HR 109 would request the Legislative Reference Bureau to conduct a study of the feasibility of establishing a state environmental protection department or agency. This statement on the resolution does not reflect an institutional position of the University of Hawaii.

The resolution presents a number of compelling reasons for the undertaking of the study requested, calling attention to the increased risks associated with the discharge to the environment of hazardous substances, the need for coordination of concerns with environmental quality problems, the need to provide information on these problems to the public, and the establishment of agencies or departments of the sort proposed in several states. It might also have called attention to the establishment of the federal Environmental Protection Agency.

There is in our opinion no question that better coordination of environmental quality matters is needed in Hawaii. The environmental problems associated with the use of pesticides that have arisen in the past year seems amply to illustrate this need. However well these problems may now be being dealt with on an ad hoc basis, it seems quite probable that further problems will arise that the ad hoc arrangements are designed neither to foresee nor to cope with.

We do not think, however, that it is necessary to ask the Legislative Reference Bureau to investigate the feasibility of establishing some new kind of agency or department to provide the coordination needed, because the feasibility of such an action seems unquestionable. It does not follow that the best means of dealing with environmental quality problems in Hawaii will be to establish some kind of agency or
department new in Hawaii, nor to use means adopted for the purpose in the federal
government or the government of any of the other states. What the LRB should be
requested to undertake, in our opinion, is an investigation of the relative merits of various
means of providing the needed coordination. It should be recognized that the State Office
of Environmental Quality Control, now assigned administratively to the Department of
Health, was established initially with the intention that it would provide the kind of
coordination needed; and increasing the effectiveness of the OEQC is one of the
alternatives that should be considered.

The resolution calls attention to a 1977 recommendation that the present
Department of Land and Natural Resources evolve into a Department of Environmental
Affairs and Natural Resources. The roles of the Departments of Agriculture and Health
in environmental monitoring and protection are recognized, as are the environmental
research functions of several listed units of the University (for some reason not including
our Environmental Center). There is, in fact, perhaps no state department whose
activities do not include some that bear on environmental quality. It would be impossible
to place in a single department all environmental quality responsibility without severing
linkages between environmental quality and related matters; for example: i) the linkage
between what is referred to as environmental health in the Department of Health from
other health matters; ii) that between the environmental quality aspects from other
aspects of natural resources management in the Department of Land and Natural
Resources; iii) and that between the concern with environmental implications of plans for
development and the several planning functions of the Department of Planning and
Economic Development. It is because so many departments are of necessity involved that
we refer to the need as one for better coordination; and it was for the reason that it was
inter-departmental coordination that was needed that the Office of Environmental
Quality Control was initially established in the Office of the Governor. We are afraid
that the fears of many that the effectiveness of OEQC interdepartmental coordination
would be reduced by its transfer out of the Governor's Office have been realized; and it
seems to us that the competence of the OEQC staff, never quite sufficient in light of its
appropriate coordinating role (although it included some competent individuals), has been
considerably reduced in the last few years.

It seems clear that the title given to whatever unit of the government exercises the
coordinating function is of far less importance than the powers given to that unit. Its
powers should be reflected in its legislated charge, but that charge is worthless unless the
unit has a competent staff and adequate support. Even with an adequate staff and
support, the effectiveness of the unit may not only be greatly reduced, as has happened in
the case of our OEQC, but even subverted by the highest level of an administration, as
indicated by the recent experience of the federal EPA.

All of the comments we have made relate to matters that will, no doubt, be
explored to some depth by the Legislative Reference Bureau if the resolution is passed. If
it is passed, we offer whatever assistance is possible to the LRB in its investigation.