CURRENT ENVIRONMENTAL ISSUES

Review for Environmental Council
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By
Doak C. Cox

None of the bills introduced in the 1982 legislature that would have altered the status and functions of the Office of Environmental Quality Control (OEQC) the Environmental Quality Commission (EQC) passed. However, the OEQC has been strengthened by the appointment of Jacqueline Parnell as its Director. Considering the present situation it seems desirable to review for the Environmental Council the issues to which it might effectively give attention, particularly in the period before the 1983 legislature convenes. Such issues are of two kinds:

a) Those pertaining to institutionalization of environmental management; and
b) Those that pertain to environmental problems, per se.

In the following discussion, issues of the first kind are merely summarized, and issues of the second kind are merely tabulated.

A. Institutional issues

1. Placement of OEQC

The treatment by Legislative committees of bills to make OEQC an integral part of the Department of Health (DOH) suggests that such bills will be no more successful in 1983 than they were in 1982. However, it seems probable that a bill that would have transferred the OEQC to the Department of Budget and Finance (B & F) would have passed except for misunderstanding as to which of two bills, one passed by the House, the other by the Senate took precedence. It seems virtually certain that bills dealing with the placement of the OEQC will be introduced in 1983. Passage of one will be facilitated if identical bills which the Council is prepared to support are introduced in the House and the Senate. From the viewpoint of the Environmental Center, to what department the OEQC's attached is less important than its continuing independence of departmental policies. The retention of that independence, even
if the OEQC remains in the DOH for administrative purposes, seems somewhat more probable now than before the 1982 legislative session. However, the matter should be of continuing concern to the Council.

2. Direction of OEQC

If the OEQC is to function in accordance with its legislated mandate, it must have a strong director. The appointment of Jacquelin Parnell as Director is likely to be quite helpful in this respect, but the continuation of strong direction, independent of departmental policy, should be of continuing concern to the Council.

3. Support of OEQC

Of concern to the 1982 Legislature were the restoration of an allocation in the budget for the salary of the Director of the OEQC and a provision for raises in the salaries of its staff to compensate for inflation. Not knowing the present status in these matters, I have no advice on them, but they should be of concern to the Council.

4. Management of EIS system

The bills introduced in the 1982 legislature that dealt with the placement of the OEQC would have abolished the EQC and transferred its responsibilities for managing the State Environmental Impact Statement (EIS) System to the OEQC or divided them between the OEQC and the Council. From the viewpoint of the Environmental Center, certain of the present EQC functions, for instance the hearing of appeals would be performed better by the Council than by the OEQC. The responsibilities for managing the EIS system seem certain to be addressed again in the 1983 legislative session, and my comments on the role of the Council's role in the further legislative consideration of the placement of the OEQC are equally applicable to its role in the further legislative consideration of the EIS system management.

5. Organization of Council

The 1982 bills relating to the OEQC called for the Council to be headed by one of its members other than the Director of the OEQC. The comments on the future legislative consideration of the placement of the OEQC are pertinent also to the future consideration of the organization of the Council.

6. Coverage and other aspects of EIS-System

Whether or not the OEQC becomes responsible for managing the State EIS system, the Council has a legitimate concern with the coverage of the system. (The creation of the system resulted from a recommendation of the Temporary Commission on Environmental Quality whose establishment resulted from a recommendation of the Council). Several of the recommendations made by the Environmental Center concerning the EIS system, in a review produced several years ago for the OEQC, are still pertinent. I will mention here only two important limitations in its coverage:

a) Although actions proposed in the Conservation District are covered by the EIS system, the more important transfers of land out of the District are not.
b) Although, in defining environmental significance, the EIS-system act refers to State environmental policy, and the Environmental Policy Act refers to the protection of rare and endangered species, the courts have held that a once proposed water-development project that might have jeopardized an endangered species was not subject to EIS requirements.

Problems such as these should be of concern to the Environmental Council. However, from the standpoint of practical politics, it would probably not be wise to attempt significant changes in the coverage of the EIS system as defined by statute in the same year in which a change in the administration of the System is attempted.

Through our active engagement in EIS reviews, the Center has become aware of a number of problems with the EIS system in addition to those of its coverage. However, this does not seem the time to bring these up.

7. Relation of OEQC and Council to Environmental Center

The OEQC, Council, and Environmental Center were established in response to the same 1970 legislation, and for many years the three bodies maintained very close relations. The Center has research capabilities of which use has been made by the OEQC and Council. It might be well to reexamine this year what services the Center may effectively perform for the OEQC and Council.

Since the OEQC, Council, and Center were established, the East West Center has established an Environment and Policy Institute. Although this Institute is concerned primarily with environmental problems common to Pacific basin nations in its address to these problems it has used case studies in Hawaii. Hence it might be well to examine in what ways liaison between the OEQC and Council and the EWC Institute might be advantageous.

8. Implications of EPA cutbacks

Considering the cutbacks in the federal Environmental Protection Agency activities and relaxations expected in its standards, the State may find it necessary or desirable to expand into areas until now managed by that agency. The only specific example that has come to my attention is in the management of hazardous wastes, but there may be other examples.

Environmental Problems

The OEQC has little direct responsibility for environmental management, being primarily responsible instead for providing environmental advice to the agencies with direct management and planning responsibility and for interdepartmental coordination in environmental matters. The limitations to the direct management role of the OEQC does not affect, I believe, the legitimacy of concern of the Council with important environmental problems now faced or likely to be faced in the near future. In the listing below of some problems and potential problems in which the Council might take an interest, I have indicated or suggested agencies with lead or other significant responsibilities, as well as provided notes as to the nature of the problems. The list includes problems concerning which there has been more or less recent controversy, or whose gravity is either considerable or has not to date been adequately investigated. However, no ranking of the problems, or assurance that all of them will actually be as grave as has been claimed is intended.
<table>
<thead>
<tr>
<th>Problem</th>
<th>Agency(ies)</th>
<th>Nature of Problem</th>
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<tbody>
<tr>
<td>Geothermal power development</td>
<td>DPED</td>
<td>Air pollution, noise, industrial use of Conservation District.</td>
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<tr>
<td>Manganese nodule processing</td>
<td>DPED, DOH</td>
<td>Water pollution, waste disposal, air pollution?</td>
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<tr>
<td>Minimum stream-flow standards</td>
<td>DLNR</td>
<td>Development of appropriate philosophy considering effects of diversion on biota and esthetics, and economics.</td>
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<tr>
<td>Air quality standards</td>
<td>DOH</td>
<td>Possible impracticability of achieving State standards.</td>
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<tr>
<td>Forest Conversion</td>
<td>DLNR</td>
<td>Loss of native ecosystems.</td>
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<tr>
<td>Fruit-fly controls</td>
<td>DOA, federal</td>
<td>Potential threat to native Drosophila.</td>
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<tr>
<td>Beach management</td>
<td>DOT, DPED, DLNR, counties</td>
<td>Protection of near-shore structures against beach retreat at the expense of beaches, construction of near-shore structures in areas of risk, over-regulation of near-shore sand deposits useable for beach replenishment.</td>
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<tr>
<td>Pesticide usage</td>
<td>DOA, DOH</td>
<td>Water pollution and food contamination.</td>
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<tr>
<td>Eel importations</td>
<td>DLNR</td>
<td>Potential threat to native ecosystems.</td>
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In addition to the specific problems listed, it seems likely that there will be environmental problems associated with the threatened cutbacks of the sugar and pineapple industries, or rather with whatever industries, agricultural or non-agricultural replace them in part. I know of no specifics, but the Council may wish to keep track of the environmental implications of developments.