

MAR 10 2017

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# SENATE CONCURRENT RESOLUTION

REQUESTING STATE AND COUNTY AGENCIES TO UPDATE ADMINISTRATIVE RULES TO ADOPT ENVIRONMENTAL PROTECTION STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE FEDERAL STANDARDS AS OF JANUARY 1, 2016, OR JANUARY 1, 2017, WHICHEVER ARE MORE STRINGENT.

1 WHEREAS, Hawaii and its residents have relied on federal  
2 laws, including the Clean Air Act (42 U.S.C. 7401 et seq.),  
3 Water Pollution Control Act (Clean Water Act) (33 U.S.C. 1251 et  
4 seq.), Safe Drinking Water Act (42 U.S.C. 300f et seq.), and  
5 Endangered Species Act (16 U.S.C. 1531 et seq.), along with  
6 federal implementation of regulations and remedies, to protect  
7 the State's public health, environment, and natural resources;  
8 and  
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10 WHEREAS, these federal laws establish standards that serve  
11 as the baseline level of public health and environmental  
12 protection, while expressly authorizing states like Hawaii to  
13 adopt more protective measures; and  
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15 WHEREAS, as of January 2017, a new presidential  
16 administration and United States Congress are controlled by one  
17 party that has signaled a series of direct challenges to these  
18 federal laws and the protections they provide, as well as to the  
19 underlying science that makes these protections necessary, and  
20 to the rights of the states to protect their own environment,  
21 natural resources, and public health as they see fit; and  
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23 WHEREAS, according to the *New York Times*, federal agencies  
24 and the Republican-controlled Congress have engaged in one of  
25 the most significant shifts in regulatory policy in recent  
26 decades by delaying, suspending, or reversing more than ninety  
27 regulations in the first month and a half of President Trump's  
28 term; and  
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1           WHEREAS, Stephen Bannon, President Trump's chief  
2 strategist, while attending the Conservative Political Action  
3 Conference in February of 2017, described the administration's  
4 actions as "the deconstruction of the administrative state"; and  
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6           WHEREAS, dozens of public-interest groups, including  
7 environmentalists, labor unions, and consumer watchdogs, have  
8 characterized the Trump administration as a potential threat to  
9 America's well-being; and  
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11           WHEREAS, a letter signed by the leaders of one hundred  
12 thirty-seven nonprofit groups and delivered to the White House  
13 at the end of February 2017 states, "Americans did not vote to  
14 be exposed to more health, safety, environmental and financial  
15 dangers"; and  
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17           WHEREAS, there is immediate concern that Congress and the  
18 Environmental Protection Agency under its current leadership may  
19 roll back or cease enforcement of existing environmental  
20 protections, including restrictions on air and water pollutants  
21 and selling of public lands; and  
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23           WHEREAS, the California State Senate introduced legislation  
24 in its current legislative session to insulate California from  
25 some of the recent policy prescriptions indicated by the federal  
26 government; and  
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28           WHEREAS, the California legislation aims to enshrine  
29 current federal protections for the environment into California  
30 state law, which could not be scaled back by federal policies;  
31 and  
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33           WHEREAS, the "Preserve California" bill package includes:  
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35           (1) The California Environmental Defense Act, which makes  
36 current federal clean air, climate, clean water,  
37 worker safety, and endangered species standards  
38 enforceable under California law, regardless of  
39 federal action regarding those standards;  
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41           (2) The Public Lands Protection Act, which establishes new  
42 California state policy to discourage conveyances of



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1 federal lands to private developers for resource  
2 extraction and directs the California Lands Commission  
3 to establish a first right of refusal by California of  
4 any federal lands proposed for sale or conveyance to  
5 other parties; and  
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- 7 (3) The Whistleblower and Public Data Protection Act,  
8 which ensures federal employees do not lose California  
9 licensure for revealing violations of law, unethical  
10 actions, or dangers to public health and safety, and  
11 directs California environmental and public health  
12 agencies to protect any information or data under  
13 California law, even if parties in Washington, D.C.,  
14 order their censorship or destruction; and  
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16 WHEREAS, the lands and waters of Hawaii are unique and  
17 delicately balanced resources, the protection of which is vital  
18 to the economy of Hawaii, and the protection of groundwater is  
19 an urgent matter of the highest priority; and  
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21 WHEREAS, due to its unique geographical location, Hawaii is  
22 home to rare and unique flora and fauna, many of which are  
23 highly endangered species; and  
24

25 WHEREAS, article XI, section 1, of the Hawaii State  
26 Constitution mandates:  
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28 "For the benefit of present and future generations, the  
29 State and its political subdivisions shall conserve and  
30 protect Hawaii's natural beauty and all natural resources,  
31 including land, water, air, minerals and energy sources,  
32 and shall promote the development and utilization of these  
33 resources in a manner consistent with their conservation  
34 and in furtherance of the self-sufficiency of the State.  
35

36 All public natural resources are held in trust by the State  
37 for the benefit of the people."; and  
38

39 WHEREAS, the continued maintenance and improvement of  
40 Hawaii's environment require constant vigilance and continued  
41 stewardship to ensure Hawaii's lasting beauty, cleanliness,  
42 uniqueness, and stability of Hawaii's natural systems, all of



1 which enhance the mental and physical well-being of Hawaii's  
2 people; now, therefore,

3  
4 BE IT RESOLVED by the Senate of the Twenty-ninth  
5 Legislature of the State of Hawaii, Regular Session of 2017, the  
6 House of Representatives concurring, that the applicable state  
7 and county agencies are requested to update their administrative  
8 rules to retain or implement standards under the federal Clean  
9 Air Act (42 U.S.C. 7401 et seq.), Water Pollution Control Act  
10 (33 U.S.C. 1251 et seq.), Safe Drinking Water Act (42 U.S.C.  
11 300f et seq.), and Endangered Species Act of 1973 (16 U.S.C.  
12 1531 et seq.) in existence as of January 1, 2016, or January 1,  
13 2017, whichever are more stringent, regardless of actions taken  
14 at the federal level; and

15  
16 BE IT FURTHER RESOLVED that any changes to administrative  
17 rules aim to do the following:

- 18  
19 (1) Protect public health and welfare from any actual or  
20 potential adverse effect that reasonably may be  
21 anticipated to occur from pollution and the effects of  
22 climate change;  
23  
24 (2) Preserve, protect, and enhance the environment and  
25 natural resources in Hawaii, including but not limited  
26 to the State's national parks, national wilderness  
27 areas, national monuments, and other areas with  
28 special national or regional natural, recreational,  
29 scenic, or historic value;  
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31 (3) Ensure that economic growth will occur in a manner  
32 consistent with the protection of public health and  
33 the environment and preservation of existing natural  
34 resources; and  
35  
36 (4) Ensure that any decision made by a public agency that  
37 may adversely impact public health, the environment,  
38 or natural resources is made only after careful  
39 evaluation of all the consequences of that decision  
40 and after adequate procedural opportunities for  
41 informed public participation in the decision-making  
42 process; and



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BE IT FURTHER RESOLVED that every public agency is requested to undertake all feasible efforts using its authority under state and federal law to implement and enforce environmental protection standards that are at least as stringent as the federal standards as of January 1, 2016, or January 1, 2017, whichever are more stringent; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor; Attorney General; Director of Finance; Chairperson of the Board of Land and Natural Resources and all Board members; Chairperson of the Commission on Water Resource Management and all Commissioners; the Mayors of the Counties of Hawaii, Maui, Kauai, and City and County of Honolulu; Chairpersons of the Boards of Water Supply of the County of Kauai and City and County of Honolulu; Chairperson of the Water Board of the County of Hawaii; and Director of Water Supply of the County of Maui.

OFFERED BY:

	
	
	
	
	
	
	
	

