

**SB 258**



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/06/2019

**Time:** 01:15 PM

**Location:**

**Committee:** Senate Agriculture and  
Environment  
Senate Commerce, Consumer Protection,  
and Health

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** SB 0258

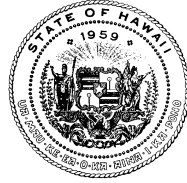
**Purpose of Bill:**

**Department's Position:**

The Hawaii State Department of Education, supports legislation SB 258 Relating to Lead-Based Paint and its prohibition for use with outdoor structures and facilities. The treatment of pre-existing lead-based paint should adhere to Chapter 11-41 "Lead Based Paint Activities" and allow for the full range of abatement practices, specifically encapsulation, rather than removal alone.

Thank you for the opportunity to submit testimony on this bill.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB258  
RELATING TO LEAD-BASED PAINT**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: February 6, 2019      Room Number: 224  
1:15 PM

1    **Fiscal Implications:** No funding is provided to support this measure and is not needed to  
2    implement §342P(a) Prohibiting use of lead based paint. Funding needed for §342P(b) is  
3    currently unknown, but will require substantial resources for development, implementation and  
4    enforcement of rules for safe maintenance and removal of pre-existing lead paint on outdoor  
5    structures

6    **Department Testimony:** This measure seeks to prohibit the use of lead based paint on outdoor  
7    structures and requires the Department of Health (DOH) to adopt rules pertaining to the  
8    development of an outdoor structure lead-based paint abatement plan.

9    The Department shares your concerns about lead exposure in Hawaii, particularly childhood lead  
10    poisoning, and supports 342P(a) the proposed prohibition on use of lead based paint on outdoor  
11    structures after December 31, 2020. This prohibition removes future sources of lead from the  
12    environment and will have a similar public health impact as the ban on leaded gasoline  
13    implemented in 1985, which resulted in steady population-wide decreases in blood lead levels.

14    The Department has serious concerns, however, about 342P(b), the mandate to develop and  
15    implement rules for the proposed outdoor structure lead-based paint abatement plan, including

1 safe maintenance and safe removal of of pre-existing lead paint on outdoor structures, as this  
2 requires development and implementation of state rules and policies, beyond those already in  
3 place at the federal level. The US EPA sets federal regulatory policy for all aspects of lead paint  
4 hazard prevention and the Department follows the applicable statutes and guidance. The  
5 Department has implemented Title 11, Hawaii Administrative Rules (HAR), Chapter 41, “Lead-  
6 Based Paint Activities”, and supports the U.S. Environmental Protection Agency’s Lead  
7 Renovation, Repair and Painting Rule and OSHA Lead in Construction and General Industry  
8 standards to protect children and adults from lead-based paint hazards. Lead-based paint  
9 identification and abatement requirements for housing and child-occupied facilities built before  
10 1978 are addressed in HAR 11-41, while lead exposure from operations and maintenance  
11 activities for all applications is addressed in federal OSHA regulations. Lead in air, water, and  
12 waste materials from any source is also currently regulated by various branches of the  
13 department. Therefore, adequate mechanisms are already in place to ensure safe maintenance  
14 and removal of pre-existing lead-based paint to protect children, families, workers, and the  
15 environment.

16 Further, the Department does not presently have the expertise, existing state guidance or  
17 resources to implement a state specific program to provide additional protections that go beyond  
18 existing federal statutes. As such, we respectfully suggest that paragraph (b) of the proposed bill  
19 will not provide additional health and safety benefits, and may not be necessary.

20 **Offered Amendments:** Delete part (b) pertaining to the development of an outdoor structure  
21 lead-based paint abatement plan in its entirety.

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

**SB-258**

Submitted on: 2/5/2019 12:22:33 PM

Testimony for AEN on 2/6/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments: