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# HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO TAKE CERTAIN ACTIONS  
REGARDING FUGITIVE DUST.

1           WHEREAS, many acres of former agricultural land in the  
2 State have become vacant for various reasons; and

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4           WHEREAS, in windy conditions, large dust storms arise from  
5 these lands; and

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7           WHEREAS, the dust storms deposit precious topsoil into the  
8 ocean, thereby damaging the reefs and the marine environment, as  
9 well as detrimentally affecting the health of the residents  
10 downwind; and

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12           WHEREAS, although the Department of Health's Clean Air  
13 Branch regulates the discharge of fugitive dust in the State and  
14 imposes penalties for violations, existing rules do not require  
15 land owners to have fugitive dust mitigation plans approved by  
16 the Director of Health and the existing penalty structure does  
17 not consider the scale of the dust emission; and

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19           WHEREAS, there is a disincentive for owners of large areas  
20 of vacant undeveloped land to take immediate action to control  
21 fugitive dust discharge from their lands to preserve the  
22 topsoil, prevent contamination of the marine environment, and  
23 protect the health and safety of the nearby communities; now,  
24 therefore,

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26           BE IT RESOLVED by the House of Representatives of the  
27 Thirty-second Legislature of the State of Hawaii, Regular  
28 Session of 2023, the Senate concurring, that the Department of  
29 Health is requested to amend its administrative rules, pursuant  
30 to Chapter 91, Hawaii Revised Statutes, to:

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32           (1) Create an updated list of reasonable precautions that  
33           a landowner may take to prevent visible fugitive dust



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1 from the land from becoming airborne, particularly  
2 when the land is vacant and undeveloped;

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4 (2) Specify the best practical operations or treatments an  
5 owner of vacant undeveloped land may take or implement  
6 to prevent visible fugitive dust that originates from  
7 the land from being discharged beyond the land's lot  
8 line;

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10 (3) Require each owner of vacant, undeveloped land in the  
11 State to submit to the Department a fugitive dust  
12 mitigation plan for the owner's vacant undeveloped  
13 land, which shall be subject to approval by the  
14 Director of Health; and

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16 (4) Impose appropriate penalties for violations of rules  
17 relating to fugitive dust; and

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19 BE IT FURTHER RESOLVED that the Department of Health is  
20 requested to monitor fugitive dust across the State; and

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22 BE IT FURTHER RESOLVED that the Department of Health is  
23 requested to submit to the Legislature no later than twenty days  
24 prior to the convening of the Regular Session of 2024, a report  
25 of its progress and any recommendations, including any proposed  
26 legislation; and

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28 BE IT FURTHER RESOLVED that certified copies of this  
29 Concurrent Resolution be transmitted to the Director of Health,  
30 Deputy Director for Environmental Health Administration, and  
31 Chief of the Clean Air Branch of the Department of Health.

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34 OFFERED BY:

*Jerry Amat*

MAR 10 2023

