



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in OPPOSITION to SB2889
RELATING TO WATER QUALITY

SENATOR JARRETT KEOHOKALOPE, CHAIR
SENATE COMMITTEE ON HEALTH

SENATOR LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON WATER AND LAND

Hearing Date: 2/14/2022

Room Number: Via Videoconference

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities. This measure will require the appropriation for additional compliance
4 engineering staff.

5 **Department Testimony:** The Department opposes this measure to regulate water catchment
6 systems for businesses and create filtration standards for the allowed use in the manufacture or
7 production of goods.

8 The Department, through the Safe Drinking Water Branch (SDWB), regulates public water
9 systems (PWS) defined under Hawaii Administrative Rules (HAR) Chapter 11-20. A catchment
10 system may serve multiple entities in addition to the business. Should a water catchment system
11 meet the number of individual service customers (of at least 25 at least 60 days out of the year)
12 to constitute a PWS, the proposed measure is moot as the catchment system defaults to
13 established PWS regulatory requirements.

14 Additionally, under the Safe Drinking Water Act (SDWA), the Department's regulation of the
15 water quality of the systems is limited to the distribution system and does not include 1) the
16 premise plumbing or 2) its intended use:

- 1 • Treatment systems such as the proposed filters in the measure must be located near the
2 the catchment source before the entry point to the distribution system (EPD). A filter
3 associated with premise plumbing is deemed a customer point of use and is not regulated
4 under the SDWA.
- 5 • The intended use of the water may fall under the jurisdiction of the Department's Food
6 Safety Branch (FSB) under HAR Chapter 11-50. FSB has authority over water use in the
7 preparation or production of food products. Additionally, there may be other regulatory
8 agencies involved such as the case of the United States Food and Drug Administration
9 with the production of bottled beverages.

10 If the catchment system does not satisfy the requirements to be considered as a PWS, the system
11 is deemed private and unregulated by the SDWB. Hawaii Revised Statutes (HRS) Section
12 340E-4.8 is the basis from which the proposed measure is modeled. HRS Section 340E-4.8 is
13 intended to assist and educate residents who are limited to water catchment because they do not
14 have access to a public water system or safe water resource. The measure is not within the spirit
15 of HRS Section 340E-4.8 as a business may have the financial means or access to loans to
16 develop a private water supply, compliant to State standards, or otherwise connect to the closest
17 public water system to support their private venture. Additionally, a business has the ability to
18 pass capital and operational costs on to their customers in contrast to the position of a resident.

19 If the measure is passed, the Department's SDWB will need additional compliance engineering
20 staff to develop rules, implement, monitor, and ensure compliance with this bill. Funding for
21 new SDWB positions and resources will be needed.

22 **Offered Amendments:** None.

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

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com



February 14, 2022

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The Honorable Jarrett Keohokalole, Chair
and Members
Senate Committee on Health
Hawaii State Capitol, Room 229
Honolulu, Hawaii 96813

The Honorable Lorraine R. Inouye, Chair
and Members
Senate Committee on Water and Land
Hawaii State Capitol, Room 229
Honolulu, Hawaii 96813

Dear Chair Keohokalole, Chair Inouye and Members:

SUBJECT: Senate Bill 2889: Relating to Water Catchment Systems

The Honolulu Board of Water Supply provides comments on Senate Bill (SB) 2889 relating to water catchments systems for business activities that requires the Department of Health to establish standards for filtration of water for the manufacture or production of goods.

Water catchment systems can supplement potable water systems conserving natural water resources and in rural districts can be the only source of water supply. Depending on the type of commercial manufacturing process or goods, potable quality water may be necessary. The applicability of the Safe Drinking Water Act and the compliance requirements for water treatment and testing are challenging and not inexpensive. We therefore defer to the Department of Health's comments and expertise on this issue.

Thank you for the opportunity to testify on Senate Bill 2889.

Very truly yours,

ERNEST Y.W. LAU, P.E.
Manager and Chief Engineer

SB-2889

Submitted on: 2/13/2022 5:28:28 AM

Testimony for HTH on 2/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rourk Reagan	Individual	Support	Yes

Comments:

Dear Committee Chairs,

Thank you for bringing this important issue to the table. I am Rourk Reagan, owner of Pukana La Farms in Wai'ohinu, Hawai'i Island. I make homemade jams at home and sell at local farmers markets. I am fortunate enough to currently have county water. I have had property that was on Catchment. I looked at the Department of Health's recommendations from University of Hawai'i CTAHR on how to have safe and clean drinking water and implemented the recommendations and procedures.

The State already allows and recommends that this is a safe process. It allows people to build houses and live in rural areas with safe drinking water since there is no county water available. This Bill's other provisions would give even more assurance to safe and clean water for people who make food products at home.

Right now, small business people who are trying to make a living on Catchment only option is to use a Commercial Kitchen or buy county water and have it trucked in. A Commercial kitchen is \$15-\$25. an hour and having county water delivered to a home starts at about \$250.- for a half tank. That is a lot of money when there are scientifically proven safe procedures that State recommends for rainwater Catchment.

The vast number of people who live in the rural and suburban parts of the Big Island are on Catchment. Please allow them to succeed with their businesses with this well written Bill .

In Kind Regards,

Rourk Reagan

SB-2889

Submitted on: 2/13/2022 12:20:59 PM

Testimony for HTH on 2/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joshua Mark Black	Individual	Support	Yes

Comments:

I am a Jam maker & on catchment. I had to stop making my 100% locally sourced honey sweetened jams because the certified kitchens were charging too much for me to use them. Now most of my fruit ends up rotting because I don't have enough to sell to a market vendor only enough to make a few batches of my specialty jams. If this bill passes id be able to make my jams & sell to tourists & locals alike.

SB-2889

Submitted on: 2/12/2022 11:39:08 AM

Testimony for HTH on 2/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jane Tai	Testifying for Hawaii Master Food Preservers	Support	No

Comments:

Dear Sirs:

Hawaii Master Food Preservers is in support of this bill as we feel it will enable growth in our agricultural and economic sectors for Hawaii. Currently, residents who utilize Water Catchment systems are unable to produce for sale ANY local value-added products regardless of how "clean" their water might be. Instead, if they wish to pursue this revenue path, they must either rent a commercial kitchen which uses County water OR truck in County water. Both of these options are not economical to a small farm grower/producer nor is it conducive to expanding agricultural growth.

Hawaii Master Food Preservers teaches the science and art behind preserving our locally grown foods. Too often, we have students enrolling for certification to produce unique safe, shelf stable value-added products but are blocked because of the current water catchment regulations. The bill will allow these students and a large sector of Hawaii Island (specifically south and south east establishments) the ability to go to market providing they meet the standards and provide proof of these standards of their Water Catchment System.

We fully understand that measures need to be taken to ensure consumer and public safety. There are tools which are used to measure if the water is "drinkable" which residents already do to ensure their household is "safe". These same tools can be used to ascertain whether it can be used to produce the local value-added products for home use and/or for sale (within the confines of Dept of Health regulations). And if more sophisticated testing is required other than pH, dissolved oxygen and turbidity, sediments, for example, then a 3rd party laboratory analysis may be required. However, the current regulation do not stipulate these requirements and have therefore blocked this revenue avenue.

We hope you will support this bill and support "grow local, produce local, buy local and sell local". Thank you in advance.

Jane Tai - VP, Hawaii Master Food Preservers

SB-2889

Submitted on: 2/11/2022 2:38:34 PM

Testimony for HTH on 2/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ken Love	Testifying for Hawaii Tropical Fruit Growers	Support	No

Comments:

Hawaii Tropical Fruit Grwowers is in full support of SB2889.

It brings us into modern times and althoughs those on catchment systems peace of mind as well as the ability to produce products that contribute to the community.

SB-2889

Submitted on: 2/11/2022 9:51:54 PM

Testimony for HTH on 2/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Theresa Holderread	Individual	Support	No

Comments:

Many of our residents only option for water is water catchments or bringing in water. If the water is good enough for them to use then it should be sufficient to use for producing goods for sale at market. The community needs to be able to use water catchment for production of goods to make a living for themselves. Having to truck in water is too much if a burden for the community. If it's good enough for them, it's good enough for everyone else.

SB-2889

Submitted on: 2/13/2022 12:52:22 PM

Testimony for HTH on 2/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristen J McCardel	Individual	Support	No

Comments:

I respectfully submit this testimony in support of SB2889 relating to water catchment systems. The expansion of Hawaii's cottage food industry is essential to improving the state's food security. Many lower-income and rural residents of the state have little access to low-cost or convenient transportation to grocery stores, farmers' markets, or restaurants, or to quality local foodstuffs. Many people in rural subdivisions are on water catchment because county water infrastructure does not exist where they live. Allowing entrepreneurs in these rural areas to participate in sales of foodstuffs and value-added products will strengthen Hawaii residents' access to food and improve food security in the state, as well as improve the circular economy that keeps our dollars within our local communities. Expanding the cottage food industry to include areas on water catchment will make nutritious food more available in rural and low-income neighborhoods and to open a potential income opportunities for people in these areas, as well as promoting support for local farmers and entrepreneurs.

LATE

THE SENATE
REGULAR SESSION OF 2022

COMMITTEE ON HEALTH
Senator Jarrett Keohokalole, Chair
Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON WATER AND LAND
Senator Lorraine R. Inouye, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF HEARING

DATE: Monday, February 14, 2022
TIME: 1:00PM
PLACE: Conference Room 229 & Videoconference
TIMESLOT: WTL

Re: **Testimony on behalf of the Plumbers & Pipefitters UA Local 675
SB 2889- Relating To Water Catchment Systems**

Aloha Chair(s), Vice Chair(s), and Committee Members;

The Plumbers & Pipefitters UA, Local 675, the second oldest construction trades union in Hawai`i, has been serving the community's needs and protecting it's health and safety in the built community for over 100 years, since established in 1919.

Plumbing systems in the built environment are governed by the state plumbing code based upon the Uniform Plumbing Code (UPC) published by the International Association of Plumbers and Mechanical Officials (IAPMO), who are technical experts in plumbing and mechanical systems.

Hawai`i is governed by the Hawai`i State Plumbing Code which serves to safeguard the public's health, property, and general welfare, and which at one time was promulgated by the State Department of Health prior to the establishment of the State Building Code Council. Properly designed and constructed plumbing systems are vital to protect against micro bacteria¹ and other harmful pathogens that can be transmitted through improperly designed and/or installed/constructed plumbing systems which can cause great public harm including severe illness and death.²

Senate Bill 2889 requires the Department of Health to adopt rules that allow for the installation and use of water catchment systems in commercial and business settings that serve the public. It is vital that minimum codes and standards as well as proper installation and/or construction by licensed and

¹ Legionnaires Disease Cause and Spread | CDC; <https://www.cdc.gov/legionella/about/causes-transmission.html>

² Inadequate plumbing systems likely contributed to SARS transmission, 26 September 2003
News release; <https://www.who.int/news/item/26-09-2003-inadequate-plumbing-systems-likely-contributed-to-sars-transmission>

qualified professionals are followed to ensure that the protection of the public's health, safety, and welfare is safeguarded and not undermined.

Currently, Hawai'i's State Plumbing Code includes codes and standards³ that apply to such water catchment systems for both potable and non-potable use, and include standards of design, installation, filtration, permitting requirements, accreditation by certified third-parties (American National Standard Institute- ANSI), inspection, testing, maintenance, etc.

The Plumbers & Pipefitters UA, Local 675 supports the intent of Senate Bill 2889, but request that should the bill move forward, this Joint Committee of Health and Water and Land Use consider and incorporate the below amendments that ensure and safeguards the public's health, property and general welfare.

We also recognize and support input and guidance from the International Association of Plumbing and Mechanical Officials (IAPMO) as well as the Plumbing and Mechanical Contractors Association of Hawai'i (PAMCAH) on this matter, and are available should you like to discuss it further or seek additional information. Mahalo for this opportunity to testify on this important matter.

Proposed Amendments to SB2889 are as follows:

SECTION 2. Chapter 340E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§340E- Water catchment systems; business activities. (a) The department shall adopt rules pursuant to chapter 91 to regulate water catchment systems, including filtration quality of water catchment systems, used for business activities.

(b) The department shall allow business owners to participate in the department's annual testing of water program established under section 340E-4.8; provided that:

(1) The participating business owner shall pay \$ for the tests and the department shall cover the remainder of the testing cost;

³ 2018 Hawai'i State Plumbing Code, based on the 2018 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, Chapter 16- Non-Potable Water Catchment Systems, and Appendix K- Potable Water Catchment Systems.

(2) The business owner shall utilize a certified private analytical laboratory specified by the department or the department may conduct the tests; and

~~(2)~~(3) One set of tests a year for each registered business utilizing filtered water produced from a water catchment system may be requested; and

(4) Rules adopted by the Department shall comply with the Hawai'i State Plumbing Code and Chapter 448-E, Hawaii Revised Statutes.



LATE

February 14, 2022

Chair Jarrett Keohokalole
Senate Health Committee
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813
senkeohokalole@Capitol.hawaii.gov

Chair Lorraine R. Inouye
Senate Water and Land Committee
Hawaii State Capitol
415 South Beretania St.
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Position: Support for SB 2889

Dear Members of the Senate Health and Water and Land Committees:

On behalf of the International Association of Plumbing and Mechanical Officials (IAPMO), I want to share support for SB 2889, which requires the Department of Health (DOH) to develop regulations for water catchment systems. This bill is very timely and will greatly assist the state's efforts to promote water conservation and use alternate sources of water for Hawaiian businesses.

Water catchment systems can supplement existing drinking water sources for households on public water systems and provide much needed freshwater for communities that are not receiving municipal water or are solely reliant on private wells. The intent of SB 2889 to provide technical assistance on water catchment systems and filtration for business owners will help stretch freshwater supplies and support water management strategies.

Regulations are important to provide guidance for design and installation of water catchment systems. It's important to note that the state's plumbing code does provide guidance and requirements for both potable and non-potable rainwater catchment systems.

The State of Hawaii has adopted the 2018 Uniform Plumbing Code (UPC), which was developed by IAPMO, and the state code includes provisions for non-potable and potable rainwater catchment systems (found in Chapter 16 and Appendix K of the UPC, respectively). These provisions specifically outline the "installation, construction, alteration, and repair" of non-potable and potable rainwater catchment systems. In addition, the state plumbing code states that these catchment systems shall be designed a "registered or licensed professional," and that the "components, piping, and fittings that are used shall be listed." This means that all products used to build a rainwater catchment system needs to be certified by a third-party body to determine that the products comply with approved standards and have been found suitable for use.

When signed into law, SB 2889 will prompt the DOH to develop rules for water catchment systems, specifically outlining filtration requirements. IAPMO recommends that the rule include requirements for drinking water filtration systems (components, filters, and fixtures) to meet nationally recognized industry standards, and that water catchment systems are certified by a third-party that is accredited by the American National Standards Institute (ANSI).



Independent product testing and certification is a critical step to ensuring that products meet the performance, health and quality assurance required by these regulations. Third-party product certification can help the state provide consumer confidence that plumbing products and systems will function as they claim, and help eliminate concerns that consumers may purchase and install either non-complying products, or counterfeit products available on the market. It is important to note that there are numerous organizations accredited by ANSI to provide this service.

As per Hawaii state statute, counties have two years to amend and adopt the state plumbing code from the date of state adoption, or the state plumbing code will serve as the default code. As the state's DOH drafts rules for water catchment systems, we encourage the state agency to ensure the existing plumbing code requirements are incorporated in the regulations, and that the agency work with local health officials to align state regulations with local ordinances.

IAPMO supports the intent of SB 2889 and looks forward to working with the Department of Health as they develop these important regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Robyn Fischer". The signature is written in a cursive, flowing style.

Robyn Fischer
Director, Government Relations
The IAPMO Group

LATE

SB-2889

Submitted on: 2/13/2022 3:28:24 PM

Testimony for HTH on 2/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Coral Amayi	Individual	Support	No

Comments:

I am writing in support of bill SB2889. I live in Hawaii Paradise park and collect water for our home and farm use. One of the main reasons we moved to Hawaii was for the ability to collect and live off rainwater. We moved from Arizona where families and farms have depleted the underground water sources across the state. We moved so we could live off of fresh rainwater that fell upon our land. It was only after moving that we realized we would not be able to process the abundance of food on our property into value added products. There are not enough options for community kitchens nearby and we have looked into starting one ourself but the costs are too high. We have finger limes I would like to process and turn into vegan toniko, we have soursop, guava and lilikoinwe would like to make fruit leathers. My main business in Arizona had been producing a vegan oyster mushroom jerky. I would like to start producing high quality mushrooms and jerky here on the island but would need to find a differ water source as well.

Hawaii has the opportunity to be self sustaining but without the ability to use rainwater catchment we are not able to get closer to that goal.