
SENATE CONCURRENT RESOLUTION

URGING EVERY STATE AGENCY THAT MONITORS ENVIRONMENTAL TOXINS AND
POLLUTANTS TO FOLLOW CERTAIN PROCEDURAL AND SUBSTANTIVE
REQUIREMENTS FOR THE ESTABLISHMENT AND MODIFICATIONS OF
ENVIRONMENTAL ACTION LEVELS.

1 WHEREAS, certain state agencies, including the Department
2 of Health, monitor the presence of environmentally toxic
3 chemicals in water, soil, and the air, and require remedial
4 action if pollution levels exceed certain levels, often called
5 environmental action levels or EALs; and

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7 WHEREAS, there are currently no procedural requirements or
8 standards to establish EALs for various toxins that are
9 monitored, or to revise, upward or downward, EALs for toxins and
10 pollutants; and

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12 WHEREAS, for example, in April 2023, EALs for per- and
13 polyfluoroalkyl substances (PFAS) have been raised by state
14 agencies without advance public notice or public hearing and
15 without advance publication of the scientific justification for
16 the one hundred percent increase for perfluorooctanoic acid
17 (PFOA), a type of PFAS, resulting in a relaxation of enforcement
18 standards and a potential increase in pollution; and

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20 WHEREAS, increases in EALs by state agencies that are
21 without scientific justification and contrary to the EALs
22 established and enforced by federal agencies and other states
23 may pose unreasonable risks to the State's environment and the
24 human population; and

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26 WHEREAS, any increase in EALs must be scientifically
27 justifiable, based on the severity of risks to human health and
28 the environment and the probability of adverse effects on human
29 health and the environment; and

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1 WHEREAS, procedures must be established to provide the
2 public with advance notice and the opportunity to respond to any
3 proposed modifications in EALs; and

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5 WHEREAS, the increases in EALS by state agencies without
6 adequate scientific basis and procedural safeguards may violate
7 the guarantees of article XI, sections 1 and 7 of the Hawaii
8 State Constitution; and

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10 WHEREAS, the public has a right to know all relevant
11 information about environmental toxins; and it is the
12 responsibility of the state agencies charged with monitoring and
13 remediating environmental toxins to ensure that the public
14 receives all relevant information about the presence of
15 environmental toxins in a timely manner; now, therefore,

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17 BE IT RESOLVED by the Senate of the Thirty-second
18 Legislature of the State of Hawaii, Regular Session of 2024, the
19 House of Representatives concurring, that every state agency
20 that monitors environmental toxins and pollutants is urged to
21 follow procedural and substantive requirements for the
22 establishment and modifications of environmental action levels
23 as follows:

- 24
25 (1) Every state agency that monitors environmental toxins
26 and pollutants should establish environmental action
27 levels or substantively similar triggering mechanisms
28 for each environmental toxin and pollutant the state
29 agency monitors that are consistent with the best
30 practices and most recent scientific evidence relating
31 to the preservation of human health and a safe
32 environment;
- 33
34 (2) No modification to any environmental action level or
35 similar triggering mechanism should be made except
36 after adequate advance notice is given to the public,
37 which should include all relevant scientific
38 justifications for the proposed modification; and
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40 (3) Any state agency proposing a modification to any
41 environmental action levels or similar triggering
42 mechanism should comply with the requirements of



1 chapter 91, Hawaii Revised Statutes, and allow not
2 less than thirty days for the public to comment on the
3 proposed modification and conduct one or more public
4 hearings at which comments relating to the proposed
5 action may be received; and
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7 BE IT FURTHER RESOLVED that every state agency that
8 monitors environmental toxins and pollutants is urged to allow
9 any resident of the State to petition for modifications of one
10 or more environmental action levels or similar triggering
11 mechanisms for environmental toxins and pollutants monitored by
12 the state agency and promptly respond to the petition in the
13 manner provided by chapter 91, Hawaii Revised Statutes; and
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15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Governor and
17 Director of Health.
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OFFERED BY:



A handwritten signature in black ink, appearing to read "Mike Hubbard", is written over a horizontal line.

