



To: The Honorable Representative Karl Rhoads, Chair, the Honorable Mike Gabbard, Vice Chair, and Members of the Judiciary Committee.

From: Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing SB1439 SD1 RELATING TO NUISANCES**

Hearing: Wednesday February 26, 2025 9:40 a.m. CR016

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Judiciary Committee!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and

ocean. We support the Department of Health having explicit authority to prevent, abate, destroy, or remove nuisances that affect environmental health, including the reefs and ocean. The mission of the Climate Protectors Hawai'i is to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe and stable climate. We also support the Department of Health having explicit authority to prevent, abate, destroy, or remove nuisances that may exacerbate climate warming.

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT SB1439 SD1 but propose an amendment!**

As a Deputy Attorney General, for 15 years I represented the Department of Health (DOH), which is charged under HRS Section 322-1 with causing nuisances to be abated, destroyed, removed, or prevented. Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT** the explicit recognition in SB1439 SD1 that the DOH is authorized and directed to look into **nuisances that affect environmental health as well as public health!**

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i do **propose an amendment to Section 3 of the bill. The language specifying two concerns (meth labs and feral bird filth) on page 2 line 20 through page 3 line 6 should be deleted as unnecessary and counterproductive.**

Public Nuisance historically has been a broad and flexible legal tool. There may be fact issues in any particular situation, but existing public nuisance authority should be adequate to cover meth labs and feral bird odors and filth without specific references in the bill! (There were 35 opponents and no citizen supporters on the feral bird one.) Specifying these two things as included in nuisances could raise questions about whether other things not included can qualify or should be agency priorities. Nuisance as a legal tool does not need these specifications. **The bill would be cleaner and more effective if Section 3, page 2 line 20 through page 3 line 6 were deleted.**

Please delete that part and pass the rest of this fine bill!

Mahalo!

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

SB-1439-SD-1

Submitted on: 2/25/2025 10:15:36 AM

Testimony for JDC on 2/26/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Misakian	Individual	Comments	Written Testimony Only

Comments:

Please amend this bill to include all nuisances, including excessive noise from "Early Trash Pick Up," which is an ongoing and pervasive problem within Waikiki and other areas of Hawaii. Many do not get a good nights sleep due to this, and there are known health risks.

Please also note the concerns of residents who are afraid that harm may come to chickens. We should love and cherish our wildlife.

Gregory Misakian