



# University of Hawai'i at Mānoa

## Environmental Center

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RL:01231a

### HB 401

### RELATING TO ENVIRONMENTAL PROTECTION

### House Committee on Energy and Environmental Protection

Public Hearing - February 1, 1995  
8:30 A.M., Room 1310 SOT

By

John T. Harrison, Environmental Center  
George Curtis, UH Hilo  
M. Casey Jarman, School of Law  
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HB 401 would establish an environmental protection agency within the Department of Health to administer the programs of environmental protection and health services currently contained within the DOH, and to include also the coastal zone management program, the environmental council, and the office of environmental quality control.

Our statement on this bill does not constitute an institutional position of the University of Hawaii.

The underlying presumption inherent in this measure (and its antecedent variants) is that existing environmental management systems are not functioning effectively. Ironically, there is a broad consensus that implementation and enforcement of state environmental policy is compromised by inadequate resource allocation, yet this measure's greatest public virtue is that it requires no appropriation of state funds. The internal review of program coordination which the new administration is conducting offers an opportunity for enhanced cooperation between agencies. Resource shortfalls hopefully will be addressed during the review as well.

While we support the intent of creating an environmental sub-agency within DOH, we have the following concerns:

1. As an oversight agency responsible for ensuring that all government offices implement and enforce state environmental policies (p.4, lines 17-19), the SEPA will be hindered by its placement as a sub-unit within an executive agency. There may be reluctance on the part of other agencies to comply with directives of the SEPA. Ultimately, effective coordination will require the commitment and strong support of the governor.

2. Other programs with important regulatory mandates, such as the pesticides branch of the department of agriculture remain outside the umbrella of the new organization. In addition, no specific enforcement arm is created, and there is no increased enforcement assistance provided through assignment of additional assistant attorneys general.

3. Although the SEPA is functionally distinct from the DOH, there may be problems in the future with diversion of budgetary resources in times of fiscal crisis.

4. The CZM program differs significantly from the pollution management functions of the DOH, largely in the realm of land use and planning concerns. How well does DOH understand these issues, and what will be the outcome of policy conflicts which might arise between programs with such a divergent focus?

We strongly support the intent of this measure, and we anticipate that it may coincide effectively with reorganization efforts ongoing in the new administration.