



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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WRITTEN
TESTIMONY ONLY

**Testimony in OPPOSITION to SB0350 HD1
RELATING TO THE ENVIRONMENT**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: 4/1/2021

Room Number: Videoconference

1 **Fiscal Implications:** Adding monitoring activities during Brown Water Advisories would
2 require additional resources (i.e., more staff time, additional sampling materials, increased
3 laboratory costs, etc.). Also, collecting samples during brown water conditions may pose a
4 hardship and safety concern for staff traveling during inclement weather to monitor and/or post
5 signs on the affected beaches. The additional resources necessary to monitor and to post signs
6 are of significant concern, since the Department of Health (Department) relies heavily on federal
7 funds (approximately \$310,000 per year) to conduct the beach monitoring and notification
8 program. The allotted federal funds are insufficient to pay for additional statewide laboratory
9 analytical testing, signs, and the additional staff costs needed to post and remove signs. This
10 measure will impact the priorities identified in the Governor's Executive Budget Request for the
11 Department's appropriations and personnel priorities.

12 **Department Testimony:** The Department acknowledges the intent of this measure, but
13 respectfully opposes it and submits the following comments.

14 Testing During Brown Water Advisories. Section 1(a)(1) of the bill requires the
15 Department's Clean Water Branch (CWB) to continue to test water quality as part of its Hawaii
16 beach monitoring program during brown water advisories, as practicable, provided that no water
17 sample shall be collected by clean water branch personnel until hazardous conditions have
18 subsided.

1 This bill provides that no water sample shall be collected by clean water branch personnel
2 until hazardous conditions have subsided. The CWB monitors all Tier 1 beaches statewide on a
3 routine basis and already resumes monitoring beaches after hazardous conditions have subsided,
4 i.e., after the brown water advisory has been canceled.

5 The Department believes water quality testing during brown water advisories is not
6 necessary and is an undesirable diversion of an already low supply of resources, both material
7 and human. The Department has historic water quality data collected over 22 years (from
8 February 1999 to February 2021) that show that the action threshold value for the fecal indicator
9 is almost always exceeded after heavy rainfall. This data is available to the public upon request.
10 Additional testing is unlikely to provide more actionable data and testing is not necessary to
11 proactively inform the public of the elevated risk.

12 Laboratory water quality analysis takes 24 hours to complete. If the CWB is required to
13 test the waters before issuing brown water advisories, the public will not be informed until the
14 results are obtained from the laboratory on the day following sample collection. Currently, the
15 CWB proactively issues brown water advisories as soon as conditions require.

16 If the Committee believes testing during a brown water advisory is necessary, the
17 Department notes that the sampler will be required to return to the affected beach(es) while the
18 advisory remains active. Brown water advisories often last several days and have lasted for
19 several weeks in the past, and this bill does not provide guidance on how the CWB can
20 determine when it has achieved the objective this bill requires. The Department further notes
21 that there is only one sampler each on Kauai and Maui, one in Hilo, one in Kona, and two on
22 Oahu. More field samplers will clearly be needed to be able to fulfill this requirement.

23 The Committee should be aware that a condition of the federal grant that supports beach
24 monitoring is weekly monitoring of all 63 statewide Tier 1 beaches and subsequent retesting of
25 all beaches that exceed the threshold on each subsequent workday until the threshold is no longer
26 exceeded. As an example, if the CWB were to sample 16 beaches during a Brown Water
27 Advisory on Maui, the sampler would need to collect samples at those same 16 beaches every

1 workday until the threshold is no longer exceeded. Samplers are required to deliver the samples
2 to the laboratory within a set timeframe, often by early afternoon to meet the maximum
3 analytical holding time and to allow time for processing in the laboratory. This limits the
4 number of sites that can be monitored per sampler per day to approximately 5. The sampler
5 would not be able to collect samples from each site daily and the Department will fail to meet
6 federal grant requirements.

7 Requiring daily resampling of the affected sites will overwhelm current staff and
8 resources at CWB and may mean that Tier 1 beaches that are not affected by the brown water
9 advisory will not be tested. The Department estimates 18 new CWB field positions statewide
10 will be needed to collect the required number of samples to comply with this measure. The
11 Department notes that testing during brown water advisories will require additional laboratory
12 resources to analyze those additional samples. The Department estimates 18-20 new staff
13 positions statewide will be needed to process and analyze the samples and approximately three
14 times more funding for laboratory equipment and supplies to comply with this measure.
15 Additional funding will also be needed to pay for the increased number of samples submitted to
16 the contract laboratory in Kona. In the event laboratory resources are overburdened during a
17 brown water event, the Department will be faced with a difficult decision on how to balance this
18 bill's requirement to test waters during brown water advisories at the affected beaches and the
19 competing federal requirement that funds much of the beach testing program, potentially
20 jeopardizing future federal grants.

21 Health Advisories During Brown Water Advisories. Section 1(a)(2) of the bill requires
22 the Department to issue health advisories during brown water advisories that explain the health
23 risks associated with water runoff, including, making proactive efforts to communicate brown
24 water advisories with the public.

25 The Department currently proactively communicates health advisories and explanations
26 of the health risks associated with surface water runoff through its brown water advisories.
27 During brown water advisories, the Department's CWB website is updated with the health

1 advisory, a map of the affected location, the cause of the brown water, if known, the date the
2 advisory was issued, and steps the public can take to stay safe. In addition to posting all brown
3 water advisories on its website, CWB sends out email advisories to all of its email subscribers,
4 which include the Department’s Communications Office, media outlets, who frequently publish
5 or broadcast advisories to the public, and to individuals and organizations who frequently post
6 the advisories and notifications to their social media platforms. Recipients also include other
7 county, state, and federal government offices, visitor industry representatives, businesses, and
8 volunteer organizations, in all, more than 2,700 subscribers. The CWB encourages the public to
9 subscribe to receive water quality notifications via email at: [https://eha-](https://eha-cloud.doh.hawaii.gov/cwb#!/landing)
10 [cloud.doh.hawaii.gov/cwb#!/landing](https://eha-cloud.doh.hawaii.gov/cwb#!/landing).

11 It is not feasible to post signs on all of the beaches that are affected by surface water
12 runoff due to the number of beaches in the State and the limited resources available to the CWB
13 to create, post, and remove the signs. Sign posting and removal will take time away from testing
14 the required Tier 1 beaches. Posting signs only at Tier 1 beaches may unintentionally mislead
15 the public if an adjacent non-Tier 1 beach, which is also affected by the same source of brown
16 water, does not have posted signs. Beaches, as identified for BEACH Act purposes, may not
17 correspond to what the public commonly considers a beach – for example, “Waikiki Beach” is
18 actually comprised of 8 individual beaches for BEACH Act reporting purposes and includes both
19 Tier 1 and non-Tier 1 beaches. The time involved in both posting and removing signs along an
20 entire coastal stretch with both Tier 1 and non-Tier 1 beaches will likely require more personnel
21 than the CWB has available for the beach monitoring program and will certainly reduce the
22 amount of time samplers can devote to collecting samples at other scheduled sites for that day.

23 Determining and Ranking Beaches. Section 1(a)(3) of the bill requires the Department to
24 consider environmental justice issues in the assessment of use, when considering usage and
25 public health risk for its determination and ranking of beaches for inclusion in Hawaii’s beach
26 monitoring program. In developing its statewide tier system, the CWB evaluated the usage level
27 of the various beaches, the availability of facilities such as restrooms and showers, the presence
28 of staffed lifeguard stations, and accessibility. Currently, Tier 1 beaches represent the most

1 heavily used beaches on each island. The rationale for this decision was to protect as many
2 beach users as possible with the resources available. The Department does not fully understand
3 what additional specific criteria should be used in formulating this determination but is open to
4 further discussion and concrete guidance.

5 Adopt or amend Administrative Rules as Necessary to Implement This Action. Section
6 1(a)(3)(b) requires CWB to amend its administrative rules in accordance with chapter 91, Hawaii
7 Revised Statutes, as necessary to implement this action. Amending the administrative rules is
8 unnecessary and may have unintended consequences as the actions specified in this bill are either
9 required by the federal Clean Water Act or is a component of the federal grant work agreement,
10 which the CWB must continue to perform in order to continue receiving federal grant funding.
11 The CWB relies on federal funding to carry out the provisions of the BEACH Act. If federal
12 funding is reduced or eliminated and is not restored through other funding sources, the CWB will
13 not be able to perform all of the requirements specified in the administrative rule.

14 **Offered Amendments:** None

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

SB-350-HD-1

Submitted on: 3/30/2021 1:51:47 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bridget Hammerquist	Friends of Maha'ulepu	Support	No

Comments:

On behalf of our many members, numbering over 1,000 on Kauai, please accept this testimony as our strong support for SB350 SD2, HD1. The COVID-19 pandemic has made all of us keenly aware of the need for an honest and well run Department of Health. This bill goes a long way toward promoting that end. The cost to the State will be minimal and the position for the Director Environmental Management has been budgeted for years though filled temporarily by rotating existing department heads who are overburdened. Now more than ever before we need to take good care of our environment as the surest way to maintaining and preserving our public's health.

Mahalo,
Bridget Hammerquist, President
Friends of Maha`ulepu, a 501(c)(3)
Kia`i Wai o Wai`ale`ale, Co-founder
[Donate](#)
friendsofmahaulepu.org
kiaiwaialeale@gmail.com
(808)742-1037

SB-350-HD-1

Submitted on: 3/30/2021 3:50:24 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Carl J. Berg	Kauai Chapter of Surfrider Foundation	Support	No

Comments:

Thank you for scheduling this hearing.

The quality of Hawaii's recreational water is of extreme importance to our community and for tourism. We strongly support SB350 as it aims to improve water quality monitoring and protecting public health by notifying everyone when the water is polluted and also when it has cleaned up after storms. This decision should be data driven, not guess work. **Test during Brown Water Advisories.**

Posting of signs on beaches to warn of polluted water is essential, as few community members and no tourists receive current notifications.

Environmental Justice is not being served to our local communities when testing is only done at tourist beaches, not local hotspots like canoe club launch sites, keiki play areas and streams. **Environmental Justice** must be a priority in determining ranking of testing sites.

Please pass SB350 through the House.

SB-350-HD-1

Submitted on: 3/31/2021 6:34:26 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran	Kihei Community Assoc (KCA)	Support	No

Comments:

Aloha Chair and committee members. The KCA continues to ask for your support of this measure.

Mahalo

Mike Moran for Kihei Community Assoc www.gokihei.org

SB-350-HD-1

Submitted on: 3/31/2021 8:59:34 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Dean	Clean The Pacific	Support	No

Comments:

Clean The Pacific strongly supports this measure. I would hope that water quality be widely tested and frequently tested. If at all possible, CTP urges the State of Hawaii to test for concentrations of petrochemical plastic compounds. Where I work in North Kohala, microplastics sometimes cover the entire surface of the bay. I would be willing to participate in this program by taking samples.

Thank you for your consideration and your hard work.



In Support of SB350 Relating to the Environment

House Committee on Finance

April 1st, 2021 at 2:30pm, Videoconference

Aloha,

My name is Doorae Shin and I am the Surfrider Foundation O'ahu Chapter Coordinator testifying in strong support of SB350.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands.

In Hawai'i, we have worked extensively with the Hawai'i Dept. of Health (DOH) and their Clean Water Branch (CWB) to support robust water testing and public notification programs so the beach-going public has the information they need to make decisions on where it is safe to surf, swim and play at the beach in Hawaii. As such, we'd like to offer our **strong support for SB350** which proposes small and practical changes to the DOH's beach monitoring program to better protect the public's safe enjoyment of Hawaii's beaches.

Many community groups and non-profits as well as individuals that are concerned about water quality and safe recreation at the beach have submitted testimony in support of SB350 as it has made its way through several Senate and House hearings. Over and over again, people are relaying personal experiences where they or their family members have gotten sick after unknowingly being exposed to pollution at the beach, and they are asking the DOH to do a better job at protecting their safety at local beaches and not just continue to monitor heavily used tourist beaches that are nearly always clean. In fact, the EPA already provides direction through its BEACH Act grants guidance on how DOH should be applying their beach tiering system to result in a more equitable and protective monitoring plan.

The only real objection to this bill thus far has been the anticipated cost, however, if DOH plans ahead and reaches out to beach managers and owners to develop a reasonable plan to post signs at Tier 1 beaches for Brown Water Advisories (BWAs), then the cost of making these temporary signs and getting them posted should not be prohibitive. There also should not be a significant cost impact associated with the CWB continuing to implement their regular sampling schedule during BWAs, as those costs would already be included in annual budgeting.

We urge the committee to **pass SB350** and consider these small amendments to the text:

- Section 1. (a) (1) delete 'as practicable'.
- Section 1. (1) (2) insert "including posting of signs at Tier 1 beaches" following "with the public" at the end of this line.

Thank you for your consideration of this testimony in support of SB350, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and our thousands of members and volunteers who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

A handwritten signature in black ink, appearing to read "Doorae Shin". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Doorae Shin
O'ahu Chapter Coordinator
Surfrider Foundation

SB-350-HD-1

Submitted on: 3/30/2021 1:08:32 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support this to be passed through legislature.

SB-350-HD-1

Submitted on: 3/30/2021 2:58:14 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Wohner	Individual	Support	No

Comments:

Aloha Rep. Luke, Rep. and members of the Finance committee,

my name is Natalie Wohner, resident of Manoa, and I am in **strong support of SB 350.**

I am an avid water person and had two staph infections last year on my leg, presumably from surfing at Diamond Head, a surf break frequented by mostly local residents. Diamond Head beach is located close to Kahala / Black Point area, an area only known for bad water quality thanks to the water quality testing performed by the Surfrider Foundation. However, these testings only occur bi-monthly, and usually there are no signs installed in case of high bacteria levels in the water to inform the public about possible risks. This bill would help to consistently monitor water quality of all beaches, especially after heavy rains, and inform the public when it is safe to enter the waters again or when to stay out.

Mahalo for giving me the opportunity to testify and for keeping everyone in the ocean safe!

Sincerely, Natalie Wohner

SB-350-HD-1

Submitted on: 3/30/2021 6:28:03 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ruta Jordans	Individual	Support	No

Comments:

Please support SB350 to make sure all the beaches where people go in the water are monitored and have signs posted for contaminated water and removed when the water is clean. It is important not just for beaches where tourists go, but also where our residents go. All are important. Please support SB350 for the visiting and our keiki!

SB-350-HD-1

Submitted on: 3/30/2021 8:20:02 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Welti	Individual	Support	No

Comments:

This bill simply makes so much sense.

We have significant water quality issues in Hawaii's streams and at some beaches. The Department of Health is responsible for monitoring these issues and progress has been so slow there seems to be none at times. Reporting and oversight normally helps in such situations. I would hope the DOH would welcome the transparency for all.

SB-350-HD-1

Submitted on: 3/30/2021 8:43:50 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kate Dolbier	Individual	Support	No

Comments:

My name is Kate Dolbier and I support SB350 HD1. Clean water is incredibly important to me. I think we should do everything we can to ensure that everyone has clean water! Please consider passing this bill. Thank you!

SB-350-HD-1

Submitted on: 3/30/2021 8:55:04 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Wiedner	Individual	Support	No

Comments:

Dear Elected Officials,

As a surfer, ocean swimmer and daily beach goer clean ocean water is very important to me!

Please pass this bill!

Mahalo Nui,

Barbara Wiedner

1774 Puu Kaa St

Kapaa, HI 96746

808-635-2593

SB-350-HD-1

Submitted on: 3/30/2021 9:09:16 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Gabriel	Individual	Support	No

Comments:

As a concerned citizen I support this bill.

SB-350-HD-1

Submitted on: 3/30/2021 10:05:01 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaikane Glorioso	Individual	Support	No

Comments:

Aloha, and thank you for hearing this bill. I think it is very important to put this bill in context. Just a few weeks ago, Kailua had a large wastewater spill, and the public were not alerted to it for many days. No signs, no warnings - NOTHING. While there are obviously other issues that contributed to this lack of information, having better brown water testing protocol and signage would help to inform and protect the public when brown water warnings occur, both due to natural and artificial runoff. I strongly urge you to vote in favor of SB350.

SB-350-HD-1

Submitted on: 3/31/2021 8:42:21 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Lamson	Individual	Support	No

Comments:

Aloha esteemed Representatives,

Mahalo for reading these comments. I am sending in written comments of support again for this important senate bill (SB350 SD2 HD1) on behalf of Hawai'i Wildlife Fund (HWF). Our Board of Directors and Officers support this important effort that will help ensure environmental justice around water quality issues statewide by increasing the proactive nature of posting public advisories during brown water events. HWF is a small (but mighty) nonprofit that is based on Maui and Hawai'i Island that is dedicated to the protection of native wildlife and habitats through research, education, and conservation efforts. This bill is in alignment with our mission and would help to notify (and down the line even address) coastal beach areas that consistently violate the clean water thresholds. We wholeheartedly support this effort alongside our friends with Surfrider Foundation on Kaua'i and other statewide chapters.

Mahalo for taking the time to move this bill forward and to support clean water for Hawai'i's people, wildlife, and places.

Best,

Megan Lamson, M.S.

President & Hawai'i Program Director

Hawai'i Wildlife Fund, Kealakekua HI

SB-350-HD-1

Submitted on: 3/31/2021 8:42:37 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark A. Koppel	Individual	Support	No

Comments:

TESTIMONY IN STRONG SUPPORT OF AMENDMENTS TO SB350SD2HD1

Aloha Legislators,

If we are to preserve the safety our waters, and its users, we must have proper water testing.

Please approve the amendments to this bill.

Mahalo,

Mark Koppel

Umauma

SB-350-HD-1

Submitted on: 3/31/2021 9:30:34 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lanny Sinkin	Individual	Support	No

Comments:

I urge you to pass SB 350 HD 1 with the minor changes suggested for Section 1.(a)(1), (2), and (3) re deleting "as practicable," addition of requirement for signage, and making environmental justice a priority.

Mahalo for holding a hearing on this bill.

SB-350-HD-1

Submitted on: 3/31/2021 11:59:11 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lora Petrak	Individual	Support	No

Comments:

I support SB350 SD2 HD1

SB-350-HD-1

Submitted on: 3/31/2021 12:27:53 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Christopher	Individual	Support	No

Comments:

I support this bill

LATE

SB-350-HD-1

Submitted on: 3/31/2021 4:10:09 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert A Zelkovsky, DC	Individual	Support	No

Comments:

aloha - thank you for considering this important bill. Please pass it in its fullest and strongest.

Our inland and ocean waters have areas of pretty severe pollution and it is so critical to the health of individuals, both resident and visitors, that the condition of the water in which they are recreating is fully known. It is a public safety hazard to not know and a danger to individuals health.

People want to know the condition of their water.

Please pass Bill SB 350.

Mahalo Nui.

Dr Robert A Zelkovsky

Kaua`i resident 46 years

LATE

SB-350-HD-1

Submitted on: 3/31/2021 9:52:12 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jeanne wheeler	Individual	Support	No

Comments:

Aloha - I write in strong support of this amended bill & thank FIN for having a hearing, but would also like to see a few changes in Section 1. (a) - as follows: in 1) delete ", as practicable; ", in 2) add "(including posting of signs at Tier 1 beaches)", & 3) put "Prioritize" instead of "Consider".... There should be only a minor cost to DOH for signs, but major benefits otherwise! Mahalo, JW

SB-350-HD-1

Submitted on: 4/1/2021 10:02:15 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Markel	Individual	Comments	No

Comments:

Does it require or provide legislative funding to hire more water quality technicians to do the work? I agree that it's needed but without the manpower to do so, does seem somewhat unfair if the legislation is not also advocating for hiring more technicians. I think it's really needed, please update to include capacity for hiring more water quality technicians for the DOH.

SB-350-HD-1

Submitted on: 4/1/2021 10:06:29 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
robert brower	Individual	Support	No

Comments:

Aloha

As an avid surfer and water sports enthusiast, I rely on accurate data to assess if it is safe to take my family to certain beaches. Please pass this important Bill and give the DOH a mandate to do their job

LATE

SB-350-HD-1

Submitted on: 4/1/2021 11:28:19 AM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Dinner	Individual	Support	No

Comments:

As swimmer, I almost daily come across the question, "Am I going to get sick or get an ear infection or an infected cut this time. It is disgraceful to reside on an island and in a state that tolerates polluted waters and doubly shameful that we monitor the tourist beaches and ignore the local ones. Please pass SB350 SD2 HD1.

LATE

SB-350-HD-1

Submitted on: 4/1/2021 12:29:50 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Neil A McManus	Individual	Support	No

Comments:

Dear Legislators,

I support SB350 with regard to the condition of near shore ocean waters. In addition to the bacterial condition I would like to see assays for the presence of toxoplasmosis parasites (due to increased numbers of feral cats). The main natural resource that all citizens enjoy in the state of Hawaii is the near shore ocean environment. It seems relevant now as the permanent residents and tourist visitors numbers have increased that this information is relevant to the condition of everyone's health and safety.

Thank you for your intelligent consideration in passing SB350.

Sincerely, Neil A. McManus