

MAR 10 2017

SENATE 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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30 WHEREAS, Stephen Bannon, President Trump's chief
31 strategist, while attending the Conservative Political Action
32 Conference in February of 2017, described the administration's
33 actions as "the deconstruction of the administrative state"; and



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2 WHEREAS, dozens of public-interest groups, including
3 environmentalists, labor unions, and consumer watchdogs, have
4 characterized the Trump administration as a potential threat to
5 America's well-being; and

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7 WHEREAS, a letter signed by the leaders of one hundred
8 thirty-seven nonprofit groups and delivered to the White House
9 at the end of February 2017 states, "Americans did not vote to
10 be exposed to more health, safety, environmental and financial
11 dangers"; and

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13 WHEREAS, there is immediate concern that Congress and the
14 Environmental Protection Agency under its current leadership may
15 roll back or cease enforcement of existing environmental
16 protections, including restrictions on air and water pollutants
17 and selling of public lands; and

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19 WHEREAS, the California State Senate introduced legislation
20 in its current legislative session to insulate California from
21 some of the recent policy prescriptions indicated by the federal
22 government; and

23
24 WHEREAS, the California legislation aims to enshrine
25 current federal protections for the environment into California
26 state law, which could not be scaled back by federal policies;
27 and

28
29 WHEREAS, the "Preserve California" bill package includes:

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31 (1) The California Environmental Defense Act, which makes
32 current federal clean air, climate, clean water,
33 worker safety, and endangered species standards
34 enforceable under California law, regardless of
35 federal action regarding those standards;

36
37 (2) The Public Lands Protection Act, which establishes new
38 California state policy to discourage conveyances of
39 federal lands to private developers for resource
40 extraction and directs the California Lands Commission
41 to establish a first right of refusal by California of



1 any federal lands proposed for sale or conveyance to
2 other parties; and
3

- 4 (3) The Whistleblower and Public Data Protection Act,
5 which ensures federal employees do not lose California
6 licensure for revealing violations of law, unethical
7 actions, or dangers to public health and safety, and
8 directs California environmental and public health
9 agencies to protect any information or data under
10 California law, even if parties in Washington, D.C.,
11 order their censorship or destruction; and
12

13 WHEREAS, the lands and waters of Hawaii are unique and
14 delicately balanced resources, the protection of which is vital
15 to the economy of Hawaii, and the protection of groundwater is
16 an urgent matter of the highest priority; and
17

18 WHEREAS, due to its unique geographical location, Hawaii is
19 home to rare and unique flora and fauna, many of which are
20 highly endangered species; and
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22 WHEREAS, article XI, section 1, of the Hawaii State
23 Constitution mandates:
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25 "For the benefit of present and future generations, the
26 State and its political subdivisions shall conserve and
27 protect Hawaii's natural beauty and all natural resources,
28 including land, water, air, minerals and energy sources,
29 and shall promote the development and utilization of these
30 resources in a manner consistent with their conservation
31 and in furtherance of the self-sufficiency of the State.
32

33 All public natural resources are held in trust by the State
34 for the benefit of the people."; and
35

36 WHEREAS, the continued maintenance and improvement of
37 Hawaii's environment require constant vigilance and continued
38 stewardship to ensure Hawaii's lasting beauty, cleanliness,
39 uniqueness, and stability of Hawaii's natural systems, all of
40 which enhance the mental and physical well-being of Hawaii's
41 people; now, therefore,
42



S.R. NO. 42

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

12 BE IT FURTHER RESOLVED that any changes to administrative
13 rules aim to do the following:
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- 15 (1) Protect public health and welfare from any actual or
16 potential adverse effect that reasonably may be
17 anticipated to occur from pollution and the effects of
18 climate change;
19
- 20 (2) Preserve, protect, and enhance the environment and
21 natural resources in Hawaii, including but not limited
22 to the State's national parks, national wilderness
23 areas, national monuments, and other areas with
24 special national or regional natural, recreational,
25 scenic, or historic value;
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- 27 (3) Ensure that economic growth will occur in a manner
28 consistent with the protection of public health and
29 the environment and preservation of existing natural
30 resources; and
31
- 32 (4) Ensure that any decision made by a public agency that
33 may adversely impact public health, the environment,
34 or natural resources is made only after careful
35 evaluation of all the consequences of that decision
36 and after adequate procedural opportunities for
37 informed public participation in the decision-making
38 process; and
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40 BE IT FURTHER RESOLVED that every public agency is
41 requested to undertake all feasible efforts using its authority
42 under state and federal law to implement and enforce



1 environmental protection standards that are at least as
2 stringent as the federal standards as of January 1, 2016, or
3 January 1, 2017, whichever are more stringent; and
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5 BE IT FURTHER RESOLVED that certified copies of this
6 Resolution be transmitted to the Governor; Attorney General;
7 Director of Finance; Chairperson of the Board of Land and
8 Natural Resources and all Board members; Chairperson of the
9 Commission on Water Resource Management and all Commissioners;
10 the Mayors of the Counties of Hawaii, Maui, Kauai, and City and
11 County of Honolulu; Chairpersons of the Boards of Water Supply
12 of the County of Kauai and City and County of Honolulu;
13 Chairperson of the Water Board of the County of Hawaii; and
14 Director of Water Supply of the County of Maui.
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