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DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB 2435
RELATING TO WATER CONTAMINATION**

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

REPRESENTATIVE RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON WATER AND LAND

Hearing Date: **February 16, 2016**
Time: **10:00 am**

Room Number: **325**

1 **Fiscal Implications:** Appropriates \$100,000 out of the Department of Agriculture pesticide use
2 revolving fund each year in fiscal years 2016-17 and 2017-18. This substantial field and
3 technical effort would require two DOH FTE, in addition to DOA staff. If the work was
4 contracted to another entity, HEER and CWB could provide limited technical and scientific
5 support at the design and report writing stages with existing resources.

6 **Department Testimony:** HB 2435 directs the departments of health and agriculture to conduct
7 a one year water quality study examining contaminants that may be present in ground water,
8 surface water in and marine waters in the Waialua district on Oahu.

9 DOH supports the intent of this measure and agrees that there are significant data gaps with
10 respect to marine and terrestrial water quality and supports a local pilot project gathering
11 additional contaminant WQ data to evaluate pollutants that may be present in surface waters in
12 the Waialua area or elsewhere in the Hawaiian Islands. DOH supports evidence based decision
13 making, and recognizes the role of environmental data in making regulatory and legislative
14 decisions.

15 This focused study addresses some data gaps identified in the 2013-2014 Statewide Pesticide
16 Sampling Pilot Project, and seeks to gather information to determine any correlation or causation
17 of negative effects to marine life. Such a study would identify pollutants present in the waters

1 and prioritize potential concerns by comparing concentrations measured against applicable
2 regulatory criteria, but would not be able to draw correlations or causation to negative impacts on
3 marine life without doing a parallel biological survey.

4 This project will require staff resources from both agencies to engage with stakeholders,
5 develop a study design, identify and gain access to appropriate sampling locations, conduct
6 sampling in accordance with pre-established sampling and quality assurance plans, send samples
7 to qualified laboratory, compare the results to criteria established in the study design, interpret
8 the resulting data, produce a comprehensive report and communicate the results to affected
9 parties and the public.

10 However, DOH does not have the staff or technical resources available to take on a large
11 role as we did with the 2013-14 pilot study, especially in view of the loss of 11 ERRF positions
12 during last session. We respectfully recommend reaching out to USGS, UH, BWS and DLNR
13 and others to explore opportunities to partner on study design, implementation and
14 recommendations. If the work were contracted to another entity, HEER and CWB could provide
15 technical and scientific support at the design and report writing stages with existing resources.

16 Further, we respectfully defer to Department of Agriculture on the availability of funding.

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

DAVID Y. IGE
Governor

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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON ENERGY & ENVIRONMENTAL
PROTECTION
AND WATER & LAND**

February 16, 2016
10:00 A.M.
CONFERENCE ROOM 325

**HOUSE BILL NO. 2435
RELATING TO WATER CONTAMINATION**

Chairpersons Lee and Yamane and Members of the Committees:

Thank you for the opportunity to testify on House Bill 2435. This bill appropriates funds from the Pesticides Use Revolving Fund for the Hawaii Department of Agriculture (HDOA or the Department) to work collaboratively with the Hawaii Department of Health (HDOH) on a joint water quality study of the water resources, including but not limited to groundwater, surface water, and marine waters in the Waialua district on the island of O'ahu. The Department appreciates the overall concept of this bill as it includes initiatives supportive of our goals and objectives, though there are concerns with the specifics of this proposal.

Environmental sampling is one of the ideal ways to determine the extent of environmental impacts of certain human activities on the quality of surface water, groundwater, and marine waters within or around a given area. This is provided that appropriate representative locations are selected for sampling and a clear understanding of how the data will be used is established in the project plan and within the guidelines of the Water Quality Protection Program of the Pesticides Branch.

HDOH, as well as the U.S. Geological Survey, are ideal agencies to collaborate with on such a project, given the expertise and experience each agency has in environmental sampling and analysis. The Department has worked with both agencies on water and air sampling projects throughout recent years. HB2435 requires analyzing samples for "pesticides, pollutants, and toxic chemicals". "Pollutants and toxic chemicals" are not specifically defined in this bill, leaving the Department to assume it to potentially include contaminants such as, other than pesticides, pharmaceuticals,



inorganic fertilizers, metals, microbes, and other compounds. This bill also appropriates \$100,000 or so much as may be necessary from the Pesticide Use Revolving Fund (PURF) to finance the project. Chapter 149A-13.5 specifically outlines what the PURF can be used for, limiting expenditures to only the Pesticides Branch's registration and licensing, certification and education, and compliance monitoring activities. Sampling and analysis for pollutants other than pesticides cannot be funded from the PURF.

The Department acknowledges the need for environmental sampling to provide trends in water quality in the Waialua district of O'ahu. However, it would be judicious and cost-efficient to include multiple sampling points throughout the entire state or, at the very least, the island of O'ahu should HDOA move forward with such a project.

Finally, the Department appreciates the support from the legislature in efforts to increase environmental sampling activities for the purposes of collecting valuable data that may support regulatory decisions in the future.

Thank you for the opportunity to present testimony.

