SB 144 S.D.1 would establish a new Department of Environmental Protection (DEP) and transfer selected functions from the Departments of Health, Agriculture, the Office of Environmental Quality Control and the Environmental Council to the new Department of Environmental Protection. Our statement on this bill does not represent an institutional position of the University of Hawaii.

Our previous statement on SB 144 remains applicable to SB 144 S.D. 1 with the following exception:

In our earlier statement we called attention to the need for statutory language to assure coordination among various state agencies particularly at the planning stage and to provide a system or procedure for conflict resolution. SB 144 S.D. 1 adds the requested specific new language on page 4 to address these needs.

We wish to call your attention to an error in the Standing Committee Report No. 13 for SB 144. As written, the 2nd paragraph, lines 9-11, indicate that the functions of the Environmental Center of the University of Hawaii would be transferred to the new Department of Environmental Protection. This is incorrect as neither SB 144, or this subsequent draft (SB 144 S.D. 1) change the administrative or functional placement of the University of Hawaii Environmental Center.
We have some reservations regarding reductions in the functions of the Environmental Council and the corresponding increases in the functions of the Department of Environmental Protection that were formerly held by the Office of Environmental Quality Control or the Environmental Council. Specifically, we are concerned over appeals to the Department of actions taken by the Department. A conflict of interest seems apparent. Unfortunately, time did not allow us to examine this issue in detail but we would be pleased to work with the committee to more fully assess the language if another draft is to be prepared.