards that will protect our future
21 generations.



1 The purpose of this Act is to reduce the greenhouse gas
2 emissions from Hawaii vehicles by adopting the California motor
3 vehicle emission standards in Title 13 of the California Code of
4 Regulations.

5 SECTION 2. Chapter 342B, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§342B- Motor vehicle emissions standards; rules. (a)

9 No later than January 1, 2011, the director of health shall
10 adopt rules, pursuant to chapter 91, to implement statewide
11 requirements for vehicle emissions and fuel efficiency that meet
12 or exceed the standards for vehicle emissions and fuel
13 efficiency found in the California low emission vehicle program.

14 (b) The rules adopted under subsection (a) shall apply to
15 all new motor vehicles sold or offered for lease in the State
16 with a model year of 2011 or later.

17 (c) The department:

18 (1) May implement the requirements in phases;

19 (2) Shall provide appropriate enforcement and

20 administrative penalties for any manufacturer or

21 seller that violates the rules adopted pursuant to

22 this section; and



1 (3) Shall amend the rules from time to time to maintain
2 optimum levels of emissions reduction and fuel
3 efficiency and to maintain emission levels consistent
4 with those specified in the California low emission
5 vehicle program.

6 As used in this section, "California low emission vehicle
7 program" means the second phase of the low emission vehicle
8 program found in Title 13 of the California Code of Regulations,
9 effective January 1, 2005."

10 SECTION 3. Section 342B-12, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§342B-12 Specific powers of the director.** The director
13 may:

- 14 (1) Establish ambient air quality standards for the State
15 as a whole or for any part thereof;
- 16 (2) Establish and administer any permit program;
- 17 (3) Establish by rule the control of open burning,
18 fugitive dust, and visible emissions;
- 19 (4) Establish by rule the control of vehicular [~~smoke~~
20 emission] emissions and require the installation, use,
21 and proper operation and maintenance of air pollution
22 control equipment for motor vehicles; provided that,

1 after January 1, 2011, vehicle emissions shall not
2 exceed limitations as specified in section 342B- and
3 rules adopted thereunder;

4 (5) Establish and administer a program of inspection and
5 testing of all modes of transportation except
6 aircraft, to enforce compliance with applicable
7 emission limitations when necessary and practicable,
8 and to control or limit the operation of motor
9 vehicular and other modes of transportation when the
10 director finds pursuant to standards established by
11 rules [~~sueh~~] those modes of transportation are
12 producing or pose an immediate danger of producing
13 unacceptable levels of air pollution or when [~~sueh~~
14 ~~control is~~] controls are necessary to meet applicable
15 ambient air quality standards;

16 (6) Establish by rule other specific areas for control of
17 air pollution, thereby allowing for varying
18 conditions;

19 (7) Establish standards of performance or rules for
20 existing, new, or modified stationary sources or adopt
21 standards of performance for existing, new, or



1 modified stationary sources as promulgated by the
2 administrator;

3 (8) Establish maximum achievable control technology
4 standards or rules for the control of hazardous air
5 pollutants from existing, new, or modified sources or
6 adopt maximum achievable control technology as
7 promulgated by the administrator;

8 (9) Establish rules for the prevention of significant
9 deterioration of air quality or adopt prevention of
10 significant deterioration regulations as promulgated
11 by the administrator; and

12 (10) Establish rules allowing for environmental permit
13 shields."

14 SECTION 4. Section 342B-72, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Before December 31, 2011, the director shall adopt
17 rules pursuant to chapter 91:

18 (1) Establishing greenhouse gas emission limits applicable
19 to sources or categories of sources, to be achieved by
20 January 1, 2020, and establishing emission reduction
21 measures to achieve the maximum practically and
22 technically feasible and cost-effective reductions in



1 greenhouse gas emissions in furtherance of achieving
 2 the statewide greenhouse gas emissions limit; and
 3 (2) Requiring the reporting and verification of statewide
 4 greenhouse gas emissions and to monitor and enforce
 5 compliance with this part,
 6 to become operative beginning on January 1, 2012[-]; provided
 7 that, pursuant to section 342B- , the director shall adopt
 8 vehicular emission limits by January 1, 2011, to be effective
 9 upon adoption."

10 SECTION 5. The director of health shall submit a report to
 11 the legislature summarizing the Hawaii low emission vehicle
 12 program, including any proposed legislation necessary to
 13 implement and enforce the program, no later than twenty days
 14 prior to the convening of the regular session of 2010.

15 SECTION 6. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon approval.
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Report Title:

Vehicle Emissions; Clean Air

Description:

Directs DOH to adopt California regulations relating to reducing vehicle emissions.

