SB 3188
RELATING TO THE ENVIRONMENTAL RESPONSE LAW

Senate Committee on Agriculture and Environmental Protection

Public Hearing - February 7, 1992
3:00 P.M., Rm 504 SOT

By
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SB 3188 would amend Section 128D-1, HRS, by augmenting the definition of "owner or operator" to exclude any financial institution or subsidiary thereof which fulfils certain trustee functions.

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

We have concerns that amendment of Section 128D-1, as proposed by this measure, is unnecessary at this time. Protective clauses for financial institutions already are included in State and Federal environmental response laws. This law was extensively analysed in mediated fora over a period of two years, and the financial institutions had ample opportunity to provide input. The language which is proposed appears overly broad in its exclusionary scope with respect to the intent of the law to ensure appropriate liability for costs and penalties incurred in the course of a hazardous material release. We suggest that, at this point, the law should be given an opportunity to function as drafted, debated, revised, and mediated over its long and painful birth process.