

STAND. COM. REP. NO.

543

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 539

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Government Operations, to which was referred S.B. No. 539 entitled:

"A BILL FOR AN ACT RELATING TO TOXIC CHEMICALS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require state agencies that monitor environmental toxins and pollutants to establish environmental action levels (EALs) to ensure the preservation of a safe environment;
- (2) Prohibit modifications to EALs unless certain procedural requirements are met; and
- (3) Establish a process to allow any resident to petition for modifications to an established EAL.

Your Committees received testimony in support of this measure from Climate Protectors Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, and four individuals.

Your Committees received comments on this measure from the Department of Health.

Your Committees find that certain state agencies monitor the presence of environmentally toxic chemicals in the water, soil, and air, and require that remedial actions be taken if pollution



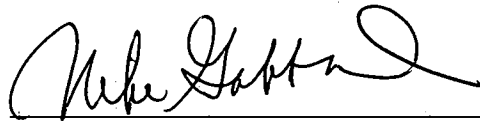
levels exceed a level known as EAL. Your Committees acknowledge that, while the use of EALs can be beneficial for monitoring and regulating environmental pollution, there is currently no standardized or formal process for the establishment or amendment of an EAL. As a result, some state agencies that use EALs have been known to arbitrarily raise, or in some cases lower, an EAL without sufficient public notice or scientific justification. Your Committees find that procedures must be established to provide the public with advance notice and opportunity regarding the establishment of EALs, and to require state agencies that use EALs to provide justification for their decisions. Therefore, this measure addresses these issues by establishing procedural and substantive requirements for the establishment and revision of EALs by state agencies.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 539 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Government
Operations,



ANGUS L.K. MCKELVEY, Chair



MIKE GABBARD, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* <i>SB539</i>	Committee Referral: <i>AEN/GVO, WAM</i>	Date: <i>2/11/25</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
RICHARDS, III, Herbert M. "Tim" (VC)				✓
DECOITE, Lynn				✓
RHOADS, Karl	✓			
AWA, Brenton	✓			
TOTAL	<i>3</i>	<i>0</i>	<i>0</i>	<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
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*Only one measure per Record of Votes

The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
 Committee on Government Operations
 GVO

Bill / Resolution No.:* SB539	Committee Referral: AEN/GVO, WAM	Date: 2-11-25
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The Recommendation is:

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

Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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