



‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai  
Legislative Testimony

**SB2121**  
**RELATING TO ENVIRONMENTAL REVIEW**  
Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo  
Senate Committee on Judiciary

Malaki 3, 2022

10:00 AM

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) offers testimony in **STRONG SUPPORT** of **SB2121**. As part of OHA’s 2022 Legislative Package, this bill seeks to include in Hawai‘i’s environmental review processes a specific analysis of whether a proposed action or project will have a significant impact on existing socioeconomic disparities. This socioeconomic disparities analysis may facilitate and operationalize a path towards achieving the Environmental Justice Plan’s stated policy of ensuring that “no segment of the population bears a disproportionate share of the risks and consequences of environmental pollution.”<sup>1</sup>

**OHA has long advocated for meaningful policies to help reduce the health inequities of Native Hawaiians and to better protect and uplift the health and vitality of the Lāhui.** OHA’s most recent strategic plan includes as a strategic priority of Maui Ola (Health), which represents our longstanding and continued commitment to improving the quality of life for Native Hawaiians. In furtherance of this priority, and in line with the Hawai‘i State Planning Act’s priorities under Hawai‘i Revised Statutes § 226-20, OHA supports an approach to health policy that incorporates “social determinants of health” – i.e., a holistic and systemic view in assessing and addressing health in Hawai‘i’s communities.

**A holistic and systemic view of health must necessarily include the built and natural environment.** Notably, research shows that Native Hawaiians continue to experience disparate outcomes compared to the rest of the state population, with Native Hawaiians having the highest prevalence of most chronic diseases like asthma, obesity, and diabetes, compared to the state population.<sup>2</sup> These health disparities are correlated with disparities in areas recognized as social determinants of health, such as housing, education, social services, leisure, individual rights, culture, and public safety. For example, in addition to poorer health outcomes, Native Hawaiians also have a much

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<sup>1</sup> See HAWAII DEPARTMENT OF HEALTH, DRAFT ENVIRONMENTAL JUSTICE (EJ) PLAN 2015-2020, available at <https://health.hawaii.gov/epo/files/2015/09/Draft-DOH-EJ-Plan-2015-2020.pdf>.

<sup>2</sup> See OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN HEALTH FACT SHEET 2015 VOL. I, CHRONIC DISEASE, available at <https://www.oha.org/wp-content/uploads/Volume-I-Chronic-Diseases-FINAL.pdf>.

lower median family income despite higher participation in the labor force.<sup>3</sup> **In order to address these disparities, including and particularly with respect to the social determinants that may be causing or contributing to disparate health outcomes, a socioeconomic disparities analysis as part of the environmental review process is critical.**

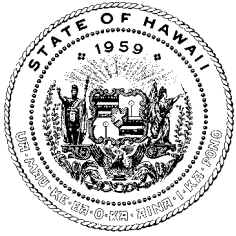
**SB2121** seeks to amend Hawai'i Revised Statutes § 343-2 by adding "socioeconomic disparities" to the definition of "significant effect." The inclusion of a socioeconomic disparities analysis to the environmental review process will provide decisionmakers and community with the opportunity to take a "hard look" at the relative, associative, and correlative socioeconomic, environmental, and cultural impacts of a proposed project and action, and render decisions regarding such proposals with fuller knowledge of their potential costs and benefits. Furthermore, this socioeconomic disparities analysis may also facilitate achieving the state's goals related to environmental justice – climate change, energy, health—and fulfilling the "right to a clean and healthful environment."<sup>4</sup>

Accordingly, OHA urges the Committee to **PASS SB2121**. Mahalo nui for the opportunity to testify on this important issue.

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<sup>3</sup> See OFFICE OF HAWAIIAN AFFAIRS, INCOME INEQUALITY IN THE WAKE OF THE GREAT RECESSION (2016) available at <https://www.oha.org/wp-content/uploads/2014/05/Income-Inequality-and-Native-Hawaiian-Communities-in-the-Wake-of-the-Great-Recession-2005-2013.pdf>.

<sup>4</sup> HAW. CONST. ART. XI SEC. 9



# STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,  
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII  
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## Testimony of the Environmental Advisory Council on SB 2121

Before the Senate Committee on Judiciary

Videoconference

March 3, 2022 at 10:00 am

David Y. Ige  
Governor

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Puananiionaona Thoene

Vice Chair  
Mary Begier

Members  
Roy Abe  
Stephanie Dunbar-Co  
Dawn Hegger-Nordblom  
Makaala Kaaumoana  
Ian Robin Kaye  
Theresita Kinnaman  
Ron Terry  
Michael Tulang  
N. Mahina Tuteur

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary:

As Chair of the State of Hawai'i Environmental Advisory Council (EAC) and Vice Chair of the EAC Legislative Committee, we submit the following **COMMENTS** on Senate Bill (SB) 2121 on behalf of the EAC.

The EAC shares the Legislature's concern about the adverse effects of income inequality. However, the EAC questions whether this bill is necessary as the existing definitions of "significant effect" in Hawai'i Revised Statutes (HRS) § 343-2 and Hawai'i Administrative Rules § 11-200.1-2 already include consideration of adverse effects on the economic welfare and social welfare of the community and State.

The EAC has reservations about the bill's proposal to include in the definition of "significant effect" the phrase "exacerbate socioeconomic disparities" and how exacerbation of such disparities could reasonably be obtained and measured in the context of conducting an environmental assessment (EA) or environmental impact statement (EIS) for individual proposed actions. It is unclear what resources are currently or would be available to acquire such data.

The definition provided in the SB 2121 for the term socioeconomic disparity is somewhat confusing: "significant disparities in the relationship between race, socioeconomic status, and health." This phrase has no clear meaning. The proposed definition of "socioeconomic disparity" further states that socioeconomic status is to be measured by "income, educational achievement, and occupation." The bill thus seems to intend to require an EA or EIS to measure where a proposed action would increase income inequality, and thus other potential adverse socioeconomic and health effects that flow from that income inequality. If so, use of the term income inequality would be more direct and clear than socioeconomic disparity, and as discussed above, socioeconomic impacts are already covered by the existing definition.

If we had the luxury of having all the demographic data we could ever hope for, this could be possible. But the reality is different. Income, poverty rates (not mentioned in this definition), and level of formal educational achievement are statistics that are periodically measured by the U.S. Census Bureau in its American Community Survey (ACS), which replaced the old "long form" questions that were provided to one out of six households prior to the year 2000. The advantage of the ACS is frequent sampling, so that data are now more current. However, the samples are smaller and sampling error much greater. The sample data are reasonably reliable for large population areas such as states, or major civil subdivisions. However, when measuring at the fine scale that is the area of focus for many EAs and EISs, the sampling error is uncomfortably large. For example, ACS data on median household income for Maui County indicates a median household income \$80,754 +/- \$7,209, while for the West Moloka'i Census Designated Place, it is \$36,696 +/- \$10,790. We are unaware of any alternative datasets that are even this precise. It would be almost impossible to find applicable data at the local scale that met the requirements of the bill to establish reliable baseline measures of existing income and income equality.

While it may be possible to intensively poll for such data, it would be prohibitively expensive for all but the mega-wealthy developer. EAs for local parks, fire stations, bike trails, playgrounds, single-family homes, and similar projects could never justify investing potentially thousands, tens of thousands, or even hundreds of thousands of dollars in polling. This would discourage minor projects from being proposed because the costs of compliance with HRS Chapter 343 would be too high.

Even more uncertain is the degree to which one could estimate the degree of exacerbation of socioeconomic inequality that would result from a given action. Precisely what types of new residents will be tempted to relocate because of a better highway between point A and point B? How will a new sewage treatment plant, charter school, or expanded State park affect resident income levels or occupations?

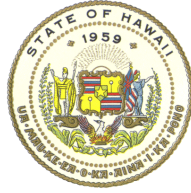
In sum, this bill raises significant questions and concern that this would impose requirements that cannot be complied with.

Thank you for the opportunity to testify on this measure.

Puananionaona Thoene  
Chair  
Environmental Advisory Council

Robin Kaye  
Chair  
EAC Legislative Committee

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
JUDICIARY**

**Thursday, March 3, 2022  
10:00 AM  
State Capitol, Via Videoconference**

**In consideration of  
SENATE BILL 2121  
RELATING TO ENVIRONMENTAL REVIEW**

Senate Bill 2121 proposes to require environmental impact statements to consider whether the proposed action will exacerbate socioeconomic disparities. **The Department of Land and Natural Resources (Department) opposes this measure.**

Chapter 343, Hawaii Revised Statutes, already requires numerous factors that an Environmental Impact Statement (EIS) must consider, including adverse effects on economic and social welfare, so adding socioeconomic disparities as a factor in the EIS process appears to be duplicative. Additionally, the Department is concerned that identifying socioeconomic disparities would be too subjective and speculative, which could result in additional challenges to acceptances of an EIS. Finally, the cost of an EIS already exceeds \$1 million for major projects, and this measure would increase those costs. Therefore, this measure would potentially discourage projects that provide public benefit such as affordable housing and renewable energy.

Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**SB-2121**

Submitted on: 3/2/2022 8:49:09 AM

Testimony for JDC on 3/3/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kevin Moore	Testifying for DLNR	Oppose	Yes

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

**SB-2121**

Submitted on: 3/2/2022 8:51:04 AM

Testimony for JDC on 3/3/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Russell Tsuji	Testifying for DLNR	Oppose	Yes

Comments:

I am available for questions to DLNR. Please allow me Zoom access.



**LATE**

## HIPHI Board

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Hawai'i Pacific Health

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Kaiser Permanente

Dina Shek, JD  
Medical-Legal Partnership  
For Children in Hawai'i

Garret Sugai  
Pharmacare Hawai'i

Titiiamae Ta'ase, JD  
State of Hawai'i, Deputy Public Defender

## HIPHI Initiatives

Coalition for a  
Tobacco-Free Hawai'i

Community Health  
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free  
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: March 2, 2022

To: Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Members of the Committee on Judiciary

Re: Support for SB 2121, Relating to Environmental Review

Hrg: March 3, 2022 at 10:00 AM via videoconference

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The Hawai'i Public Health Institute<sup>i</sup> (HIPHI) is in **support of SB 2121**, which requires the environmental review process to consider whether the proposal would exacerbate existing socioeconomic disparities.

HIPHI strives to eliminate racism, disparities and injustices to improve the health and wellness of all people. For us, this translates to moving beyond advocating *for* equity, but rather amplifying our work *against* inequity.

Where you live and spend your time plays a significant role in your health. A person's neighborhood, job, experiences of racism or discrimination, health care options, and degree of exposure to polluted air and water are all examples of social determinants of health, defined as "the conditions in the environments where people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks."<sup>ii</sup> Despite being routinely named one of the healthiest states in the nation, Hawai'i sees stark racial disparities in myriad health outcomes, including life expectancy. These disparities long preceded the COVID-19 pandemic but were thrown into sharp relief as Pacific Islander and Filipino communities experienced disproportionately high rates of infection and hospitalization.<sup>iii</sup>

Social determinants of health can be affected and health disparities widened by new development projects, and requiring environmental impact statements to actively consider the socioeconomic ramifications of proposals recognizes the interconnection of the health of Hawai'i's land and the health of Hawai'i's people. This analysis would also help inform both the public and lawmakers when



considering future policy proposals that would affect built environments.

For these reasons, HIPHI respectfully requests that the Committee **PASS** SB 2121. Thank you for the opportunity to provide testimony.

Mahalo,

Amanda Fernandes, JD  
Policy and Advocacy Director

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<sup>i</sup> Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

<sup>ii</sup> Healthy People 2030, U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion. Retrieved March 1, 2022, from <https://health.gov/healthypeople/objectives-and-data/social-determinants-health>

<sup>iii</sup> Hawai'i State Department of Health (2021). COVID-19 in Hawai'i: Addressing Health Equity in Diverse Populations. Disease Outbreak Control Division: Special Report. Honolulu, Hawai'i.



# SIERRA CLUB OF HAWAI'I

**LATE**

## SENATE COMMITTEE ON JUDICIARY

March 3, 2022

10:00 AM

Via Videoconference

**In SUPPORT of SB2121:** Relating to the Environmental Review

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Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **strongly supports SB2121**, which would facilitate achieving Hawai'i State Goals related to environmental justice, through a "socioeconomic disparities" analysis that will ensure that decisionmakers consider whether various developments or projects could exacerbate existing socioeconomic divides for certain communities.

SB2121 would require environmental review processes to include a specific analysis of whether a proposed action or project will have a significant impact on existing socioeconomic disparities. This bill takes Hawai'i's current environmental review law a step further by providing stakeholders, agencies, Native Hawaiians, and the general public with the opportunity to assess whether a project or action will place disproportionate burdens on already-vulnerable communities and neighborhoods. In the past, projects and actions have been approved without any consideration of whether they will have negative impacts on disenfranchised communities, or whether there may be ways to mitigate such impacts, resulting in significant controversy and harms.

The Sierra Club believes that every Hawai'i resident, regardless of race or income, deserves and has a right to clean air, drinking water, and a safe community. A socioeconomic disparity analysis is a welcome step towards this vision, by integrating social justice and environmental concerns. Such a tool can help to further the environmental justice movement, so that the burdens and needs of certain communities are no longer neglected and everyone can experience the benefits of a healthy and sustainable future.

We look forward to working with our legislators on SB2121 and future environmental justice legislation.

Thank you very much for this opportunity to provide testimony in **support of SB2121**.

**SB-2121**

Submitted on: 2/28/2022 1:30:29 PM

Testimony for JDC on 3/3/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

A Wast of Time and Money!!