
A BILL FOR AN ACT

RELATED TO TOXIC CHEMICALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that certain state
2 agencies, including the department of health, monitor the
3 presence of environmentally toxic chemicals in water, soil, and
4 the air, and require remedial action if pollution levels exceed
5 certain levels, often called environmental action levels or
6 EALs. When an EAL is exceeded, the person or entity responsible
7 for the existence of the pollution is legally required to take
8 remedial action to reduce the level of toxicity in the area
9 under control, so that the action level is no longer exceeded.

10 The legislature further finds that there are currently no
11 procedural requirements or standards to establish EALs for
12 various toxins that are monitored, or to revise, upward or
13 downward, EALs for toxins and pollutants. Previously, EALs have
14 been raised by state agencies without public notice and without
15 publication of the scientific justification for the increases,
16 resulting in a relaxation of enforcement standards and a
17 potential increase in pollution.



1 The legislature further finds that increases in EALs have,
2 from time to time, lacked scientific justification and that such
3 increases are contrary to the EALs established and enforced by
4 federal agencies and agencies of other states. Such actions by
5 Hawaii state agencies, when they occur, may pose unreasonable
6 risks to the environment and the human population of this State,
7 and therefore it is necessary that any increases in EALs be
8 scientifically justifiable, based on the severity of risks to
9 human health and the environment, as well as the probability of
10 adverse effects. Procedures must be established to provide the
11 public with advance notice and the opportunity to respond to
12 proposed increases in EALs. Moreover, the actions by Hawaii
13 state agencies without adequate scientific basis and procedural
14 safeguards may violate the guarantees of article XI, sections 1
15 and 7 of the Hawaii State Constitution.

16 The legislature affirms that the public has a right to know
17 all relevant information about environmental toxins and that it
18 is the responsibility of state agencies charged with monitoring
19 and remediating environmental toxins to ensure that the public
20 receives all relevant information about the presence of
21 environmental toxins in a timely manner.



1 Accordingly, the purpose of this Act is to establish
2 procedural and substantive requirements for the establishment
3 and revisions of environmental action levels by state agencies.

4 SECTION 2. (a) Every state agency that monitors
5 environmental toxins and pollutants shall establish
6 environmental action levels or substantively similar triggering
7 mechanisms that are consistent with the best practices and most
8 recent scientific evidence relating to the preservation of a
9 safe environment.

10 (b) No modification to any environmental action levels or
11 similar triggering mechanism shall be made except after adequate
12 advance notice to the public, which shall include provision of
13 all relevant scientific justifications for the proposed
14 modification. Any state agency proposing a modification shall
15 comply with the requirements of chapter 91, Hawaii Revised
16 Statutes, and allow not less than thirty days for the public to
17 comment on the proposed modification, and conduct one or more
18 public hearings at which comments to the proposed action shall
19 be received.

20 SECTION 3. Any resident of the State may petition an
21 agency that has established environmental action levels or



1 similar triggering mechanism for modification of one or more
2 environmental action levels or similar triggering mechanisms.
3 The agency shall promptly respond to the petition in the manner
4 provided by chapter 91, Hawaii Revised Statutes.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Sam BIR

JAN 24 2024



H.B. NO. 2799

Report Title:

EALs; Toxic Chemicals; Pollutants; Procedural Requirements;
Public Notice

Description:

Requires state agencies that monitor environmental toxins and pollutants to establish environmental action levels (EALs) to ensure the preservation of a safe environment. Prohibits modifications to EALs unless certain procedural requirements are met. Allows any State resident to petition for modifications to an established EAL.

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