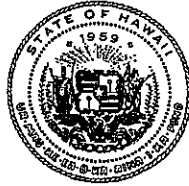


HB 266

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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In reply, please refer to:
File:

**COMMITTEES ON ENERGY & ENVIRONMENTAL PROTECTION AND
WATER, LAND, & OCEAN RESOURCES**

H.B. 266, Relating to Water Quality Standards

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

February 3, 2011

1 **Department's Position:** The Department of Health (DOH) supports this measure. The removal of
2 the sunset date on Act 126 will allow the Department time to complete the fish consumption survey,
3 perform statistical analysis on the data, recalculate the toxic pollutant criteria based on the fish
4 consumption data, if necessary, and present the information to the U.S. Environmental Protection
5 Agency (EPA).

6 **Fiscal Implications:** None

7 **Purpose and Justification:** This bill amends Act 126 relating to Water Quality Standards by removing
8 the Act's sunset date of June 30, 2011. The Department has been working on amendments to its water
9 quality standards rules, Hawaii Administrative Rules (HAR) Chapter 11-54. The Department firmly
10 believes that the 2006 EPA national criteria for toxic pollutants protects Hawaii's health and
11 environment. In 2009, the Department submitted an approval request to EPA to amend its water quality
12 standards by adopting the current national recommended human health criteria (fish consumption only)
13 for chlordane and dieldrin with the intent of eventually adopting the criteria of other toxic pollutants
14 recommended by EPA and listed in Act 126.

1 The Department's submittal was orally rejected by the EPA in 2010 citing concerns that
2 Hawaii's fish consumption rate was higher than the national average used to calculate the human health
3 criteria for toxic pollutants and that Hawaii's adoption of the national criteria would not sufficiently
4 protect its local population within acceptable tolerance levels. The statutory revision of the water quality
5 standards that Act 126 provides was not submitted to EPA pending the resolution of the human health
6 criteria for chlordane and dieldrin. In attempts to resolve this issue, the Department added questions to
7 the annual Hawaii Health Survey (2010 – currently ongoing) which would help to determine the average
8 annual fish consumption of the residents of the state. This information will be used to determine whether
9 the use of EPA's national recommended human health criteria and aquatic life criteria is justified or
10 whether the State would need to develop its own criteria based on this data.

11 Under federal law, the EPA must approve state water quality standards before they can be
12 implemented. The Department will continue to work with EPA to achieve an approval agreement.

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