

JAN 19 2018

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# A BILL FOR AN ACT

RELATING TO VOLATILE ORGANIC COMPOUNDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that many common  
2 household and consumer products emit volatile organic compounds  
3 (VOCs) into the air. Some VOCs may be classified as toxic or  
4 hazardous. Release of VOCs may have negative impacts on human  
5 health, especially among those with allergies or sensitivities  
6 to fragrances, as well as water quality and the health of the  
7 environment.

8           The purpose of this Act is to:

- 9           (1) Categorize the improper disposal of household and  
10           consumer products containing VOCs as a nuisance and  
11           require the department of health to investigate the  
12           nuisance and abate, destroy, remove, or prevent the  
13           nuisance;
- 14           (2) Require the director of health to consider the  
15           improper disposal of household and consumer products  
16           containing volatile organic compounds when identifying



1 categories of nonpoint sources that add significant  
2 pollution to certain state waters; and  
3 (3) Require the department of health to develop and  
4 provide information to the public on the potential  
5 dangers of volatile organic compounds, proper disposal  
6 of household and consumer products containing volatile  
7 organic compounds, and alternative unscented household  
8 and consumer products.

9 SECTION 2. Section 322-1, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "§322-1 **Removal, prevention.** The department of health and  
12 its agents shall examine into all nuisances, foul or noxious  
13 odors, gases or vapors, including volatile organic compounds,  
14 water in which mosquito larvae exist, sources of filth, and all  
15 causes of sickness or disease, on shore, and in any vessel,  
16 which may be known to [~~them~~] the department or brought to  
17 [~~their~~] the department's attention, which [~~in their opinion~~] are  
18 dangerous or injurious to health, and into any and all  
19 conditions created or existing which cause or tend to cause  
20 sickness or disease or to be dangerous or injurious to health,



1 and shall cause the same to be abated, destroyed, removed, or  
2 prevented.

3 For purposes of this part, a nuisance shall include:

4 (1) Toxic materials that are used in or by-products of the  
5 manufacture or conversion of methamphetamine, and  
6 clandestine drug labs that manufacture  
7 methamphetamine; [and]

8 (2) Odors and filth resulting from a person feeding feral  
9 birds [-]; and

10 (3) Improper disposal of household and consumer products  
11 containing volatile organic compounds."

12 SECTION 3. Section 322-2, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§322-2 **Ordering owner to remove.** Whenever any such  
15 nuisance, foul or noxious odors, gases or vapors, including  
16 volatile organic compounds, water in which mosquito larvae  
17 exist, source of filth, or cause of sickness or disease is found  
18 on private property, the department of health shall cause notice  
19 to be given to the owner to remove and abate the same at the  
20 owner's own expense within such reasonable time as the  
21 department may deem proper. A duplicate of the notice so given



1 shall be left with one or more of the tenants or occupants of  
2 the premises. If the premises are unoccupied, notice shall be  
3 mailed to the last known place of residence of the owner if  
4 residing in the State. If the owner resides out of the State or  
5 cannot be reached with notice speedily, notice left at the house  
6 or posted on the premises shall be sufficient. If the owner  
7 thus notified does not comply with the notification or order of  
8 the department, or its agent, within the time specified, the  
9 department or its agent may apply to the district court of the  
10 circuit in which the property is situated for an order  
11 authorizing the department to execute and carry out the notice  
12 or for an order to abate the nuisance and remove, destroy, or  
13 prevent the cause of the foul or noxious odors, gases or vapors,  
14 including volatile organic compounds, water in which mosquito  
15 larvae exist, source of filth, or cause of sickness or disease,  
16 or other thing detrimental to public health.

17 The department may recover by appropriate proceedings the  
18 expenses incurred by it in the abatement, removal, destruction,  
19 or prevention, from any person who has caused or allowed the  
20 nuisances, source of foul or noxious odors, gases or vapors,  
21 water in which mosquito larvae breed, source of filth, or cause



1 of sickness or disease, or other thing detrimental to the public  
2 health, and from any owner, tenant, or occupant of the premises,  
3 who, after notice, has failed to abate, remove, destroy, or  
4 prevent the nuisance, source of foul or noxious odors, gases or  
5 vapors, including volatile organic compounds, water in which  
6 mosquito larvae exist, source of filth, or cause of sickness or  
7 disease, or other thing detrimental to the public health within  
8 the time specified in the notice. In no case shall the  
9 department or any officer or agent thereof be liable for costs  
10 in any action or proceeding that may be commenced in pursuance  
11 of this part."

12 SECTION 4. Section 322-3, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§322-3 **Nuisance on public property.** Whenever any  
15 nuisance, foul or noxious odors, gases or vapors, including  
16 volatile organic compounds, water in which mosquito larvae  
17 exist, source of filth, or cause of sickness or disease is found  
18 on public property or on a public highway, street, lane, alley,  
19 or other public place, notice shall be given by the department  
20 of health, or its agent, to the person officially in charge  
21 thereof, and the person shall be notified to abate, destroy,



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1 remove, or prevent the same. In case of failure to comply with  
2 the notice, the mode of procedure shall be the same as  
3 hereinbefore provided in case of private persons in section 322-  
4 2."

5 SECTION 5. Section 322-4, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§322-4 **Entering lands, buildings, etc.** Whenever any  
8 member of the department of health deems it necessary for the  
9 preservation of the lives or health of the public to enter any  
10 land, building, vessel, or aircraft for the purpose of examining  
11 into, abating, destroying, removing, or preventing any nuisance,  
12 source of foul or noxious odors, gases or vapors, including  
13 volatile organic compounds, water in which mosquito larvae  
14 exist, source of filth, or cause of sickness or disease, or  
15 other thing detrimental to the public health, and is refused  
16 such entry, the member may make complaint to the district judge  
17 in whose circuit the nuisance, source, place, or cause is, and  
18 the district judge may thereupon issue a warrant, directed to  
19 any police officer of the circuit, commanding the police officer  
20 to take sufficient aid, and, being accompanied by the member of  
21 the department, between the hours of sunrise and sunset, to



1 repair to the place described in the complaint, and to abate,  
2 destroy, remove, or prevent, under the directions of the member,  
3 the nuisance, source or cause."

4 SECTION 6. Section 342E-3, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) In addition to any other power or duty prescribed by  
7 law, the director shall:

8 (1) Reduce, control, and mitigate nonpoint source  
9 pollution in the State;

10 (2) Adopt rules under chapter 91 necessary for the  
11 purposes of this chapter, which may include water  
12 quality standards for specific areas, types of  
13 nonpoint source pollution discharges, or management  
14 measures in the control of water pollution, allowing  
15 for varying local conditions;

16 (3) Develop plans, recommendations, and policies, and  
17 provide other support to further the State's capacity  
18 to carry out the requirements of any federal law,  
19 rule, or regulation pertinent to the management or  
20 mitigation of nonpoint source pollution;



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- 1           (4) Work cooperatively with other state, county, and  
2           federal agencies, to facilitate the monitoring of and  
3           update the list of waters in the State that cannot  
4           reasonably be expected to attain or maintain state  
5           water quality standards and goals established under  
6           the federal Water Quality Act of 1987 (P.L. 100-4)  
7           without additional action to control nonpoint source  
8           pollution;
- 9           (5) Identify those categories of nonpoint sources that add  
10           significant pollution to the state waters identified  
11           under paragraph (4) [7], including the improper  
12           disposal of household and consumer products containing  
13           volatile organic compounds;
- 14           (6) Facilitate implementation of the best management  
15           practices, programs, and measures to control each  
16           category of nonpoint source pollution identified under  
17           paragraph (5), and encourage nonpoint source pollution  
18           mitigation practices including[7] but not limited  
19           to[7] the use of non-hazardous and unscented  
20           substances in the household and agroforestry  
21           management;





- 1           (7) Identify public and private sources of expertise,  
2                   technical assistance, financial assistance,  
3                   educational assistance, training, and technology  
4                   transfer;
- 5           (8) Convene statewide and regional public forums involving  
6                   the general public, the regulatory community, and  
7                   businesses and industries that may contribute to  
8                   categories of nonpoint source pollution for the  
9                   purpose of establishing plans, and developing  
10                  management strategies and other mitigation measures to  
11                  control and manage nonpoint source pollution;
- 12           (9) Provide funding for projects to demonstrate the best  
13                  available technology and best management practices for  
14                  preventing and mitigating nonpoint source pollution;
- 15           (10) Provide funding for public initiative projects to  
16                  encourage education and prevention measures relating  
17                  to nonpoint source pollution;
- 18           (11) Propose legislation, alternate funding mechanisms, and  
19                  new programs to improve the State's capacity to  
20                  mitigate nonpoint source pollution; and



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1 (12) Review environmental assessments and environmental  
2 impact statements as defined under section 343-2 for  
3 the purposes of commenting on the effects that a  
4 proposed action would have on the level of nonpoint  
5 source pollution generated in an area."

6 SECTION 7. The department of health shall develop and  
7 provide information to the public on the potential dangers of  
8 volatile organic compounds, proper disposal of household and  
9 consumer products containing volatile organic compounds, and  
10 alternative unscented household and consumer products.

11 SECTION 8. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 9. This Act shall take effect upon its approval.

14

INTRODUCED BY: *SLM*  
*Per F. K*  
*[Signature]*  
*[Signature]*



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**Report Title:**

Volatile Organic Compounds; Disposal of Household and Consumer Products; Nuisance; Nonpoint Source Pollution

**Description:**

Requires the department of health to investigate the improper disposal of household and consumer products containing volatile organic compounds as a nuisance and requires the department to abate, destroy, remove, or prevent the nuisance. Requires the director of health to consider the improper disposal of household and consumer products containing volatile organic compounds when identifying categories of nonpoint sources that add significant pollution to certain state waters. Requires the department of health to develop and provide information to the public on the potential dangers of volatile organic compounds, proper disposal of household and consumer products containing volatile organic compounds, and alternative unscented household and consumer products.

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