

HB 754, HD2

RELATING TO HEALTH.

Authorizes a county to investigate and notify the Department of Health if a report is made about a report of air pollution. Gives the Director of Health the authority to enter a building or place and investigate reports of foul or noxious odors, gases or vapors.

(HB754 HD2)

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

H.B. 754, RELATING TO HEALTH

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

March 19, 2013
2:15 p.m.

1 **Department's Position:** The Department of appreciates the intent of this measure but respectfully
2 raises some significant concerns.

3 **Fiscal Implications:** None.

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

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

13 The Department recognizes that odor and gas nuisances that do not pose a health threat can be
14 difficult to resolve, especially in areas where residences and industrial activities are in close proximity to

Promoting Lifelong Health & Wellness

1 one another and where the alleged odors are the result of legal activity. Although the proposed changes
2 would provide the Department with expanded access to buildings to investigate the source of the
3 nuisance, this measure does not give the Department more ability to solve the nuisance problems. These
4 types of nuisance problems involving legal activities are very difficult to resolve and require a case-by-
5 case assessment and cooperation from all parties involved. In many cases, nuisance problems can be
6 better solved through good zoning and land use practices.

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

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HB754

Submitted on: 3/16/2013

Testimony for ENE/PSM on Mar 19, 2013 14:15PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Weiss	Individual	Support	No

Comments: RE:HB754 RELATING TO HEALTH. Please pass this measure to ensure that when a hazard is occurring such as noxious smoke being emitted from a fireplace, that an inspection can be made to determine the extent of the pollution and health effect of what is being burned.

HB754

Submitted on: 3/16/2013

Testimony for ENE/PSM on Mar 19, 2013 14:15PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Edmund Lee	Individual	Support	No

Comments: Department of Health needs authority for entry to investigate for the benefit and protection of public health.

HB754

Submitted on: 3/15/2013

Testimony for ENE/PSM on Mar 19, 2013 14:15PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Abbey-MacDonald	Individual	Support	No

Comments: I am begging you to please pass this bill as the smoke from our neighbors fireplace is litterally killing us. It smells like they burn wet wood, trash, animal feces, etc. but we have no way to prove it - one of our friends that lives with us is now on oxygen 24/7 and it is hard for her to breathe as well as my husband (an asthmatic) and myself (newly diagnosed as an asthmatic) My husband hasn't had asthma since he was a child and that was many years ago but in the last year has had to use an inhaler frequently as well as myself. Our friend uses a nebulizer machine twice daily and sometimes emergency treatment in between. We can't breathe freely in our house even though we have 4 air purifiers on most of the time - our electric bill has gone up \$150.00 some due to the oxygen but some due to having the purifiers on 24/7. We've had two of our pets die from cancer (they had surgery and were biopsied) We can't afford to move but it would be nice to breathe freely. Thankyou for your consideration!

HB 754 HD2

I am a supporter of banning fireplaces in tight residential neighborhoods, the density of residences is just too great to have a prevailing smoke infested breeze coming into homes. It is detrimental to peoples' health especially those with asthma, or chronic breathing diseases.

Lucinda Medeiros
Environmental Health Services
3040 Umi Street
Lihue, HI 96766
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COUNTY COUNCIL

Jay Furfaro, Chair
Nadine K. Nakamura, Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



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March 18, 2013

**TESTIMONY OF GARY HOOSER
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

**H.B. NO.754, H.D. 2 RELATING TO HEALTH
Committee on Energy and Environment
Committee on Public Safety, Intergovernmental and Military Affairs
Tuesday, March 19, 2013
2:15 p.m.
Conference Room 224**

Dear Chair Gabbard, Chair Espero, and Committee Members:

Thank you for this opportunity to submit testimony in support of H.B. 754, H.D. 2 relating to air pollution from noxious odors which create a public nuisance. My testimony is submitted in my capacity as an individual member of the Kaua'i County Council.

The Kaua'i County Council has received many reports from residents who have complained of noxious odors creating a public nuisance in their neighborhoods from a variety of sources; thus lowering their quality of life and enjoyment of their personal property. Providing the counties with the authority to investigate these reports and report to the Department of Health will provide positive support to these residents.

For the reasons stated above, I respectfully request your support for this measure. Again, thank you for this opportunity to submit testimony.

Sincerely,

Gary L. Hooser
Councilmember, Kaua'i County Council

YS:lc

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March 18, 2013

**TESTIMONY OF MEL RAPOZO
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

**H.B. 754 H.B. 2, RELATING TO HEALTH
Committee on Energy and Environment
Committee on Public Safety, Intergovernmental and Military Affairs
Tuesday, March 19, 2013
2:15 p.m.
Conference Room 224**

Dear Chair Gabbard, Chair Espero, and Committee Members:

Thank you for this opportunity to submit testimony in support of H.B. 754, H.D. 2, relating to air pollution from noxious odors which create a public nuisance. My testimony is submitted in my capacity as an individual member of the Kaua'i County Council.

I am submitting this testimony in support of all Kaua'i residents whose quality of life and enjoyment of their personal property is interfered with due to exposure from air pollution caused by noxious odors. Providing the counties with the authority to investigate reports from the public and make further report to the Department of Health will provide positive support to residents and help to streamline complaints.

For the reasons stated above, I respectfully request your support for this measure. Again, thank you for this opportunity to submit testimony.

Sincerely,

MEL RAPOZO
Councilmember, Kaua'i County Council

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