

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 1406  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Transportation and Culture and the Arts and Agriculture and Environment, to which was referred H.B. No. 1406, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require that asphalt removed from roads and driveways be recycled;
- (2) Require the Department of Transportation to adopt rules regarding best practices for paving projects, asphalt processing, and asphalt disposal; and
- (3) Require the Department of Health to designate asphalt storage sites or develop a centralized asphalt state processing and storage facility.

Your Committees received testimony in support of this measure from the Environmental Caucus of the Democratic Party of Hawai'i, Climate Protectors Hawai'i, and three individuals. Your Committees received testimony in opposition to this measure from the Department of Design and Construction of the City and County of Honolulu, Hawaii Asphalt Paving Industry, and General Contractors




Association of Hawaii. Your Committees received comments on this measure from the Department of Transportation and Department of Health.

Your Committees find that asphalt is a petroleum-based product that has become integral to the State's transportation infrastructure. The Department of Transportation has already published a Construction Best Management Practices Field Manual, last updated in 2021, which provides guidance on stockpile management to prevent release of old asphalt into the environment. However, further addressing the proper disposal of asphalt, including recycling, will protect the State's finite natural resources. While your Committees support the recycling of asphalt, your Committees find that further study is necessary at this time.

Accordingly, your Committees have amended this measure by deleting its contents and inserting language that requires the Department of Transportation to complete a two-year study to maximize usage of recycled asphalt, including a determination of water retention and permeability of recycled asphalt, and report to the Legislature prior to the Regular Session of 2025.

As affirmed by the records of votes of the members of your Committees on Transportation and Culture and the Arts and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1406, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1406, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Transportation  
and Culture and the Arts and  
Agriculture and Environment,

  
MIKE GABBARD, Chair

  
CHRIS LEE, Chair





The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:
HB1406, HD1	TCA/AEN, WAM	03-20-23

The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RICHARDS, III, Herbert M. "Tim" (VC)		X		
DECOITE, Lynn	X			
RHOADS, Karl	X			
AWA, Brenton	X			
<b>TOTAL</b>	4	1		

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature: 

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\*Only one measure per Record of Votes