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HB 1998-82 RELATING TO HAZARDOUS SUBSTANCES

Statement for
House Committee on
Energy, Ecology, and Environmental Protection
Public Hearing - 26 February 1982

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HB 1998-82 proposes to amend extensive revisions of Chapter 342 of the Hawaii Revised Statutes, the State's environmental quality law. This statement on this bill has been submitted for review to the Legislative Subcommittee of the University of Hawaii Environmental Center. However, it does not reflect an institutional position of the University.

The intent of HB 1998 seems to be to provide through HRS Chapter 342 for the control of access to, storage of, and disposal of hazardous substances. Chapter 342, although it bears the general title Environmental Quality, is actually concerned with the control of pollution through controls on discharges and emissions of various sorts. Controls on access to and use of hazardous substances are provided in other statutes. Even if provisions for more or different controls were needed, it would be at least confusing to make those provisions in HRS 342, and if HB 1992 were adopted, the confusion would be considerable.

There is some need for new statutory provisions regarding the disposal of hazardous substances, and such provisions may rationally be placed in HRS 342. However, the way in which HB 1998 would introduce these provisions will also introduce confusion.

The confusion that would result from the adoption of HB 1998 may be illustrated by just a couple of the many examples that we could cite.

The bill would define "hazardous substances" in such a way as to include, among other things, sewage, industrial and agricultural matter, and excessive noise. There are, of course, both potential environmental and human health hazards in the disposal of sewage, but the definition proposed suggests that these hazards are of the same order as those associated with what are generally considered hazardous materials. The effect of adoption of this definition would surely be to downgrade the concern with the truly hazardous materials. Much "industrial and agricultural matter" is not hazardous at all. Noise, even if excessive is not even a substance.

The bill would apply a permit system to, among other actions, the importation of or storage of the "hazardous substances" defined as indicated. Importation and storage of sewage or of excessive noise are surely not actions so prevalent as to require permits.

We suggest that control of the disposal of hazardous wastes, with respect to which there should indeed be concern, would be provided better as proposed in HB 2477 than as proposed in this bill.