
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that the United States
2 Navy is the owner and operator of the Red Hill Bulk Fuel Storage
3 Facility, which is an underground storage tank system on Oahu,
4 located approximately two and one-half miles northeast of Pearl
5 Harbor. The facility, which was originally constructed during
6 World War II and began operations in 1943, includes twenty
7 field-constructed underground storage tanks, pipelines, and
8 other infrastructure that stores and transports marine diesel
9 and two types of jet fuel.

10 The Red Hill Bulk Fuel Storage Facility sits directly above
11 the Southern Oahu Basal Aquifer, which supplies seventy-seven
12 per cent of Oahu's water. This aquifer is one of nine
13 sole-source aquifers within the United States Environmental
14 Protection Agency's region IX and has been previously identified
15 by the Environmental Protection Agency as the "principal source
16 of drinking water" for Oahu, which, if contaminated, "would
17 create a significant hazard to public health."



1 The legislature also finds that in November 2021, a release
2 of approximately fourteen thousand gallons of fuel from the Red
3 Hill Bulk Fuel Storage Facility contaminated the Red Hill shaft,
4 one of the drinking water sources that services the United
5 States Navy's water system. Many residents who drank the
6 tainted water became acutely ill, experiencing rashes, aches,
7 vomiting and other gastrointestinal problems, and other
8 symptoms. As a result of the contamination, more than four
9 thousand military families were forced to move out of their
10 homes. The water contamination also affected seven department
11 of education schools and several private schools, forcing the
12 schools to remove sinks from use and instead use bottled water
13 for handwashing, dishwashing, and drinking purposes.

14 A survey of persons who were affected by the water crisis,
15 conducted in early 2022, found that eighty-seven per cent of
16 those surveyed reported new or worsening health symptoms after
17 coming into contact with the contaminated water. Many of those
18 surveyed expressed concern about possible long-term health
19 ramifications of their exposure. Significantly, because only
20 about fourteen per cent of households affected by the water



1 contamination responded to the survey, the full scale of the
2 health consequences of the fuel spill is likely still unknown.

3 Accordingly, the legislature finds that more must be done
4 to track the long-term health impacts of the Red Hill fuel leak,
5 including the:

- 6 (1) Creation of a comprehensive registry of persons who
7 ingested or came into contact with contaminated water;
- 8 (2) Dedication of resources to track these impacted
9 individuals to monitor health impacts, including
10 long-term health impacts;
- 11 (3) Collection and aggregation of data, including
12 individual health and toxicology records to the extent
13 practical; and
- 14 (4) Coordination with other entities, including federal
15 agencies.

16 The long-term analysis of this data will assist the
17 legislature and executive branch agencies in making future
18 policy decisions, coordinating health needs for victims, and
19 assisting in the pursuit of cost recovery from the federal
20 government.



1 Accordingly, the purpose of this Act is to establish a Red
2 Hill water contamination health impacts program within the
3 department of health.

4 SECTION 2. Chapter 342L, Hawaii Revised Statutes, is
5 amended by adding a new part to be appropriately designated and
6 to read as follows:

7 **"PART . RED HILL WATER CONTAMINATION HEALTH IMPACTS PROGRAM**

8 **§342L-A Definitions.** As used in this part, unless the
9 context otherwise requires:

10 "2021 petroleum release" means the release of petroleum
11 from the Red Hill Bulk Fuel Storage Facility beginning in
12 November 2021, which contaminated drinking water in the Red Hill
13 shaft and affected persons using water from the United States
14 Navy's water system.

15 "Program" means the Red Hill water contamination health
16 impacts program.

17 **§342L-B Red Hill water contamination health impacts**
18 **program; established.** (a) There is established within the
19 department the Red Hill water contamination health impacts
20 program.

21 (b) The program shall:



- 1 (1) Identify persons who ingested or came into contact
2 with water contaminated as a result of the 2021
3 petroleum release;
- 4 (2) Maintain a registry of affected persons identified in
5 paragraph (1); provided that the registry shall be
6 used only for purposes authorized in this part;
- 7 (3) Provide continuing periodic outreach to the
8 individuals identified in paragraph (1) to identify
9 and monitor health impacts those persons have
10 experienced due to the 2021 petroleum release,
11 including any long-term health impacts;
- 12 (4) Collect and aggregate data, including, to the extent
13 practical, individual health and toxicology records
14 that are provided voluntarily by the individuals
15 identified in paragraph (1);
- 16 (5) Coordinate with other entities, including relevant
17 federal agencies, in performing the activities
18 specified in this part; and
- 19 (6) Make available relevant information to assist persons
20 affected by the 2021 petroleum release in coordinating
21 or accessing relevant health care and seeking



1 reimbursement from the federal government for their
2 health care needs; provided that the department shall
3 not release confidential information pursuant to
4 subsection (d), except that the department may release
5 otherwise confidential information about a specific
6 person to that person.

7 (c) For the purpose of collecting the information
8 specified in subsection (b), the department shall establish
9 field teams to conduct electronic and in-person outreach in
10 areas affected by the 2021 petroleum release, including
11 residential and business areas. The field teams shall attempt
12 to identify and track persons who were affected by the 2021
13 petroleum release but who subsequently relocated outside of the
14 affected areas, including locations outside of the State.

15 (d) Information collected by the department pursuant to
16 this section shall be kept strictly confidential, except that
17 the department may release:

18 (1) Epidemiologic and statistical information having no
19 individual identifying information; and

20 (2) Information that the director determines is otherwise
21 necessary to protect the public health and safety.



1 Access to confidential records shall be restricted to those
2 individuals specifically authorized to participate in a specific
3 activity authorized by this part.

4 **§342L-C Cost recovery.** (a) The department shall pursue
5 cost recovery from the United States Department of the Navy and
6 the United States Department of Defense, as applicable, for all
7 program costs.

8 (b) This section shall not be construed to prevent the
9 department from requesting, and the legislature from
10 appropriating, moneys to operate the program.

11 **§342L-D Annual report.** No later than twenty days prior to
12 the convening of each regular session, beginning with the
13 regular session of 2025, the department shall submit a report to
14 the legislature that includes:

- 15 (1) The number of people identified by the department who
16 were affected by the 2021 petroleum release;
- 17 (2) The number of people in the registry pursuant to
18 section 342L-B(b)(2);
- 19 (3) A description of the health impacts of the 2021
20 petroleum release identified by the department,
21 including any long-term health impacts;



1 (4) Efforts by the department to assist persons affected
2 by the 2021 petroleum release in coordinating or
3 accessing relevant health care and seeking
4 reimbursement from the federal government for their
5 health care needs;

6 (5) The status of cost recovery pursuant to section
7 342L-C; and

8 (6) Any other findings and recommendations, including any
9 proposed legislation."

10 SECTION 3. No later than twenty days prior to the
11 convening of the regular session of 2024, the department of
12 health shall submit to the legislature a report on the
13 department's efforts to appropriately track the health
14 implications of the 2021 petroleum release, including:

15 (1) A plan to coordinate with any relevant federal, state,
16 and county agencies, including the Centers for Disease
17 Control and Prevention and the Environmental
18 Protection Agency, to align with the health assessment
19 and monitoring efforts of those agencies;

20 (2) A description of any potential benefits of
21 coordinating and sharing data with those agencies;



1 (3) An analysis of the extent to which data from those
2 agencies, or any other source, may be used to monitor
3 the long-term health impacts of the 2021 petroleum
4 release;

5 (4) An initial summary of the potential health
6 implications of contaminants, including fuel, found in
7 the drinking water distribution system following the
8 2021 petroleum release;

9 (5) A description of any contaminants, including fuel,
10 detected in the water during the twelve-month period
11 immediately preceding the 2021 petroleum release;

12 (6) A description of any potential benefits of broadening
13 the health monitoring pursuant to section 342L-B,
14 Hawaii Revised Statutes, to include indications of
15 contaminants, including fuel, in the drinking water
16 supply before the 2021 petroleum release; and

17 (7) Any other findings and recommendations, including any
18 proposed legislation.

19 SECTION 4. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2023-2024 and



1 the same sum or so much thereof as may be necessary for fiscal
2 year 2024-2025 to establish and operate the Red Hill water
3 contamination health impacts program, including the
4 establishment of permanent, full-time equivalent (FTE)
5 positions.

6 The sums appropriated shall be expended by the department
7 of health for the purposes of this Act.

8 SECTION 5. This Act shall take effect on July 1, 2023.

9

INTRODUCED BY:



JAN 19 2023



H.B. NO. 319

Report Title:

DOH; Red Hill Bulk Fuel Storage Facility; Water Contamination, Health Impacts; Appropriations

Description:

Establishes the Red Hill water contamination health impacts program within the Department of Health to track the long-term impacts of the 2021 petroleum release from the Red Hill Bulk Fuel Storage Facility. Appropriates moneys.

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