HB 64 HD 1
RELATING TO NOISE

Statement for
House Committee on Judiciary
Public Hearing - March 6, 1991

By
Jacquelin Miller, Environmental Center
George Curtis, Joint Institute for Marine Atmospheric Research

HB 64 HD 1 proposes to repeal HRS 342F and thereby eliminate the Department of Health's statutory responsibility to control, regulate, or abate noise pollution in the State.

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

The Environmental Center submitted testimony at a previous hearing on the original version of HB 64. In that statement, we commented that testimony presented by others at prior hearings on related bills had implied that the counties lacked adequate statutory authority to regulate noise pollution and therefore passage of HB 64 would address that problem by requiring the State to adopt a community noise code. Testimony from the Department of Health (DOH) indicated that this was not a viable option due to concerns for excessive costs and limited enforcement ability.

We must take exception to these concerns. First with regard to costs. The State Noise Code for Oahu was developed by a consultant hired by the DOH with extensive review and assistance from a non-paid task force composed of acoustical experts assembled by the DOH. The Oahu Noise Code could be modified as appropriate for application to the neighbor islands at minimal cost with input from the counties and incorporating information from noise codes developed for literally hundreds of other municipalities. Furthermore, HRS 343F-2 gives the Director of Health the authority to delegate administration of this noise pollution chapter to political subdivisions of the State. Thus, enforcement of the noise code may well be delegated to the counties. A total repeal of HRS 342F would send a very poor message to industrial noise generators, such as power plants, and may seriously reduce the States ability to control excessive noise producing activities.

AN EQUAL OPPORTUNITY EMPLOYER