

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony COMMENTING on SB2322
RELATING TO WATER QUALITY**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: 2/9/2024

Room Number: 224

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department acknowledges the intent of this measure and
5 respectfully submits the following comments.

6 Testing During Brown Water Advisories. Section 1(a)(1) of the bill requires the Clean
7 Water Branch (CWB) to continue testing water quality as part of the Hawaii beach monitoring
8 program during brown water advisories, while adhering to their regular beach sampling
9 schedule; provided that no water sample shall be collected by clean water branch personnel until
10 any hazardous conditions at affected beaches have subsided. The Department believes water
11 quality testing during brown water advisories (BWAs) is not necessary and is an undesirable
12 diversion of an already low supply of resources, both material and human for the CWB as well as
13 the state laboratories on each island that support CWB. The CWB has more than 700 historic
14 water quality data points collected during rain events from February 1999 to February 2021 that
15 show that the beach action value of 130 enterococci per 100 mL of water sample for the fecal
16 indicator is almost always exceeded after heavy rainfall, therefore additional data is not needed.
17 This data for "Exceedances During Rain Events" is available to the public via the following link:

1 [https://docs.google.com/spreadsheets/d/1re6U1HhxDXm15bMWsSHiE9nmLeALyyk/edit#gid=](https://docs.google.com/spreadsheets/d/1re6U1HhxDXm15bMWsSHiE9nmLeALyyk/edit#gid=1271895840)
2 [1271895840](https://docs.google.com/spreadsheets/d/1re6U1HhxDXm15bMWsSHiE9nmLeALyyk/edit#gid=1271895840).

3 The Department currently receives approximately \$310,000 annually in federal Clean
4 Water Act grant funding to implement Hawaii's beach monitoring and public notification
5 program. These funds are used for daily operations of the program and are also used to support
6 the laboratories that analyze water quality samples for the CWB. The CWB does not receive any
7 state funding to implement beach monitoring. The allotted federal funds are insufficient to pay
8 for the proposed additional statewide monitoring and laboratory analytical testing.

9 The CWB is required by the Beaches Environmental Assessment and Coastal Health
10 (BEACH) Act to issue beach notifications or beach advisories each time the fecal indicator
11 bacteria threshold level has been exceeded and to issue notifications to the public when the
12 threshold is likely to be exceeded, which CWB has established to be whenever a BWA is issued.
13 Adhering to established CWB protocol will mean that if a BWA is issued and CWB is required
14 to test the beach, there is a strong possibility that two different advisories will be issued at the
15 same beach, about 24 hours apart. BWAs are issued as soon as the need is determined, whereas
16 beach notifications and advisories require testing before they can be issued. Testing takes
17 24 hours to complete. This will likely lead to confusion and frustration by the public and
18 subscribers of the notification system.

19 The Department notes that as part of its federal grant workplan commitment, the CWB is
20 required to monitor all statewide Tier 1 beaches¹ on a weekly basis and to notify the public if the
21 fecal indicator bacteria threshold level is exceeded. If the threshold is exceeded, CWB is
22 required to retest the beach on each subsequent workday until the threshold is no longer
23 exceeded. If testing is required during a BWA, a sampler will need to return to the affected
24 beach(es) each day while the advisory remains active. BWAs often last several days and in the
25 past have lasted for several weeks. Requiring the sampler to return to the affected beach(es) on
26 each subsequent work day after a BWA has been issued will cause other regularly scheduled
27 beach testing to be suspended, especially on the neighbor islands. The Department further notes
28 that there is only one sampler each on Kauai and Maui, one in Hilo, one in Kona, and three on
29 Oahu. Retesting of all beaches that exceed the threshold on each subsequent work-day until the
30 threshold is no longer exceeded during a BWA would unnecessarily divert resources from

1 routine sampling and the CWB would be at risk of failing to meet its federal grant commitments.
2 Currently, once a BWA has been issued, all monitoring at the affected beaches are suspended
3 while routine sampling at regularly scheduled beaches resumes.

4 The Department further notes that testing during BWAs will require additional laboratory
5 resources to analyze those additional samples. In the event that laboratory resources are
6 overburdened during a brown water event, the Department will be faced with a difficult decision
7 on how to balance this bill's requirement to test waters during BWAs and the competing federal
8 requirement that funds much of the beach monitoring and public notification program,
9 potentially jeopardizing future federal grants.

10 BWAs are often issued at specific beaches or by geographical areas and may include
11 large parts of an island, the entire island, or the entire state. Testing only at regularly scheduled
12 beach sampling locations during a BWA will often mean that adjacent beaches that may also be
13 affected will not be tested or be included in any beach notification or advisory while being
14 included in a BWA. This could also be a source of confusion and frustration.

15 If this bill is passed, more field samplers will be needed to be able to properly fulfill this
16 bill's requirement while maintaining current federal grant commitments. This bill does not
17 provide guidance on how the CWB can determine when it has achieved the objective this bill
18 requires.

19 The Department is currently working with state and county parks departments to post
20 permanent signs at beach parks advising beach users to stay out of waters that appear brown or
21 turbid, especially after heavy rain. The signs include a quick response (QR) code that can be
22 scanned by any smart phone and takes the user to the CWB beach advisories web page. The sign
23 also provides the web address to that page and the CWB phone number. Coordination with the
24 various parks officials will provide CWB with the relevant permissions to post the signs at state
25 and county parks, help CWB to determine the number of signs needed, and the best location for
26 their placement.

27 **Offered Amendments:** The CWB respectfully offers the amendments below. Additions appear
28 as underlined and deletions appear as strikeouts.

29 Section 1. (a) The While brown water advisories are in effect, the department of health
30 shall: (1) ~~Require that the clean water branch of the environmental division continue to test~~

1 ~~water quality as part of its Hawaii beach monitoring program during brown water advisories,~~
2 ~~adhering to their regularly scheduled beach sampling schedule~~ have brown water advisory signs
3 posted at Tier 1 and Tier 2 beaches; provided that ~~no water sample shall be collected by clean~~
4 ~~water branch personnel~~ department of health personnel shall not be obligated to post signs until
5 any hazardous conditions at affected beaches have subsided; ~~and~~
6 ~~(2) Adopt (b)~~ The department of health shall adopt or amend its administrative rules in
7 accordance with chapter 91, Hawaii Revised Statutes, as necessary to implement this subsection;
8 and
9 ~~(b)(c)~~ As used in this Act, “hazardous conditions” means an event or condition of the physical
10 environment that: (1) Results ~~results~~ or may likely result in injuries or death to individuals; and
11 ~~(2) May~~ may result in an emergency or disaster. “Tier 1” and “Tier 2” beaches means beaches
12 that are routinely monitored by the department. Tier 1 beaches are monitored weekly. Tier 2
13 beaches are monitored monthly or every other month, as resources allow.

14 Thank you for the opportunity to testify.

ⁱ <https://health.hawaii.gov/cwb/beach-monitoring-program/#Current-Beach-Monitoring-Program-Document>; List of Tier 1 Beaches at PDF Page 21-22; List of Tier 2 Beaches at PDF Page 22-25.

KINGDOM PATHWAYS



Re: **Testimony SUPPORTING of SB2322**

Aloha Kakou respected committee members,

My name is Carmen Guzman-Simpliciano, and I am a lifelong resident of Wai'anae Moku, specifically within the ahupua'a of Lualualei. I am testifying in **SUPPORT of SB2322**, and express my concerns regarding the water quality in Poka'i Bay.

Our non-profit has teamed up with Surfrider Foundation and Blue Water Task Force to conduct water testing bi-weekly. However, the results have been concerning; displaying elevated levels of enterococcus. We are currently researching our watershed to investigate extreme events that directly affect Poka'i Bay where we conduct monthly testing. Unfortunately, for years now we have received multiple reports of water-borne illnesses, hospitalizations, and UTIs.

Despite our best efforts, the issue of compromised water quality is still prevalent in our community and other areas of O'ahu and outer Hawaiian islands. It is crucial to prioritize the health and safety of our community by monitoring the quality of our water supply. We must test the water after these events to ensure that it is safe for re-entry.

In addition to these measures, we urge lawmakers to consider an **AMENDMENT** that will allocate adequate funds to meet the Department of Health's financial requirements. The quality of our water supply is directly linked to the health of our community. Therefore, action must be taken to enhance water quality throughout the state. We appreciate your time and consideration.

Respectfully,

Carmen Guzman-Simpliciano
Director of Kingdom Pathways

KP



2/8/2024

HHS/AEN Committees

Hawai'i State Capitol

Honolulu, Hawai'i 96813

Dear Chair San Buenaventura and Chair Gabbard, and members of the Senate Committees on Health and Human Services and Agriculture and Environment,

Position: Support SB2322 - Improving statewide coastal water quality monitoring program

The Surfrider Foundation STRONGLY SUPPORTS SB2322 that requires the Department of Health's Clean Water Branch (CWB) to continue its regular coastal water quality monitoring program during Brown Water Advisories. In addition, and attached to our testimony, is a sign-on letter from **23 local organizations** urging your support of this bill.

In Hawai'i, Surfrider Foundation has worked extensively with the Hawai'i Dept. of Health (DOH) and their Clean Water Branch (CWB) to support robust water testing and public notification programs so the beach-going public has the information they need to make decisions on where it is safe to surf, swim and play at the beach in Hawaii.

SB 2322 simply requires the CWB to maintain its regularly scheduled sampling, and to pull samples at their regularly scheduled sites regardless if the water is clear or brown.

Continued Monitoring During Brown Water Advisories

Currently the CWB suspends all testing activity when Brown Water Advisories are issued. No samples are collected from any of the affected beaches, not even Tier 1 beaches, until the BWAs are lifted as a result of visual inspections. The problems with this approach are multi-faceted:

- **There is virtually no data to really describe the pollution levels and health risks during Brown Water Advisory (i.e. "wet") conditions.** Because the overall dataset is biased, the public is less informed of risks during pollution associated with Brown Water Advisories.
- In some cases, the bacteria levels could be extremely high and dangerous, and the public should be aware of that risk. Alternatively, some beaches will not have high bacteria readings, but will remain under Brown Water Advisories for sometimes weeks on end. **This practice impacts the ability of our community members to make informed decisions about where it is safe to get in the water.**
- Data from Surfrider Foundation's Blue Water Task Force monitoring clearly demonstrates that many locations have elevated levels of fecal indicator bacteria after rain events and in brown water events. Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. As noted above, this gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.
- By never testing during BWAs, cumulative water quality statistics communicated by the CWB beach monitoring program do not give an accurate picture of water quality conditions at many of Hawaii's beaches, and certainly not during wet weather conditions when public health is most likely to be threatened. **EPA Region 9 has likewise recommended to the CWB, "Establishing a protocol to**

test in Brown Water Advisories would provide much better and accurate data in regards to the water quality.”


- **In some cases the HDOH has left Brown Water Advisories in place for a month or more - even if beaches meet state health standards.** During this time, HDOH will not sample the ocean water. In January 2024, for example, the HDOH issued a [Brown Water Advisory](#) for the entire island of Maui and did not sample for three weeks (from January 4-January 22). The Surfrider Maui Chapter’s BWTF volunteers sampled 33 sites across Maui on January 10 and January 11 - in the middle of the HDOH’s three week Brown Water Advisory (see map below). The results from our BWTF sampling indicated that while certain beaches did register high bacteria readings, there were a number of beaches (indicated by green points) that met state health standards. Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains and those that continue to meet state health standards. This gap in knowledge impacts the ability of community members and ocean goers to make informed decisions on where and when it is safe for them and their families to get into the water.

SB 2322 will not increase DOH costs

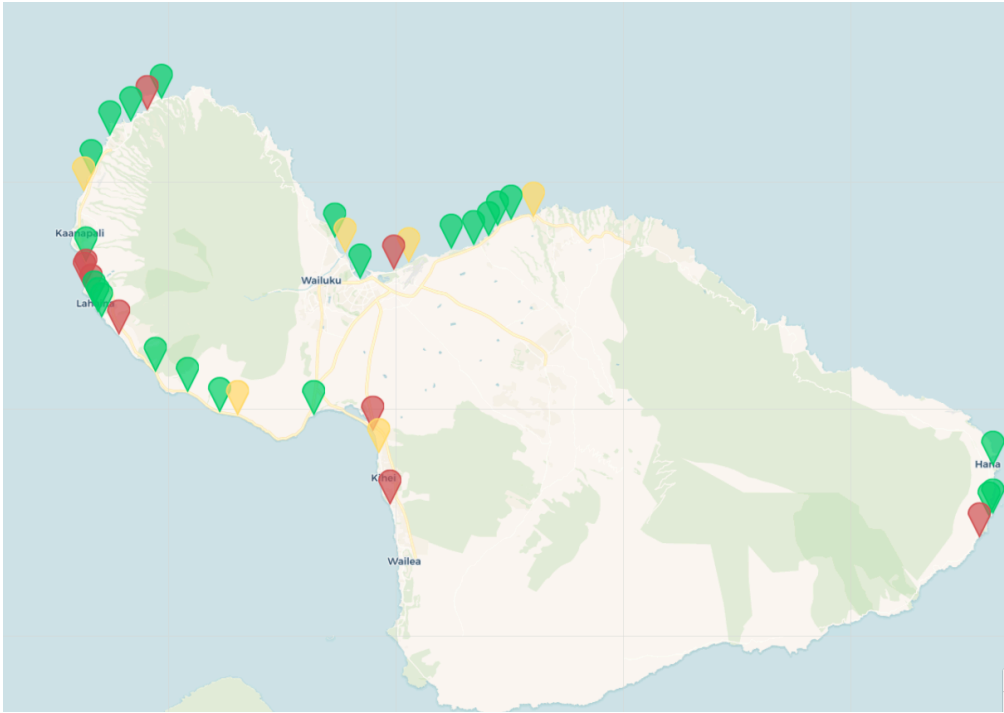
1. The bill does **not** increase the number of sites monitored by CWB nor the number of times that sites must be monitored.
2. The bill does **not** require CWB to specifically test beaches under BWA nor conduct additional testing outside of its regularly monitored beaches.
3. If high bacteria readings are recorded, the EPA **does not require daily** follow up testing (National Beach Guidance and Required Performance Criteria for Grants, 2014 (latest) Edition), nor should resampling prevent staff from testing other covered beaches. Many states do choose to conduct daily follow up sampling so that they can take down the advisories sooner, but many others also just retest on the next sampling day which often is less than 1 week away. The EPA only requires that an advisory needs to remain posted until a low result (under 130 mpn/100mL) is obtained.

The mission of the Department of Health Clean Water Branch is to *“protect the public health of residents and tourists who enjoy playing in and around Hawaii’s coastal and inland water resources.”* By continuing to sample beaches during Brown Water Advisories, the DOH would ensure that it is meeting their mission statement and providing our community with the data and tools needed to know where it is safe to enjoy the ocean.

Sincerely,



Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation



Map 1. Enterococcus results from Surfrider Foundation Maui Chapter sampling on January 10 and 11, 2024. This sampling was conducted during a DOH Brown Water Advisory that lasted from January 9-January 22, 2024. During this time, the DOH did not sample Maui beaches for 3 weeks.



Image 1. Example of Surfrider staff collecting enterococcus bacteria samples during a Brown Water Advisory on January 10, 2024 off of West Maui using protective waders and an extension pole.

February 8, 2024
SENATE HEALTH & HUMAN SERVICES/AGRICULTURE & ENVIRONMENT COMMITTEE
In SUPPORT of SB2322: Relating to the Environment

Aloha kākou Chair San Buenaventura, Chair Gabbard, and Committee Members,

We, the **23 undersigned organizations**, write to express our support for SB23322 directed towards improving the Department of Health Clean Water Branch's statewide beach water quality monitoring and public notification program.

The ocean is a vital part of our communities in Hawai'i. From recreation and putting food on our tables to cultural and traditional practices, our way of life depends on clean coastal waters. Unfortunately, statewide water quality monitoring at beaches in Hawai'i currently lags other states and lacks data collection during wet weather.

SB2322 is a critical step towards improving water quality monitoring in coastal recreational waters in Hawai'i and will ensure that the public is adequately informed about where it is safe to get in the water.

We ask you to support this bill that will require DOH to continue its water quality testing program during Brown Water Advisories. Currently, the Clean Water Branch suspends all testing when Brown Water Advisories are issued, leaving us with an incomplete assessment of coastal water quality conditions across the state.

We believe that it is a public right to ensure that our beaches and coastal waters are clean and free from pollution. Our local keiki, kupuna, 'ohana, and visitors should furthermore be able to enjoy surfing, swimming and recreating in the ocean safely. We appreciate your support of SB2322 and the improvements to beach water quality monitoring that will protect the public health of all our communities.

Sincerely,

Organizations



SB-2322

Submitted on: 2/8/2024 11:37:25 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mara Dias	Testifying for The Surfrider Foundation	Support	Remotely Via Zoom

Comments:

The Surfrider Foundation strongly supports SB2322 that requires the Department of Health’s Clean Water Branch (CWB) to continue its regular coastal water quality monitoring program during Brown Water Advisories and we ask the Committees on Health and Human Services and Agriculture and Environment to please also offer your support for this bill. Through my role overseeing Blue Water Task Force volunteer water testing programs run by Surfrider Chapters across the country, I've had the opportunity to understand how beach water quality monitoring programs run by state and county health departments operate in many different coastal states. I am not aware of any other state suspending all testing during Brown Water or Rain Advisories unless the water or weather conditions are extremely hazardous as you would expect during a hurricane or other large coastal storm. Typically pre-emptive rain advisories are also only active without actual bacteria test results for 24-72 hours, and then health departments will either rescind or keep the advisories active depending on the results of their sampling. By issuing Brown Water Advisories and keeping them active for weeks at a time and not doing any actual testing during that period, the HDOH is really failing to meet their obligation to protect public health as beach goers and other ocean recreationists don't really heed the advisories, especially when they know it has been days or weeks since the rain. Public understanding of the health risk of swimming in brown water would definitely be enhanced if there was actual data to back the advisories up. By not testing, HDOH is also limiting recreational opportunities needlessly in many instances and this is bad not only for our communities and people who love to swim, surf or relax in the water, but also the tourism-based businesses that depend on access to clean coastal waters.

HDOH has attested in the past that continuing their regular testing schedule during BWAs would be cost prohibitive but this is exaggerated. The bill only requires them to stick to their regular samplign schedule. There are better ways to save money, for instance they could re-evaluate their committment to processing samples for both the EPA approved fecal indicator bacteria enterococcus and chlostridium, which is not recognized by EPA.

Every year, Surfrider volunteers advocate at the Federal level for additional funding for the BEACH Act, which directly funds Hawaii’s (and other state’s) BEACH water quality monitoring programs. We want to see HDOH appropriately allocate these federal funds to most effectively ensure that the public is protected and can make informed decisions about where it is safe to get in the water.

All states struggle with resources. It is important that HDOH utilizes its resources in ways that maximize human health and safety with robust and transparent data.

Please support SB 2322 that is a win-win for our community and does not add any additional burdens or costs to the HDOH.

SB-2322

Submitted on: 2/7/2024 8:25:34 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlie Quesnel	Testifying for Surfrider Foundation Maui Chapter	Support	Written Testimony Only

Comments:

- No water quality testing occurs when Brown Water Advisories (BWAs) are issued, resulting in a lack of robust data during wet weather and creating an inaccurate picture of water quality conditions in Hawaii.
- The current water quality data collected by the Department of Health are skewed towards dry conditions by avoiding sampling during brown water events. This means that the overall dataset is biased and that the public is less informed of risks during pollution associated with brown water events.
- Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. This gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.
- SB2322 would increase the validity of ocean water quality data collected by the Department of Health by reducing systematic biases in the current sampling methodology.
- SB2322 promotes the health of the local community by ensuring the public can make informed decisions about where it is safe for their families to get in the water.

SB-2322

Submitted on: 2/7/2024 4:13:26 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
robert brower	Testifying for Surfrider Foundation Kauai chapter	Support	Written Testimony Only

Comments:

strong support

SB-2322

Submitted on: 2/8/2024 12:57:32 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
arleen velasco	Testifying for Chair of Surfrider Oahu	Support	Written Testimony Only

Comments:

I am an active member of the Blue Water Task Force and we test different sites around the island every other week for evidence of fecal contamination. DOH has approved our protocol and accepts the results of our data. We have been fortunate to have tested during a few brown water events and the bacteria counts have been very high. The public should be informed about the actual levels of bacteria present during a brown water event. This bill does not do enough to protect the public, but it is a small step forward. Unfortunately, I no longer feel safe to enter any beach on the windward side due to the results of the BWTF. We must do a better job of protecting our ocean and testing under brown water events is critical data.

SB-2322

Submitted on: 2/7/2024 7:49:33 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Testifying for Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition SUPPORTS SB 2322. Without information on our "true water situation", Hawaii's access to pure drinking water will be short changed.

If Hawaii loses it's ability to supply clean drinking water for everyone, no other issue facing this legislature or anyone else will matter.

Mahalo for your time.

SB-2322

Submitted on: 2/8/2024 7:21:24 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joyce Kamemoto	Testifying for Friends of Kewalos	Support	Written Testimony Only

Comments:

I support this bill realizing the water quality testing is currently not done when BWAs take place. It's a straightforward endeavor for the health and safety of our water enthusiasts.



Committee on Agriculture and Environment
Senator Mike Gabbard, Chair
Senator Herbert M. “Tim” Richards III, Vice Chair

Committee on Health and Human Services
Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Date: Friday, February 9, 2024

Time: 1:00 pm

Place: Rm 224 Hawaii State Capitol

Time slot: AEN

TESTIMONY IN FULL SUPPORT

Aloha,

I am testifying on behalf of Friends of Kewalos in full support of SB 2322 because it has to do with DOH monitoring the quality of the ocean that so many of us recreate in and sustain ourselves everyday. The public can use this information to decide whether its safe to go in or not. This is a public safety issue a “no brainer”.

Mahalo for the opportunity to share our mana’o.

**Ron Iwami
Friends of Kewalos, President
Non- Profit 501 C3**

SB-2322

Submitted on: 2/8/2024 11:41:51 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eileen Hilton	Testifying for Windward Coalition	Support	Written Testimony Only

Comments:

The Windward Coalition strongly supports the passage of Bill SB2322. The suspension of water quality monitoring during brown water events is a disservice to both Hawaii’s residents and guests. It seems difficult to interpret it other than an attempt to conceal a water quality problem rather than address solutions. Critical to a solution is accurate knowledge of the extent of the problem which requires testing during brown water events. Failing to test during these events results in:

- Inadequate and skewed data during wet weather
- Inadequate assessment of public risks associated with brown water events.
- Inability to determine high risk locations needed to prioritize mitigation.

SB2322 is a logical and concise document demonstrating that more data is needed to understand and make good public policy that is needed for safe use of the beaches by all.

Mahalo,

Eileen Hilton MD, President

Windward Coalition

LATE

SB-2322

Submitted on: 2/8/2024 4:00:43 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stuart Coleman	Testifying for WAI: Wastewater Alternatives & Innovations	Support	Written Testimony Only

Comments:

Aloha, Chairs Gabbard & Buenaventura, Vice Chairs Richards & Aquino, and Committee Members,

On behalf of WAI: Wastewater Alternatives & Innovations, we are in strong support of SB2322. This bill would require that DOH's Clean Water Branch continue testing at sites during Brown Water Advisories (BWA's).

Currently, Hawaii is one of the only states that stops testing during BWA's and lacks accurate data about water quality conditions. Therefore they are failing to protect public health and provide essential data to notify the public about severe water quality issues. It is only a matter of time before someone contracts a severe waterborne illness and then sues the state for failing to notify the public about severe water quality conditions.

Although DOH says they provide notices about poor water quality in their BWA's, most people never see these notices. Legislators need this water quality data to protect their constituents, and DOH, UH and environmental and public health groups also need it to protect the public. Mahalo for your support and leadership on this issue.

Aloha, Stuart Coleman, Hibiscus Pl., Hon., HI

SB-2322

Submitted on: 2/6/2024 5:17:09 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

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

Comments:

Please pass this common sense bill.

Mahalo!

Lisa Bishop

SB-2322

Submitted on: 2/6/2024 5:18:27 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Vice-Chair Richards, Chair San Buenaventura, Vice-Chair Aquino and Honorable Committee Members:

I present this testimony to respectfully SUPPORT SB2322, which requires the Hawai`i Department of Health Clean Water Branch to mandate continued water testing during brown water advisories and under other, certain circumstances. This pattern of regular testing especially during brown water advisories is critical to ensuring that beaches statewide like those on our Leeward Coast – especially key family gathering spots like Pokai Bay and Kalaniana`ole Beach Park -- remain free and clear of any water-borne pathogens that could injure/infect children and their families as they enjoy beach recreation activities.

For these reasons, and in the interest of safeguarding all of Hawai`i's beachgoers and waterwomen/watermen, I respectfully urge your Committee to please pass SB 2322 out of your Committee and allow it to move forward during this Legislative Session. Mahalo for this opportunity to present this testimony supporting HB2322.

Zebuel "Zeb" C. Jones

PO Box 1462, Wai`anae, HI 96792 / Email: zebbe3442@gmail.com

SB-2322

Submitted on: 2/6/2024 5:31:55 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zeb Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Vice-Chair Richards, Chair San Buenaventura, Vice-Chair Aquino and Honorable Committee Members:

I present this testimony to respectfully SUPPORT SB2322, which requires the Hawai`i Department of Health Clean Water Branch to mandate continued water testing during brown water advisories and under other, certain circumstances. This pattern of regular testing especially during brown water advisories is critical to ensuring that beaches statewide like those on our Leeward Coast – especially key family gathering spots like Pokai Bay and Kalaniana`ole Beach Park -- remain free and clear of any water-borne pathogens that could injure/infect children and their families as they enjoy beach recreation activities.

For these reasons, and in the interest of safeguarding all of Hawai`i's beachgoers and waterwomen/watermen, I respectfully urge your Committee to please pass SB2322 out of your Committee and allow it to move forward during this Legislative Session. Mahalo for this opportunity to present this testimony supporting HB2322.

Zebuel "Zeb" C. Jones

PO Box 1462, Wai`anae, HI 96792 / Email: zebbe3442@gmail.com

SB-2322

Submitted on: 2/6/2024 10:47:02 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dylan Whitmore	Individual	Support	Written Testimony Only

Comments:

Please do not suspend the collection of valuable water data during brown water advisories.

SB-2322

Submitted on: 2/6/2024 11:07:15 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christiane Keyhani	Individual	Support	Written Testimony Only

Comments:

No water quality testing occurs when Brown Water Advisories (BWAs) are issued, resulting in a lack of robust data during wet weather and creating an inaccurate picture of water quality conditions in Hawaii.

The current water quality data collected by the Department of Health are skewed towards dry conditions by avoiding sampling during brown water events. This means that the overall dataset is biased and that the public is less informed of risks during pollution associated with brown water events.

Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. This gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.

SB2322 would increase the validity of ocean water quality data collected by the Department of Health by reducing systematic biases in the current sampling methodology.

SB2322 promotes the health of the local community by ensuring the public can make informed decisions about where it is safe for their families to get in the water

SB-2322

Submitted on: 2/6/2024 11:17:39 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Thompson	Individual	Support	Written Testimony Only

Comments:

Dear Senator Chair Gabbard of AEN, Senator Chair San Buenaventura of HHS and Senator members of these two committees:

I strongly SUPPORT SB 2322 because water quality data during brown water events is important for public safety.

Public health professionals need to know the overall dataset information over time and in the worst of times, during brown water events. Having accurate sampling will help government officials determine the public health risks when water pollution associated with brown water events occurs. The current water quality data collected by the Department of Health can be skewed towards 'dry conditions sampling' if water samples are not taken during brown water events.

Mahalo for your work protecting water quality in Hawai'i.

Thank you for considering my testimony in support of SB 2322.

Kate Thompson R.N., M.P.H.

SB-2322

Submitted on: 2/6/2024 11:42:41 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Amato	Individual	Support	Written Testimony Only

Comments:

As a water quality scientist, a resident, and a father, I support SB2322. DOH should be required to test during brown water events. Not doing so puts the health of our people at risk because there is no information on how polluted the water is and when it is safe to go back in the water. The current method of not sampling during brown water events also skews the state's water data, which gives a false sense that Hawaii's water is great when there are times it is not. Please support SB2322. Mahalo -Daniel Amato, PhD

SB-2322

Submitted on: 2/7/2024 2:41:02 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Support	Written Testimony Only

Comments:

SB2322 Talking Points

Improvements to Department of Health

Water Quality Monitoring Program

Overview

SB2322 directs the Department of Health to improve the Clean Water Branch’s (CWB) water quality monitoring and public notification program by requiring the Department of Health to continue its regularly scheduled water quality monitoring during Brown Water Advisories.

Ultimately, SB2322 is designed to help community members and residents make informed decisions on where and when it is safe for them and their families to get into the water, while also ensuring that statewide quality monitoring is more routine and transparent across Hawaii beaches.

Key Talking Points

- No water quality testing occurs when Brown Water Advisories (BWAs) are issued, resulting in a lack of robust data during wet weather and creating an inaccurate picture of water quality conditions in Hawaii.**
- The current water quality data collected by the Department of Health are skewed towards dry conditions by avoiding sampling during brown water events. This means that the overall dataset is biased and that the public is less informed of risks during pollution associated with brown water events.**
- Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. This gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.**
- SB2322 would increase the validity of ocean water quality data collected by the Department of Health by reducing systematic biases in the current sampling methodology.**

- **SB2322 promotes the health of the local community by ensuring the public can make informed decisions about where it is safe for their families to get in the water.**

Improving Water Quality Testing At Hawai'i Beaches FAQ

- **Will this bill require additional Clean Water Branch (CWB) staff and sites? No. The bill does not increase the number of sites monitored by CWB nor the number of times that sites must be monitored. Thus, it is not expected that the bill will result in significantly more costs or nor required additional personnel. The posting of BWA signage at beaches can also be conducted in partnership with landowners and is not expected to result in significant increase in time or resources.**
- **Will requiring the CWB to test during BWA increase the amount of testing conducted (and thus increase costs)? This bill requires CWB to test regularly scheduled beaches even if a BWA is in place. It does not require CWB to specifically test beaches under BWA nor conduct additional testing outside of its regularly monitored beaches. The additional costs of monitoring beaches that CWB currently skips during BWAs should already been budgeted for and is not expected to result in significantly more costs.**
- **Why is it necessary to test water quality during Brown Water Advisories (BWA) if bacteria readings always exceed limits after heavy rainfall? By suspending testing during BWA, the CWB is effectively eliminating data that would indicate Hawai'i coastal waters have high bacterial counts. This falsely inflates data that Hawai'i coastal waters are clean. This practice is neither transparent nor in the best interest of public health. Testing during BWA ensures that we have an accurate understanding of the water quality at our local beaches.**

Furthermore, SurfriderFoundation data (most recently from Maui on 1/11/2024) shows that during heavy rain events, not ALL tested beaches exceed state health standards for bacteria. Testing during BWA's would allow the DOH/CWB to open more beaches more quickly.

- **Is the CWB required to test the waters before issuing BWA? No. CWB is not required to test waters during BWA in order to post warning signs.**

Are CWB samplers required to return daily to beaches after posting a Brown Water Advisory, testing, and finding the water does not meet HAR 11-54-8 standards? No. The EPA allows weekly (not daily) sampling of beaches that exceed HAR 11-54-8 standards. Since Tier 1 beaches are already monitored on a weekly schedule, testing during BWA should not require a significant increase in staff time or resources and is much better than the total lack of testing being done now.

SB-2322

Submitted on: 2/7/2024 4:50:44 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Titchen	Individual	Support	Written Testimony Only

Comments:

I stand in strong support of SB2322, particularly if it means no additional cost or burden on staff for the State Department of Health.

SB-2322

Submitted on: 2/7/2024 7:54:46 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Dinner	Individual	Support	Written Testimony Only

Comments:

Water quality testing is fundamental to cleaning up the disgraceful condition of our ocean beaches.

SB-2322

Submitted on: 2/7/2024 7:56:31 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

We need transparent data. By suspending testing the DOH is eliminating data that would indicate Hawaii coastal waters have high bacterial counts. This is not in the best interest of public health. We need accurate data of water quality. Mahalo

SB-2322

Submitted on: 2/7/2024 8:18:02 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marjorie Bonar	Individual	Support	Written Testimony Only

Comments:

Ignoring data collection when it may show contamination is endangering our beachgoers. Valid information to keep us safe should not be an optional effort. Clear , consistant data directs clean water monitoring and cautions to the people most likely to be affected.

Uncomfortable data is the most important to improving water quality.

SB-2322

Submitted on: 2/7/2024 8:50:58 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelly King	Individual	Support	Written Testimony Only

Comments:

Aloha Honorable Chairs Gabbard and Buenaventura, and committee members of AEN and HHS,

As a former Maui County Councilmember who worked hard to secure funding for coastal water testing, I urge you to continue the Brown Water Advisory testing. The data from this testing has led to ordinances, mostly passed through my CARE Committee, for reef protection, wetland restoration, action on wastewater remediation, and other environmental protections badly needed in our County. Since the recent devastation of the Lahaina wildfires, South Maui has become the economic engine and we are seeing an influx of tourists without much additional support for infrastructure in our community. Please make sure the state prioritizes clean ocean water for our residents and visitors, and that we have the data to ensure safe swimming experiences for all. Only by having the testing data can we address the problem!

Mahalo for your consideration,

Kelly T. King

SB-2322

Submitted on: 2/7/2024 8:55:26 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kendall Krumm	Individual	Support	Written Testimony Only

Comments:

Keeping our waters safe and healthy is vital for the people and the land. Please continue having the DOH regularly sample its regularly scheduled beaches during Brown Water Advisories (BWA) and/or if the water is brown.

SB-2322

Submitted on: 2/7/2024 9:12:59 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn M Young	Individual	Support	Written Testimony Only

Comments:

I whole heartedly support improved water quality monitoring.

Aloha e,

Lynn M Young

SB-2322

Submitted on: 2/7/2024 9:55:24 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Harvey Arkin	Individual	Support	Written Testimony Only

Comments:

Aloha,

this is important for the health of the swimming public, also myself and family including my grandchildren

Require the clean water branch of its environmental management division to continue testing water quality as part of the Hawaii beach monitoring program during brown water advisories, while adhering to their regular beach sampling schedule; provided that no water sample shall be collected by clean water branch personnel until any hazardous conditions at affected beaches have subsided; and

(2) Adopt or amend its administrative rules in accordance with chapter 91, Hawaii Revised Statutes, as necessary to implement this subsection.

Thank you

SB-2322

Submitted on: 2/7/2024 10:36:25 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Penn Newhard	Individual	Support	Written Testimony Only

Comments:

We need brown water testing.

- **Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. This gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.**
- **SB2322 would increase the validity of ocean water quality data collected by the Department of Health by reducing systematic biases in the current sampling methodology.**
- **SB2322 promotes the health of the local community by ensuring the public can make informed decisions about where it is safe for their families to get in the water.**

SB-2322

Submitted on: 2/7/2024 10:38:42 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr. Robert Zelkovsky	Individual	Support	Written Testimony Only

Comments:

Please vote in favor of SB 2322.

There is always a lot of talk about ocean safety for our residents and visitors alike. An important aspect of water safety - how clean, how safe is the water, the ocean, stream or canal water.

Most people can visually recognize brown water and some of them know not to swim during those times. But how polluted is that water? We do not know because it is not tested during brown water advisories.

Please have the DOH test those brown waters so the public knows of the possible health hazard awaiting them.

Thank you,

Dr Robert Zelkovsky

Kaua`i resident 49 years

SB-2322

Submitted on: 2/7/2024 10:44:12 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stacia Garlach	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB 2322

As a surfer, I appreciate and rely on the information provided in Brown Water Advisories for the safety of others and myself in deciding whether or not to enter the ocean. I strongly support SB 2322 in requiring the DoH's clean water branch to continue testing during BWAs and reporting this valuable information to the ocean-going public.

Testing during BWAs ensures the public has an accurate understanding of the water quality at our local beaches. Suspending this testing would eliminate data that show Hawai'i coastal waters have high bacterial counts, which would falsely indicate that Hawai'i coastal waters are cleaner than they really are. This practice is neither transparent, nor in the best interest of public health.

I urge you to support SB2322 to continue this important testing.

Sincerely,

Stacia Garlach
Pālolo Valley

SB-2322

Submitted on: 2/7/2024 11:13:44 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anna Camacho	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and members of the committee,

Please support SB2322. This bill would increase the validity of ocean water quality data collected by the Department of Health by reducing systematic biases in the current sampling methodology. It would also promote the health of the local community by ensuring the public can make informed decisions about where it is safe for their families to get in the water.

OLA I KA WAI!

Mahalo piha,

Anna Camacho

SB-2322

Submitted on: 2/7/2024 11:41:16 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
randy wolfshagen	Individual	Support	Written Testimony Only

Comments:

Please support **SB2322**

Hawaii must continue to monitor the health of our resources.

My wife Mirka and our son Pueo play in the water out in front of our house, which is close to several overflow ditches here on Kauai's west side. The local ecosystem has been polluted for years with RUPs - Restricted Use Pesticides, and we need to improve and do more testing to protect my o'hana and the flora and fauna in teh local tidal areas.

Do the pono thing and make sure we do.

Mahalo for all you do - Randy, Mirka & Pueo Wolfshagen / Kekaha

SB-2322

Submitted on: 2/7/2024 12:01:04 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Reynolds	Individual	Support	Written Testimony Only

Comments:

Based on the information provided about SB2322, here is a sample testimony in support of the bill:

Testimony in Support of SB2322

Improvements to the Department of Health's Water Quality Monitoring Program

Honorable Committee Chair and Members,

My name is David Reynolds, and I am testifying in strong support of SB2322, a crucial bill designed to enhance the water quality monitoring and public notification program of the Clean Water Branch (CWB) under the Department of Health.

SB2322 addresses a critical gap in our state's approach to water quality monitoring. Currently, no water quality testing occurs during Brown Water Advisories (BWAs), leaving a significant data void. This absence of testing during wet weather conditions results in a skewed understanding of Hawaii's water quality, biasing data towards dry conditions and leaving the public uninformed of the risks associated with brown water events.

The implications of this gap are serious. Without robust data during BWAs, we are unable to accurately identify which locations experience pollution spikes during heavy rains. This lack of knowledge puts ocean users at risk and hampers the enactment of necessary pollution mitigation efforts.

SB2322 proposes a simple yet effective solution: continue regular water quality monitoring during BWAs. This approach would increase the validity of the data collected by reducing systematic biases in the current sampling methodology. Most importantly, it aligns with the Department of Health's mission to promote the health and safety of our community.

This bill is not about increasing the workload or costs for the CWB. It doesn't require additional staff, nor does it increase the number of sites to be monitored. The bill simply ensures that the existing monitoring program is carried out consistently, regardless of weather conditions. This approach is cost-effective and efficient, utilizing already budgeted resources.

Moreover, data from organizations like the Surfrider Foundation indicate that not all beaches exceed state health standards for bacteria during heavy rain events. Therefore, testing during BWAs could allow for more timely and accurate decisions regarding beach closures and openings, directly benefiting public health and safety.

In conclusion, SB2322 represents a pragmatic and necessary step towards ensuring the health and safety of our community. It promotes transparency and accuracy in environmental monitoring, which are fundamental to informed decision-making. I urge the committee to support this bill, thereby affirming our commitment to safeguarding Hawaii's precious natural resources and the well-being of its residents.

Thank you for your consideration.

Sincerely,

David Reynolds

SB-2322

Submitted on: 2/7/2024 1:54:26 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin Butterbaugh	Individual	Support	Written Testimony Only

Comments:

I am a life-long Kailua resident of 65 years. I walk the beach to the end of Castles almost daily and have never seen as much brown, fouled, foamy water as this past six months or so. YES, we absolutely need more monitoring, and just as important we need to fix the problems.

SB-2322

Submitted on: 2/7/2024 2:03:00 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda L Jenks	Individual	Support	Written Testimony Only

Comments:

This bill is very important. We need to pass this bill, as it will allow us to have a better picture of the water quality in Hawaii. Not collecting samples during brown water events creates a systematic bias, that must be addressed. This bill will promote better public trust of Department of Health Clean Water Branche's data. Please pass this bill. Thank you.

SB-2322

Submitted on: 2/7/2024 2:26:18 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara Wood	Individual	Support	Written Testimony Only

Comments:

My name is Sara Wood, and I am a resident of Kailua, Hawaii. As a marine biologist with firsthand experience studying the coastal waters of Hawaii, I am writing to express my strong support for Senate Bill 2322, Relating to Water Quality.

I have dedicated my career to researching and protecting the marine ecosystems of Hawaii, and I have witnessed the alarming decline in water quality and the devastating impact it has on both human health and marine life. Personally, I have experienced sickness while diving and surfing in our coastal waters, highlighting the urgent need for action to address this pressing issue.

Through my research, I have observed significant decreases in coral and reef fish populations, directly attributable to declining water quality. These declines not only threaten the biodiversity of our oceans but also jeopardize the livelihoods of local communities dependent on healthy marine ecosystems for tourism, fishing, and recreation.

SB 2322 represents a crucial step towards safeguarding our precious coastal waters and protecting the health and well-being of both residents and visitors alike. By implementing measures to improve water quality and mitigate pollution, we can ensure the long-term sustainability of Hawaii's marine ecosystems for future generations to enjoy.

I urge you to support SB 2322 and take decisive action to address the root causes of water pollution in Hawaii. Together, we can preserve our unique natural heritage and ensure a thriving marine environment for years to come.

SB-2322

Submitted on: 2/7/2024 4:03:28 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bill Quinlan	Individual	Support	Written Testimony Only

Comments:

No water quality testing occurs when Brown Water Advisories (BWAs) are issued, resulting in a lack of robust data during wet weather and creating an inaccurate picture of water quality conditions in Hawaii.

SB-2322

Submitted on: 2/7/2024 4:05:17 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Individual	Support	Written Testimony Only

Comments:

Please support!

SB-2322

Submitted on: 2/7/2024 4:40:17 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lori Kizer	Individual	Support	Written Testimony Only

Comments:

Please require the DOH to continue to sample its regularly scheduled beaches during brown water advisories and/or if the water is brown. I depend on these reports for myself, my family, friends and visitors - the public should know when and what beaches are safe/unsafe to swim at. Mahalo for your kokua.

SB-2322

Submitted on: 2/7/2024 6:48:17 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephen T Hazam	Individual	Support	Written Testimony Only

Comments:

Please SUPPORT SB2322.

The public needs accurate data about water quality to make informed decisions about participating in ocean activities. It is; therefore, critical that accurate testing of water quality occur during BWA.

Please SUPPORT SB3222.

Testimony in Support of SB2322

Members of the Legislative Committee,

I am writing to express my strong support for SB2322, which seeks to improve the Department of Health's water quality monitoring program, particularly during Brown Water Advisories (BWAs), to ensure the safety and well-being of our communities.

Water quality is paramount, especially in a state like Hawaii where our beaches are not only vital for recreation but also serve as a significant economic and environmental asset. However, the current practice of suspending water quality testing during BWAs presents a critical gap in our understanding of coastal water conditions, particularly during wet weather events.

SB2322 addresses this issue by directing the Department of Health to continue its regularly scheduled water quality monitoring during BWAs. This measure is essential because it provides more accurate and comprehensive data, enabling residents and visitors to make informed decisions about water activities, safeguarding public health, and promoting environmental stewardship.

Furthermore, this bill does not necessitate an increase in staffing or additional monitoring sites. It simply ensures that existing resources are utilized effectively to provide the public with the information they need to stay safe. By maintaining regular testing during BWAs, SB2322 enhances the validity of water quality data and promotes transparency in reporting, ultimately benefiting our communities.

Additionally, SB2322 aligns with the mission of organizations like the Surfrider Foundation, which has highlighted the importance of testing during heavy rain events. Data from Surfrider Foundation demonstrates that not all beaches exceed state health standards for bacteria during such events, underscoring the necessity of continued monitoring.

In conclusion, SB2322 is a crucial step towards improving water quality management in Hawaii. By supporting this bill, we prioritize public health, environmental conservation, and responsible governance. I urge you to vote in favor of SB2322 for the well-being of our communities and the sustainability of our coastal ecosystems.

Thank you for considering my testimony in support of this important legislation.

Sincerely,
Jen Ballou

SB-2322

Submitted on: 2/7/2024 7:03:45 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Legrande	Individual	Support	Written Testimony Only

Comments:

As an Island community, many of us spend countless hours in the ocean. As a state dependent on tourism, we need to provide a pristine ocean experience for our visitors. Keeping our oceans clean is the best way to achieve both objectives. Thank you. Linda Legrande.

SB-2322

Submitted on: 2/7/2024 8:43:58 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dan Gardner	Individual	Support	Written Testimony Only

Comments:

Chair Gabbard, V-Chair Richards and Members of othe Argriculture and Environment Committee & Chair San Buenaventura, V-Chair Aquino and Members of the Health and Human Services Committee:

I am in strong support of SB 2322 as it directs the Department of Health to improve the Clean Water Branch’s (CWB) water quality monitoring and public notification program by requiring the Department of Health to continue its regularly scheduled water quality monitoring during Brown Water Advisories.

Currently ocean users are put at greater risk and the identification and enactment of needed pollution mitigation efforts are delayed.

SB2322 promotes the health of the local community by ensuring the public can make more informed decisions about where it is safe for their families to get in the water.

Thank you for your continued support of this important legislation to ensure safer use of our superb ocean resources.

Dan Gardner

Honolulu, HI - daniel.dano.gardner@gmail.com

SB-2322

Submitted on: 2/7/2024 9:42:53 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaoru Harada	Individual	Support	Written Testimony Only

Comments:

I support SB2322 to continue water quality monitoring even during BWA. There is a need for accurate water quality data to ensure everyone can safely enter the ocean . Hawaii's beaches are an important part of Hawaii's quality of life ; if we cannot access them safely, what is the point of Hawaii? We are surrounded by ocean and water is a source of life. Beauty, serenity, activity all are dependent on our interaction with our beaches and water. Please ensure we have the necessary information to use and enjoy our beaches safely for the sake of everyone's health.

SB-2322

Submitted on: 2/7/2024 10:42:25 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorilai Velez	Individual	Support	Written Testimony Only

Comments:

Oceans are all around us on this island and it should be known to everyone what is safe to swim in. Right now the Department of Health's tests are completely oblivious of brown water events resulting in validity of safety information about our oceans being skewed. All of our families and friends go to our oceans and we should all know accurate information about where is safe to be.

SB-2322

Submitted on: 2/7/2024 11:50:24 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elmer Domingo	Individual	Support	Written Testimony Only

Comments:

i support this bill to monitor water quality.

SB-2322

Submitted on: 2/8/2024 12:31:43 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marvin Yoshizumi	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a life long waterman, I strongly support SB2322. Testing during BWA will tell us what polutants is in our water and perhaps assist us in preventing some of the polutants from entering our waterways.

Marvin Yoshizumi

SB-2322

Submitted on: 2/8/2024 1:09:37 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Individual	Support	Written Testimony Only

Comments:

Aloha nui kākou,

Kimeona Kane of Waimānalo in strong support of this bill recognizing the kuleana that the Department of Health has to our community and its wellbeing. As a coastal community, we live in the threat of brown water with every rain event. We have aging infrastructure, cesspools, agriculture and farm lots, military training grounds and most concerning, a waste water treatment plant that pumps "treated water" into injection wells into our 'āina. With the way that our "natural" streams have been changed over generations of sugar, farming and military use not to mention the push of gentrification resulting in flawed "improvements" by several agencies, including the Army Corps of Engineers as well as most recently the Department of Hawaiian Homelands, I strongly believe that our community could benefit significantly from this bill and more on behalf of the Department of Health relating to water testing. I am fortunate to be the site tester for Waimānalo with the Surfrider Blue Water Task Force, where I have learned a great deal of the impacts present in our streams and inshore waters. A fishing community which cannot safely access the ocean is doomed to starve. We can only assume that these impacts mentioned above are having a detrimental impact on our wild ecosystems, we see it, we smell it, we feel it and taste it, but there is no one there to help us confirm our concerns. Please urge the Department of Health to adjust their work to the needs of our communities in this matter and support this bill.

Mahalo nui for your support and considerations.

Kimeona Kane

SB-2322

Submitted on: 2/8/2024 3:59:57 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Donna Carsten	Individual	Support	Written Testimony Only

Comments:

It is imperative that DOH continue to monitor Hawaii's beaches during brown water advisories.

By suspending testing during BWA, the DOH is effectively eliminating data that would indicate Hawai'i coastal waters have high bacterial counts. This falsely inflates data that Hawai'i coastal waters are clean. This practice is neither transparent nor in the best interest of public health. Testing during BWA ensures that we have an accurate understanding of the water quality at our local beaches.

SB-2322

Submitted on: 2/8/2024 8:40:34 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanne Herbert	Individual	Support	Written Testimony Only

Comments:

Aloha,

I fully support SB2322. As a Hawai'i resident who swims in the ocean multiple times a week, it is important to have current information on ocean water quality. With so much runoff after rain storms, sewage spills, etc. it is important to know whether going into the ocean puts us at risk for staph, meningitis, infections, etc. Please help support the health of our community by passing this bill.

Mahalo,

Jeanne Herbert

SB-2322

Submitted on: 2/8/2024 8:44:47 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenny Lum	Individual	Support	Written Testimony Only

Comments:

Please continue water sampling.

SB-2322

Submitted on: 2/8/2024 8:57:36 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Drew Wilkinson	Individual	Support	Written Testimony Only

Comments:

Dear Senators,

I support SB2322. I am concerned about ocean water quality testing. As an active ocean enthusiast and surfer, it is helpful to understand water quality during heavy rains and brown water events. SB2322 would help provide this information.

Currently there is No water quality testing when Brown Water Advisories (BWAs) are issued, resulting in a lack of robust data during wet weather and creating an inaccurate picture of water quality conditions in Hawaii.

The current water quality data collected by the Department of Health are skewed towards dry conditions by avoiding sampling during brown water events. This means that the overall dataset is biased and that the public is less informed of risks during pollution associated with brown water events.

Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. This gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.

SB2322 would increase the validity of ocean water quality data collected by the Department of Health by reducing systematic biases in the current sampling methodology.

SB2322 promotes the health of the local community by ensuring the public can make informed decisions about where it is safe for their families to get in the water.

Thank you for your consideration,

Drew Wilkinson

SB-2322

Submitted on: 2/8/2024 9:55:13 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel J Gaudiano	Individual	Support	Written Testimony Only

Comments:

In Hawaii, the current practices around Brown Water Advisories (BWAs) have resulted in a significant gap in our understanding of water quality, particularly during wet weather conditions. Without conducting water quality tests during these critical times, we lack robust data, painting an inaccurate picture of the conditions that affect our oceans and health. The methodology employed by the Department of Health, which avoids sampling during brown water events, inherently skews data towards drier conditions. This bias leaves the public less informed about the real risks associated with pollution during these events, ultimately putting ocean users and the broader community at risk. Such an approach delays the identification and implementation of necessary pollution mitigation efforts, as we remain unaware of which locations are most affected during heavy rains.

The introduction of SB2322 is a pivotal step towards rectifying this oversight. By increasing the validity of ocean water quality data collected by the Department of Health, this legislation aims to reduce the systematic biases present in the current sampling methodology. The bill not only holds the potential to enhance our understanding of water quality dynamics during brown water advisories but also promotes the health and safety of the local community. Ensuring that the public has access to accurate and comprehensive water quality information empowers families to make informed decisions about where and when it is safe to engage in water activities. In supporting SB2322, we advocate for a more informed, health-conscious approach to environmental stewardship in Hawaii, ensuring that our beautiful waters remain a source of joy and recreation for everyone, free from the shadows of preventable risks.

SB-2322

Submitted on: 2/8/2024 10:08:19 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alex Kagawa	Individual	Support	Written Testimony Only

Comments:

As an island state surrounded by ocean, any improvements to our water quality testing will benefit all people of Hawaii. Culturally, it is consistent with Ahupuaa concepts to sustain all of our natural resources.

SB-2322

Submitted on: 2/8/2024 10:42:06 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elena	Individual	Support	Written Testimony Only

Comments:

I am writing to express my strong support for the continuation of regular beach sampling during Brown Water Advisories (BWA) and when the water appears brown. It is imperative that we maintain our commitment to public health and safety by providing accurate and timely information to beachgoers, residents, and visitors. As a concerned citizen I believe that safeguarding the health of our oceans is of paramount importance for the well-being of current and future generations.

Brown Water Advisories are issued when elevated levels of sediment, pollutants, or other contaminants are present in coastal waters, potentially posing risks to human health. During such advisories, it is essential that we do not suspend or discontinue beach sampling efforts, as this would leave individuals uninformed and vulnerable to potential health hazards.

Regular beach sampling serves as a critical tool for assessing water quality, identifying potential sources of contamination, and informing public health decisions. By continuing to sample beaches during Brown Water Advisories, we can monitor changes in water quality over time, track the effectiveness of pollution control measures, and provide timely warnings to the public when necessary.

It is also important to recognize that many individuals rely on beaches for recreational activities such as swimming, surfing, and fishing. Suspending sampling during Brown Water Advisories would not only put public health at risk but could also have significant economic and social implications for coastal communities that depend on tourism and outdoor recreation.

Therefore, I urge you to prioritize the continuation of regular beach sampling during Brown Water Advisories and when the water appears brown. By doing so, we can uphold our commitment to public health and safety, empower individuals to make informed decisions about beach activities, and protect the ecological integrity of our coastal environments.

Thank you for your attention to this important matter.

Sincerely,

Elena Kozlova.

SB-2322

Submitted on: 2/8/2024 11:01:23 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicolas Vanderzyl	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support SB2322.

My name is Nicolas Storie, and I am a Ph.D. candidate at UHM in the Department of Oceanography. My research's central focus is examining water quality in our streams and coastal waters across Hawai'i. It is no news that our state struggles with chronic sewage pollution from cesspools, failing sewage infrastructure, and inundation of coastal domestic and municipal sewage infrastructure during high tides. Our State has some of the highest Methicillin-resistant Staphylococcus aureus (MRSA) infection rates in the state and waterborne illnesses are prevalent across the state. Climate change is going to further exasperate these issues, particularly by increasing the frequency of intense rainfall events, which will ultimately lead to brown water events. This, in return, will increase the threat to public and environmental health as pulsed rain events bring a flush of pathogens, pharmaceuticals, heavy metals, and antibiotics to our recreational waters. It is essential that the State continue to test water quality during and after brown water events to protect public health.

Much aloha,

Nicolas Vanderzyl

SB-2322

Submitted on: 2/8/2024 11:48:14 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Levani Lipton	Individual	Support	Written Testimony Only

Comments:

Dear Senators Shimabukuro, Aquino, Chang, Hashimoto, Kanuha, Kidani, Moriwaki, Elefante, Fevella, Wakai,

I am chair of the Kailua Neighborhood Board's Kailua Water Quality Public Safety, Public Health and Civil Defence Subcommittee but I am submitting this testimony on behalf of myself. I stand in strong support of SB2322 to have regular water quality testing by the Department of Health at our beaches and in our streams. As a paddler I have heard so many of my paddling sisters, friends and teammates complain of infections from the water. There is no doubt that our waters are polluted and this is a major public health issue and safety concern.

In 2023 we have had several incidences of bacterial exceedence from the wastewater treatment plant and probably from nearshore cesspools in our community after major rain events.

Being that Kailua Beach is the most popular beach on the island and sees many tourists --we need to know what is in the water when the water is brown. Signage is often lacking and the general public is not informed unless they sign up for alerts from DOH. This poses a significant risk to the public's health and the the health of our visitors.

I urge you to please pass SB2322 and demand that DOH does regular water quality testing during brown water events. Doing so will help provide the data to drive the policy that will make a more permanent widespread alert system that can ultimately protect the public's health and safety. It will also help us to determine how to mitigate the runoff that is causing the brown water in the first place and build the case to better maintain a stormwater infrastructure system that is largely inadequate and under maintained.

Thank you for the opportunity to testify.

Sincerely,

/Levani R. Lipton/

SB-2322

Submitted on: 2/8/2024 11:08:27 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Yatsushiro	Individual	Support	Written Testimony Only

Comments:

Support, please.

SB-2322

Submitted on: 2/8/2024 11:20:43 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maureen Brock	Individual	Support	Written Testimony Only

Comments:

Aloha, as a scientist and resident of Maui I support SB2322. I recommend that the Department of Health (DOH) sticks to its regularly scheduled beache sampling during Brown Water Advisories (BWA) and/or if the water is brown.

By suspending testing during BWA, the DOH is effectively eliminating data that would indicate Hawai'i coastal waters have high bacterial counts. This falsely inflates data that Hawai'i coastal waters are clean. This practice is neither transparent nor in the best interest of public health. Testing during BWA ensures that we have an accurate understanding of the water quality at our local beaches.

SB-2322

Submitted on: 2/8/2024 11:22:03 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carl J. Berg	Individual	Support	Written Testimony Only

Comments:

As a former Environmental Biologist for the Clean Water Branch, I know to well that the CWB works at the direction of the tourist industry and has for too long hidden the fact that Hawaii's waters are polluted by human wastewater. They do this by not sampling in waters they know are polluted, or not sampling on parts of the beach that are more polluted than others, or by not using EPA approved testis (*C. perfringens*) or by not sampling when the water is obviously brown and contaminated from fecal material in surface runoff or through groundwater contamination by cesspools. By these practices they never sample polluted water and can therefor tell EPA, Hawaii residents and most importantly the tourist industry that Hawaii's waters tested CLEAN. If you don't test, you will never find pollution. This is unethical and the CWB must be held accountable. I advise the committee members that the CWB must do the following:

1st. The CWB must test priority sites on a regularly scheduled basis, especially if there is a Brown Water Advisory. Pass SB2322

2nd. The CWB must post actual "caution water polluted" signs on the beaches during Brown Water Advisories.

3rd. The CWB must assign priority to testing state waters, beaches and streams, of high recreational value to locals, e.g. where local families, surfers, or canoe clubs frequent NOT just popular tourist beaches that never have high bacteria counts.

These actions, especially testing on a regular schedule through Brown Water Advisories, will not put additional costs on the CWB budget since they would have been testing anyway.

SB-2322

Submitted on: 2/8/2024 11:25:59 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Chee	Individual	Support	Written Testimony Only

Comments:

DOH must continue to sample beach water quality during brown water advisories or when water is brown. Testing helps ensure that we have an accurate understanding of our water quality at our beaches. This is vital for protecting the public's health and safety.

SB-2322

Submitted on: 2/8/2024 11:28:49 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Alexander	Individual	Support	Written Testimony Only

Comments:

I support SB 2322, which asks the DOH to sample its regularly scheduled beaches during brown water advisories and/or if the water is brown. Not testing during brown water events skews the numbers on these beaches in a way that hurts public health.

SB-2322

Submitted on: 2/8/2024 11:29:00 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Kobelansky Jr.	Individual	Support	Written Testimony Only

Comments:

It is vital and paramount to sample and check our ocean and beach water continuously. I use those readings when I teach swimming in certain locations. All of us depend on our ocean for food, sustenance, pleasure, and healing. Why do you think people come to Hawaii....to look at other peoples condos? No, it's the Water, the Blue Zone that we have that nobody else has. Make it special, keep it clean and keep us informed.

Much Love and Aloha for your efforts.

JJ of JJ's swim and fitness.

SB-2322

Submitted on: 2/8/2024 12:03:29 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leonard Rossoff	Individual	Support	Written Testimony Only

Comments:

RE: BILL SB2322

I would imagine that the utility of water quality testing is to establish locations of areas of concern and their severity to best guide the need for remediation. Suspension of water quality monitoring during BWA smacks of an attempt to minimize and or conceal a water pollution problem that could compromise the health of residents and visitors to Oahu. More detailed data collection would seem critical to formulating a scientific response for remediation. Attempts to conceal a problem generally fail with potential greater long term damage to tourism, the public trust, not to mention the wealthfare of Hawaii's residents. My reading of SB2322 demonstrates a no nonsense and logical approach to the collection of more data to enable good public policy.

L.J. Rossoff MD

Kaneohe

SB-2322

Submitted on: 2/8/2024 12:24:55 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Astrid Delorme	Individual	Support	Written Testimony Only

Comments:

I often go in the water almost everyday, for surf, swim, and cleansing - however I would like to know that it is safe to go in. We hear alot of stories of impure drinking water, we get the brown water alerts (for me through instagram, which I do not use daily) - and I want to know if the water is safe to go in before I go in. With all these alerts and stories of people getting sick from wimiing in the water I am worried and I cannot enjoy the water as much as before I was aware of the issues. A signage of poor water quality would definitely help me to know when to go in and not to go in the water. I think monitoring the water quality is imporant for the communities health - and people in the community are worried. I strongly support this Bill.

SB-2322

Submitted on: 2/8/2024 12:37:57 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ingrid Peterson	Individual	Support	Written Testimony Only

Comments:

- The current water quality data collected by the Department of Health are skewed towards dry conditions by avoiding sampling during brown water events. This means that the overall dataset is biased and that the public is less informed of risks during pollution associated with brown water events.
- Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. This gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution mitigation efforts.

Testimony by James Seelig in favor of SB2322

SB2322 directs the Department of Health to improve the Clean Water Branch's (CWB) water quality monitoring and public notification program by requiring the Department of Health to continue its regularly scheduled water quality monitoring during Brown Water Advisories.

Ultimately, SB2322 is designed to help community members and residents make informed decisions on where and when it is safe for them and their families to get into the water, while also ensuring that statewide quality monitoring is more routine and transparent across Hawaii beaches.

No water quality testing occurs when Brown Water Advisories (BWAs) are issued, resulting in a lack of robust data during wet weather and creating an inaccurate picture of water quality conditions in Hawaii.

The current water quality data collected by the Department of Health are skewed towards dry conditions by avoiding sampling during brown water events. This means that the overall dataset is biased and that the public is less informed of risks during pollution associated with brown water events.

Without testing during brown water events, it is unknown which locations monitored by the Department of Health experience pollution spikes during heavy rains. This gap in knowledge puts ocean users at risk and delays the identification and enactment of needed pollution

mitigation efforts.

SB2322 would increase the validity of ocean water quality data collected by the Department of Health by reducing systematic biases in the current sampling methodology.

SB2322 promotes the health of the local community by ensuring the public can make informed decisions about where it is safe for their families to get in the water.

The bill does not increase the number of sites monitored by CWB nor the number of times that sites must be monitored. Thus, it is not expected that the bill will result in significantly more costs or nor required additional personnel. The posting of BWA signage at beaches can also be conducted in partnership with landowners and is not expected to result in significant increase in time or resources.

This bill requires CWB to test regularly scheduled beaches even if a BWA is in place. It does not require CWB to specifically test beaches under BWA nor conduct additional testing outside of its regularly monitored beaches. The additional costs of monitoring beaches that CWB currently skips during BWAs should already been budgeted for and is not expected to result in significantly more costs.

By suspending testing during BWA, the CWB is effectively eliminating data that would indicate Hawai'i coastal waters have high bacterial counts. This falsely inflates

data that Hawai'i coastal waters are clean. This practice is neither transparent nor in the best interest of public health. Testing during BWA ensures that we have an accurate understanding of the water quality at our local beaches.

Testing during BWA's would allow the DOH/CWB to open more beaches more quickly.

CWB is not required to test waters during BWA in order to post warning signs.

The EPA allows weekly (not daily) sampling of beaches that exceed HAR 11-54-8 standards. Since Tier 1 beaches are already monitored on a weekly schedule, testing during BWA should not require a significant increase in staff time or resources and is much better than the total lack of testing being done now.

SB-2322

Submitted on: 2/8/2024 1:43:02 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jill S Williams	Individual	Support	Written Testimony Only

Comments:

We need continued water quality monitoring during brown water events. We need to know just how high the counts are during those times.

SB-2322

Submitted on: 2/8/2024 2:04:32 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Niola Jaudon	Individual	Support	Written Testimony Only

Comments:

I'm Niola Jaudon and I think this would help Hawai'i because of my strong support for SB2322 because it's all about keeping our community safe and healthy, especially when it comes to enjoying time in the water. This bill ensures that everyone knows if the water in our lakes, rivers, and beaches is safe. It's important because it helps families like mine make smart choices about where to swim and play. SB2322 gives us peace of mind knowing that we're not exposing ourselves or our kids to harmful stuff in the water. Plus, this bill encourages everyone (government agencies, environmental groups, and people like us) to work together to keep our water clean. When we pitch in, it makes a big difference in keeping our community healthy. So, I hope our lawmakers will support SB2322. It's a simple way to ensure we can all enjoy our time in the water without worrying about getting sick. Thanks for listening!

SB-2322

Submitted on: 2/8/2024 2:14:43 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Veno	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Wakai, Chair Inouye, Vice Chair Elefante, and Members of the Committees, My name is Susan Veno and I STRONGLY SUPPORT SB3327, in order to enable the Water Commission to hold water code violators accountable; take timely, emergency action during water shortages; and allow Commission staff to implement the state Water Code, without fear of political retribution. The uniqueness of Hawai'i's freshwater landscape puts our islands at a higher risk of water shortages and emergencies. Coupled with the growing impacts of the climate crisis, our agencies must have the tools they need to respond to water crises and protect our water and priority water uses, including for affordable housing, in a timely manner. This measure would provide the Water Commission with two such tools. First, it would allow the Water Commission to take emergency action in the event of a water shortage, and prioritize the most pressing public needs, without undergoing a months- or possibly years-long process as currently required under statute. Second, it would allow the Commission to impose much more meaningful fines for water code violations, based on a careful assessment of the circumstances of each case; such authority is critical to protecting the public interest from deep pocket water code violators who could easily shrug off the Commission's current maximum daily fine. In addition to the above authorities, this bill would also address political vulnerabilities that may allow powerful corporate interests to unduly interfere with the work of the Commission and its staff. Currently, a Governor appointee - the Board of Land and Natural Resources Chairperson - chairs the Water Commission and dictates its agenda. In addition, the Attorney General, who is also appointed by the Governor, is the sole provider of legal advice to the Water Commission. Both of these appointees have considerable power over the Water Commission and its staff. Accordingly, those with influence over the Governor, including corporate water hoarders, could substantially interfere with the work of the Commission, through his political appointees. By requiring the Commission to choose its own Chair, select its own executive director, and retain its own legal counsel, this measure will provide important layers of political insulation and thereby help to rebuild public confidence in the work of the Commission. These provisions, as well as a performance review process to ensure an objective, apolitical basis for staff employment decisions, would also allow Commission staff to fulfill their constitutional and statutory obligations without fear of political retribution. Accordingly, I respectfully urge the Committees to PASS this measure. Mahalo nui for the opportunity to testify.

LATE

SB-2322

Submitted on: 2/8/2024 9:26:31 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emma Baynes	Individual	Support	Written Testimony Only

Comments:

I believe that testing Hawaii's waters is incredibly important. It insures that the water so many people go into, is clean and safe to be in. It also would help us stay educated on the waters in Hawaii and keep statistics up to date. So, all to say testing Hawaii's water is something important to do.

LATE

SB-2322

Submitted on: 2/8/2024 8:08:06 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Aaron Judah	Individual	Support	Written Testimony Only

Comments:

We as the public have a right to clean ocean water, for the present and for our shared future. The ocean is the common heritage of all, we must ensure it's health and ours.