



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on SCR0131 SD1
URGING HAWAII'S CONGRESSIONAL DELEGATION TO TAKE ALL ACTIONS
NECESSARY AND PROPER TO CAUSE THE UNITED STATES CONGRESS TO
FUND THE CONSTRUCTION AND COMMENCEMENT OF OPERATIONS OF A
LABORATORY CERTIFIED BY THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY TO ANALYZE ENVIRONMENTAL TOXINS IN THE
STATE AND PUBLISH THE RESULTS TO THE PUBLIC.**

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON WATER & LAND

Hearing Date: April 11, 2024

Room Number: 430

1 **Fiscal Implications:** N/A

2 **Department Testimony:** The Department of Health (Department) agrees with the intended
3 purposes of this resolution, but has the following comments on certain aspects of the resolution:

4 Page 1, lines 6 to 9: The State does not lack a testing laboratory certified by U.S.
5 Environmental Protection Agency (EPA) that is capable of detecting toxins present in drinking
6 water and air. The Department State Laboratories Division (SLD) has a Safe Drinking Water
7 Section which is EPA certified. The air testing currently being done by the Department's Clean
8 Air Branch is also EPA certified. The toxins which SLD tests for are determined in consultation
9 with the Department's environmental programs, with primary consideration given to toxins for
10 which EPA standards or maximum contaminant levels (MCLs) exist and which can lead to
11 interventions when these standards are exceeded. SLD's Environmental Microbiology Section is
12 EPA certified for detection of marker organisms that indicate whether disease-causing infectious
13 agents may be present. These factual errors need to be corrected.

14 Page 2, lines 7 to 9: Laboratory testing of environmental samples do not need to comply
15 with Clinical Laboratories Improvement Amendments regulations.

16 Page 2, lines 12-13 and 18-20: There are no EPA drinking water test methods for total
17 petroleum hydrocarbons (TPH) and therefore it is true that SLD does not have an EPA-certified
18 laboratory testing drinking water for TPH.

19 The concern about environmental toxins in air, water, soil, and biological specimens is a
20 legitimate one. SLD has an Environmental Health Analytical Services Branch (SLD-EHASB) to
21 perform some of the types of testing being sought.

22 Hawaii should seek resources to fund quantitative testing of drinking water for per- and
23 polyfluoroalkyl substances (PFAS) by SLD or other certified laboratories. The EPA has recently
24 published National Primary Drinking Water Regulation for six PFAS.

1 The Department should establish a biomonitoring laboratory within SLD to test human
2 and animal samples for the presence of environmental toxins which are chosen in consultation
3 with Department's environmental programs, such as PFAS, lead, and arsenic. The Department
4 favors Congressional support for a biomonitoring service.

5 **Offered Amendments:** None.

6 Thank you for the opportunity to testify.

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

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April 11, 2024

The Honorable Linda Ichiyama, Chair
and Members
House Committee on Water and Land
Hawaii State Capitol, Room 430
Honolulu, Hawaii 96813

Dear Chair Ichiyama and Members:

Subject: SCR 131, SD1: Urging Hawaii's Congressional Delegation to Take All Actions Necessary and Proper to Cause the United States Congress to Fund the Construction and Commencement of Operations of a Laboratory Certified by the United States Environmental Protection Agency to Analyze Environmental Toxins in the State and Publish the Results to the Public

The Honolulu Board of Water Supply (BWS) supports Senate Concurrent Resolution (SCR) 131, Senate Draft (SD) 1, urging Hawaii's Congressional Delegation to take all necessary actions necessary and proper to cause Congress to fund the construction and commencement of operations of a laboratory certified by the Environmental Protection Agency (EPA) to analyze environmental toxins in the State and publish the results to the public.

Given the November 2021 fuel release that contaminated O'ahu's sole source aquifer and the Joint Base Pearl Harbor Hickam (JBPHH) water system that affected almost 100,000 people, including the November 29, 2022 release of 1,300 gallons of per- and polyfluoroalkyl substance (PFAS) containing aqueous film forming foam (AFFF) at the U.S. Navy's Red Hill Bulk Fuel Storage Facility (RHBFSF), the State of Hawaii had to wait for nearly a month to determine the level of toxicity these people were exposed to because the Department of Health's (DOH) laboratory did not have the capability to evaluate the presence of toxins.

As a result of the fuel contamination and the release of AFFF into the environment, the State of Hawaii was impeded in responding to those harmed in an expeditious way

The Honorable Linda Ichiyama, Chair
and Members
April 11, 2024
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because the DOH lacked a testing laboratory certified by the EPA to identify the toxins or pollutants present in the environment.

PFAS have been known to cause harmful effects in humans and animals as PFAS “binds to proteins in human blood.”¹ PFAS known as the “forever chemicals” never break down once released and they build up in our bodies.² In 1998, “the U.S. Environmental Protection Agency (EPA) was first alerted to the risks”³ of PFAS in which they did not immediately classify PFAS as a hazardous substance until August 26, 2022, when they issued a proposal to designate two of the most widely used PFAS as hazardous substances under CERCLA, or Superfund.⁴

What occurred at JBPHH was tragic to the people who were poisoned and the continued threat it poses to the environment. This SCR 131, SD 1, aligns with the shared mission of the signatories of the Red Hill Water Alliance Initiative to preserve access to safe, pure water and protect the environment and O’ahu’s aquifer. It is important that collaboration continues at all levels of government to ensure Hawai’i has the resources it needs and that the federal government, working with the state and local governments in Hawai’i, meets its obligation to keep our communities and environment safe.⁵

Thank you for the opportunity to testify in support of SCR 131, SD 1.

Very truly yours,



ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer



¹ Gordon I. Norby and J. Murray Luck at Stanford University. “Perfluorooctanoic acid interactions with human serum albumin.” *Journal of Biological Chemistry*. August 1, 1955.

² Ayala, Christine. “EPA on ‘forever chemicals’ Let them drink polluted water” *The Hill*, October 1, 2019. See also “Timeline of events related to per- and polyfluoroalkyl substances. Wikipedia, The Free Encyclopedia.

³ Ibid.

⁴ U.S. Environmental Protection Agency. EPA Proposes Designating Certain PFAS Chemicals as Hazardous Substances Under Superfund to Protect People’s Health. *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)*. August 26, 2022.

⁵ Schatz, Brian. “Hawai’i Delegation Statement on Red Hill WAI Report” Press Release, November 28, 2023.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER & LAND

April 11, 2024

9:00 AM

Conference Room 430

In SUPPORT of SCR131 SD1: REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO TAKE ALL ACTIONS NECESSARY AND PROPER TO CAUSE THE UNITED STATES CONGRESS TO FUND THE CONSTRUCTION AND COMMENCEMENT OF OPERATIONS OF A LABORATORY CERTIFIED BY THE ENVIRONMENTAL PROTECTION AGENCY TO ANALYZE ENVIRONMENTAL TOXINS IN THE STATE AND PUBLISH THE RESULTS TO THE PUBLIC.

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS SCR131 SD1**, which seeks to provide Hawai'i residents and communities across the Pacific with a local water testing laboratory, in order to better understand and manage our exposure to toxic compounds including but not limited to jet fuel and per- and poly-fluoroalkyl substances ("PFAS"), in a meaningful and timely manner.

As we continue to navigate water contamination crises on O'ahu and Maui, and as we begin to grapple with the implications of PFAS being found in ever more local water sources, it has become abundantly clear that our islands are in need of a local water testing laboratory that can provide timely, meaningful data on our residents' potential exposure to toxic compounds.

For example, the water contamination crisis resulting from the U.S. Navy's Red Hill Facility has required and will continue to require continual analyses of monitoring well, sentinel well, and drinking source samples. Currently, this in turn requires the storage and transshipment of potentially volatile contaminants across thousands of miles to backlogged laboratories on the U.S. continent. As a result, water quality results have taken and continue to take months to be returned, leaving our agencies and residents in limbo as we await water test results. A local water testing facility will ensure that we have more sound and timely data to prevent the potentially catastrophic contamination of our municipal water supply, and protect the health of Hawai'i residents.

A water testing facility will also serve critical needs in circumstances beyond Red Hill. For example, citizens in Waiawa have had to wait for months, simply to know if their drinking water sources were contaminated by PFAS due to military firefighting training at the Waiawa Army National Guard Armory. Given the extent of past training exercises and the persistence of PFAS "forever chemicals" in the environment, ongoing and timely testing will also be required to ensure that these citizens are not exposed to these



SIERRA CLUB OF HAWAI'I

contaminants in the future, as PFAS percolate and migrate in soil, streams, and groundwater for decades and centuries to come.

Similar water testing needs will also be necessary for impacted water systems and water sources in Lāhainā and Kula, where the 2023 wildfires may have resulted in the release of a wide range of toxic, environmentally persistent compounds including PFAS, dioxins, furans, PCBs, and others.

Notably, our local testing needs will only increase over time, as more contamination issues come to light, or are created by future climate-related disasters. Meanwhile, the demand on testing laboratories on the continent is anticipated to significantly increase in the very near future, as maximum contaminant levels are set for PFAS and potentially other compounds by the Environmental Protection Agency. As a result, we may have less and less access to meaningful and timely water testing data, while our need for such data continuously increases.

In addition, the Sierra Club notes that a local water testing laboratory would assist other communities wrestling with water contamination issues, including places such as Guåhan, Okinawa, the Philippines, and other locations across the U.S.-occupied Pacific.

Accordingly, the Sierra Club of Hawai'i respectfully but strongly urges the Committee to **PASS** this resolution. Mahalo nui for the opportunity to testify.



Environmental Caucus of The Democratic Party of Hawai'i

April 11, 2024

To: House Committee on Water & Land
Hon. Linda Ichiyama, Chair
Hon. Mahina Poepoe, Vice Chair

Re: SCR 131 SD1 URGING HAWAII'S CONGRESSIONAL DELEGATION TO TAKE ALL ACTIONS NECESSARY AND PROPER TO CAUSE THE UNITED STATES CONGRESS TO FUND THE CONSTRUCTION AND COMMENCEMENT OF OPERATIONS OF A LABORATORY CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO ANALYZE ENVIRONMENTAL TOXINS IN THE STATE AND PUBLISH THE RESULTS TO THE PUBLIC.

Hearing: Thursday, April 11, 2024, 9:00 a.m., Room 430 & videoconference

Position: Strong support

Aloha, Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

The Environmental Caucus of the Democratic Party of Hawai'i comprises some 7,500 politically active members of Hawai'i's majority political party. We strongly support this proposed resolution, which requests the Hawaii Congressional Delegation to cause the U.S. Congress to fund the construction and commencement of operations of an EPA-certified laboratory in the State of Hawaii. This request is long overdue for many reasons.

The **first reason** is the presence of environmental toxins in the State of Hawaii. We have been faced with environmental degradation due to toxic materials deposited by various entities. Case on point: The TPH petroleum and PFAS contaminations as the result of multiple releases from the Red Hill Underground Bulk Fuel Storage Facility. These multiple toxins pose serious risks to human health and the natural environment.

The **second reason** for requiring an EPA-certified laboratory is the disadvantage that we have in obtaining real-time accurate test results when the immediate need arises such as in an emergency release of toxins entering our water system, soil, and air. Such a laboratory is essential to identify diseases and toxins in our air, water, soil, and biological specimens.

The **third reason** for an independent laboratory is to gain reliance on external data. Currently, residents must rely on data provided by the same entities, e.g., U.S. Department of the Navy, or Covanta who operates H-POWER, that are responsible for the environmental toxins being in our environment in the first place. Having an independent laboratory would ensure transparency, timeliness, and more accurate independent, unbiased information.

The **fourth reason** is having the ability for a timely evaluation. The absence of a local laboratory delays the evaluation of environmental toxins. Sending samples to mainland laboratories can be time-consuming, and the results may be withheld by controlling agencies. Case in point: In September 2022, the DOH tested the Kunia Well #3 and found detections of PFAS. It sent its sample to an EPA laboratory on the continent. The result was returned in October. A confirmation sample was taken in November 2022. The residents at the Kunia Village were not informed of the toxicity in their water until January 2023. To inform the public of the contaminated drinking water four months after its initial detection amounts to gross negligence and a breach of its fiduciary duties on the part of the Department of Health. [Environmentalists criticize health department for delayed toxic chemical reporting in Kunia Village \(hawaiinewsnow.com\)](https://www.hawaiinewsnow.com/story/news/local/2023/01/10/kunia-village-pfas-reporting-delayed/7000000001)

The **fifth reason** relates back to having timely evaluations as described above in Reason #4. The absence of a local laboratory delays laboratory delays the evaluation of environmental toxins. Sending samples to the mainland laboratories is time-consuming and the results may be withheld by controlling agencies. This scenario has been evident with regards to the Kunia Wells and the Red Hill Navy water supply lines. The public have not received timely notice of potential risks of harm because confirmation test results from the mainland remain pending for two to six weeks.

The **sixth reason** deals with emerging toxins. The presence of environmental toxins, including highly toxic substances like per- and polyfluoroalkyl substances (PFAS), has increased. A certified laboratory would help address these issues in a timely manner when dealing with highly carcinogenic man-made toxic chemicals sold to the general public for household use without adequate warning.

The **seventh reason** concerns responsibility and confirmation. The lack of an EPA-certified laboratory hinders Hawaii's ability to evaluate and confirm or reject contentions by federal agencies, state departments, and private entities regarding the accuracy of their tests and the detection of environmental toxic chemicals.

The **eighth reason** is cost and urgency. While the estimated cost of constructing the laboratory is around \$100 million, the urgency to address environmental toxins justifies this investment.

By urging the Hawaii Congressional Delegation to secure funding, we can enhance environmental monitoring, public health, and transparency in Hawaii, something which the public rightfully deserves and has been lacking from our regulators.

Accordingly, we believe it is critical for the Legislature to pass this proposed Concurrent Resolution.

On behalf of the Environmental Caucus, we thank you very much in advance for your support with this request. Thank you for the opportunity to testify to this important resolution.

Melodie Ateja legislativepriorities@gmail.com

Alan B. Burdick burdick808@gmail.com,

Co-Chairs, Environmental Caucus

SCR-131-SD-1

Submitted on: 4/8/2024 8:18:57 PM

Testimony for WAL on 4/11/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Manalo for the opportunity to testify in support of this resolution.

SCR-131-SD-1

Submitted on: 4/10/2024 11:35:41 AM

Testimony for WAL on 4/11/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I SUPPORT SCR131 SD1 which seeks to provide Hawai'i residents and communities across the Pacific with a local water testing laboratory, in order to better understand and manage our exposure to toxic compounds including but not limited to jet fuel and per- and poly-fluoroalkyl substances ("PFAS"), in a meaningful and timely manner.