



STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony in SUPPORT of SB0445 SD2
RELATING TO POLLUTION ABATEMENT**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: 3/14/2023

Room Number: 325

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department strongly supports SB0445 SD2 to deter potential
5 violation of law and to remove any economic benefit gained by violating the law. The potential
6 to face severe financial penalties for violations is much more likely to deter persons from taking
7 actions. This will give the Department greater ability to ensure that any financial benefits of
8 such violations are eliminated. For example, if the Department is limited by the statutes to only
9 assess \$25,000 in fines for a single violation, but the violator gained a greater amount of value by
10 violating, there is an economic benefit to such violations. The last time some of these fines were
11 updated was more than twenty years ago. In the intervening years, there have been many
12 changes to the economy, most notably changes due to inflation, which weakens the financial
13 deterrence of these fines.

14 The Department also strongly supports the appropriation to fund one full-time equivalent
15 (1.0 FTE) environmental health specialist within the Clean Water Branch (CWB) of the
16 Department. The additional staffing strengthens the Department's ability to implement and
17 enforce environmental law. Current staffing levels for CWB personnel have not increased in
18 nearly two decades. During the same period, the universe of regulated facilities has dramatically
19 increased as has the stress on Hawaii's water resources. The addition of an FTE to the CWB

1 would support the program's ability to identify and reduce threats to Hawaii's surface water
2 resources.

3 Financial deterrence is essential to ensuring that wanton violations to State environmental
4 law are less likely to occur and that the State is taking a strong stance against any such violators.
5 The additional staff in the CWB is also necessary to assist in implementing and enforcing the
6 penalties assessed under the applicable statute as implemented by the CWB. For these reasons,
7 the Department strongly supports passing this bill.

8 Thank you for the opportunity to testify.

9 **Offered Amendments:** None



To: The Honorable Chair Nicole Lowen, Vice-chair Elle Cochran, and members of the House Committee on Energy and Environment

From: The Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing **SB445 SD2 RELATING TO POLLUTION ABATEMENT**

Hearing: Tuesday, March 14, 2023, 9:30 a.m. CR325

Aloha Chair Lowen, Vice Chair Cochran, and members of the Committee:

Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS SB445 SD2.

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

In order to protect water quality effectively, the Department of Health (DOH) needs to have adequate civil penalties for violations and adequate staffing to enforce. Civil penalties must be large enough to prevent violators from experiencing an economic benefit by violating. The civil penalties for violations have not changed in over twenty years. During that time, inflation has weakened the deterrent value of the civil penalties substantially. Similar federal penalties have automatically increased with inflation to \$59,973. This bill would bring civil penalties in line with those federal penalties.

Current staffing levels within DOH's Clean Water Branch have not increased in nearly two decades. An additional environmental health specialist will strengthen DOH's ability to implement and enforce water pollution laws.

The Hawai'i Reef and Ocean Coalition **STRONGLY SUPPORTS** this bill to enhance enforcement against water pollution in Hawai'i.

Please pass this bill! Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



Environmental Caucus of The Democratic Party of Hawai'i

EEP_03-14-23 9:00AM SB445

TO: THE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Elle Cochran, Vice Chair

CONCERNING: SB 445 SD2 (SSCR 1116) Relating to Pollution Abatement

ALOHA Chair Lowen, Vice Chair Cochran, and members of the committee

The Environmental Caucus has an enrolled membership of more than 7,000 politically active Hawaii voters and we join with our brothers and sisters in all of the groups which strongly support this bill.

In our society people, businesses, and corporations will often ignore environmental laws and protections if they can profit by doing so. The only way to stop this behavior is to make the penalties for violations so costly that they negate any possible financial advantage to violating the laws.

The current State civil penalties for environmental violations have not changed in over twenty years rendering them virtually ineffective. Similar federal penalties have automatically increased with inflation to \$59,973. This bill would bring current State civil penalties in line with those federal penalties. Even then the amount may not be enough to stop abuses, but it will certainly cause potential violators to think twice.

In addition to increasing penalties, the Department of Health needs additional staff to enforce the laws and cite offenders promptly. Like the penalty costs, the current staffing levels within DOH's Clean Water Branch have also not increased in nearly two decades. An additional environmental health specialist is needed to strengthen DOH's ability to implement and enforce water pollution laws.

Please vote to pass this bill

Thank you

Martha E Randolph,
SCC Representative for the Environmental Caucus
And on behalf of the Environmental Caucus

SB-445-SD-2

Submitted on: 3/10/2023 9:26:21 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

SB-445-SD-2

Submitted on: 3/12/2023 11:39:21 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of SD2. Thank you.

SB-445-SD-2

Submitted on: 3/13/2023 10:25:44 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

For those of us disabled with Environmental Illness/Multiple Chemical Sensitivities we desperately need Environmental advocates. Please support this bill. Mahalo.

SB-445-SD-2

Submitted on: 3/14/2023 6:57:25 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Peterson(Nani)	Individual	Support	Written Testimony Only

Comments:

In strong support