



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

In reply, please refer to:
File:

COMMITTEE ON HEALTH
COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

H.B. 955, RELATING TO HEALTH

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health

February 11, 2011
10:30 a.m.

1 **Department's Position:** The Department of Health respectfully opposes this bill.

2 **Fiscal Implications:** None

3 **Purpose and Justification:** This bill amends three sections of the Hawaii Revised Statutes to do the
4 following: 1) requires the counties to investigate and notify the Department of Health of any reported
5 air pollution-related nuisance; 2) expands the definition of a nuisance to include foul odors and gases
6 that emanate from buildings; and 3) empowers the Director of Health, upon receipt of an odor or gas
7 complaint, to enter a building or place to investigate a suspected air pollutant or nuisance.

8 Section 322-4, HRS, currently allows the Department, if the Director deems it necessary for the
9 preservation of lives or public health, to enter any land, building, vessel or aircraft to investigate and
10 abate any nuisance or source of foul or noxious odors and gases. If entry is refused, a warrant must be
11 obtained from the district judge.

12 The Department recognizes that odor and gas nuisances that do not pose a health threat can be
13 difficult to resolve, especially in areas where residences and industrial activities are in close proximity to
14 one another and where the alleged odors are the result of legal activity. Although the proposed changes

1 would provide the Department with expanded access to buildings to investigate the source of the
2 nuisance, this measure does not give the Department any more ability to solve the nuisance problems.
3 These types of nuisance problems involving legal activity are difficult to resolve and require a case-by-
4 case assessment and cooperation from all parties involved.

5 Thank you for the opportunity to testify on this bill.

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