



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

**S.B. 1671, SSCR 206, RELATING TO FOSSIL FUELS**

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

**February 27, 2009  
9:30 a.m.**

1 **Department's Position:** The Department of Health strongly supports the intent of this measure that  
2 contributes towards Hawaii's energy goal of 70% non-fossil sources by 2030 and its pollution control  
3 goal of reducing greenhouse gas emissions down to 1990 levels by 2020. We note that the bill proposes  
4 a novel role for the Department's air pollution control program to prohibit new, fossil-fuel electric  
5 generating facilities.

6 **Fiscal Implications:** None.

7 **Purpose and Justification:** In an effort to transition Hawaii away from fossil fuel dependency and to  
8 combat global warming, this bill prohibits the Department of Health, effective July 1, 2009, from  
9 permitting any new fossil fuel electric generating facility rated more than two megawatts, and from  
10 permitting any existing fossil fuel electric facility of the same rating to burn more fossil fuel than  
11 already allowed. The bill also includes similar provisions for the public utilities commission to disallow  
12 new fossil fuel electric facilities.

13 First, we appreciate that the bill supports the Hawaii Clean Energy Initiative (HCEI) goal of  
14 70% renewable Hawaii energy by 2030 and greenhouse gas emission reduction goal of reaching 1990  
15 levels by 2020. We understand the serious nature of Hawaii's dependence on imported oil and the  
16 urgency to move towards renewable energy whose increasing use will benefit not only Hawaii's energy

1 security but its environment and economy as well. We understand that the Energy Agreement between  
2 the State and the HECO companies provides for no new fossil-based electric generating units greater  
3 than two megawatts. Although they have different goals, both the HCEI work groups and the  
4 Greenhouse Gas Emission Reduction Task Force do have some objectives and actions which cross and  
5 complement each other. The Greenhouse Gas Task Force will be making their recommendations to the  
6 legislature at the end of the 2009 calendar year.

7 Second, the Department's air pollution control program currently has a different purpose than  
8 this bill provides. It serves to protect public health and the environment by evaluating a given facility  
9 for its air quality impacts primarily from what the U.S. Environmental Protection Agency classifies as  
10 "criteria pollutants" for which national health and welfare based standards have been set. The  
11 department regulates facilities to ensure their operations will be within those established standards. A  
12 facility will be disapproved if the Department has determined that the operation will have an adverse  
13 impact on the ambient air quality.

14 HRS 342B, Air Pollution Control, has not been used to prohibit outright the construction or  
15 modification of any specific source category, particularly fossil fuel electric facilities which Hawaii  
16 currently depends on for its energy. A prohibition such as the one proposed, may be more appropriately  
17 left to an entity involved with Hawaii's energy, development, and growth policies because it will be  
18 better able to assess the state's overall resources and energy needs, technology advancements, and  
19 economic effects on the state.

20 The department supports the approach taken in the Administration Bill, S.B. 870, Relating to  
21 Hawaii's Clean Energy Initiative in Electric Generation and Delivery. This bill includes changes to the  
22 renewable energy portfolio standards in chapter 269, Hawaii Revised Statutes, which deals with the  
23 Public Utilities Commission.

24 Thank you for this opportunity to testify.