

STAND. COM. REP. NO.

1565

Honolulu, Hawaii

APR 04 2023

RE: S.R. No. 155

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.R. No. 155 entitled:

"SENATE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO TAKE CERTAIN ACTIONS REGARDING FUGITIVE DUST,"

begs leave to report as follows:

The purpose and intent of this measure is to urge the Department of Health to:

- (1) Amend its administrative rules, pursuant to Chapter 91, Hawaii Revised Statutes, to:
 - (A) Create an updated list of reasonable precautions that a landowner may take to prevent visible fugitive dust from the land from becoming airborne, particularly when the land is vacant and undeveloped;
 - (B) Specify the best practical operations or treatments an owner of vacant undeveloped land may take or implement to prevent visible fugitive dust that originates from the land from being discharged beyond the land's lot line;
 - (C) Require each owner of vacant, undeveloped land in the State to submit to the Department a fugitive dust mitigation plan for the owner's vacant



undeveloped land, which shall be subject to approval by the Director of Health; and

- (D) Impose appropriate penalties for violations of rules relating to fugitive dust;
- (2) Monitor fugitive dust across the State; and
- (3) Report its progress and any recommendations to the Legislature before the Regular Session of 2024.

Your Committee did not receive testimony on this measure.

Your Committee finds that in windy conditions, large dust storms can originate from former agricultural lands in the State that have become vacant, depositing topsoil into the ocean and thereby damaging the reefs and the marine environment, as well as detrimentally affecting the health of nearby residents. Your Committee further finds that although the Department of Health's Clean Air Branch regulates the discharge of fugitive dust in the State and imposes penalties for violations, existing rules do not require land owners to have fugitive dust mitigation plans approved by the Director of Health and the existing penalty structure does not consider the scale of the dust emission. This measure requests the Department of Health to take various actions to prevent and address the detrimental effects of fugitive dust arising from vacant undeveloped land.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 155 and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* SR 155	Committee Referral: HHS	Date: 3/24/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)				X
AQUINO, Henry J.C. (VC)	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
AWA, Brenton			X	
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes