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HB 1319 RELATING TO ENVIRONMENTAL QUALITY

Statement for
House Committee on
Planning, Energy, and Environmental Protection
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HB 1319 would strengthen the powers of the Office of Environmental Quality Control (OEQC) and expand its responsibilities. This statement on the bill does not represent an institutional position of the University of Hawaii.

The measures proposed in HB 1319 are intended to meet the need for improvement in the management of environmental quality by the State that stimulated the adoption by last year's legislature of a resolution asking the Legislature Reference Bureau (LRB) to investigate the feasibility of establishing a State equivalent of the federal Environmental Protection Agency. As we have pointed out in the past, and as recognized in the LRB report, an alternative means to meet the need consists of strengthening and expanding the powers of the existing OEQC. The measures proposed in HB 1319 are consistent with this alternative and with LRB's recommendation that it be implemented.

Strength

Under the present provisions of HRS Chapter 341, there are essentially only two limits to the strength and extent of the powers of the OEQC to deal with environmental quality problems. The first of these limits is represented in the provision that, other than certain specified responsibilities, the strength and extent of OEQC's powers are subject to determination by the Governor. The second limitation is represented in the limits to the size and competence of OEQC's staff and to OEQC's budget. With the passage of HB 1319, the strength and extent of the OEQC's powers would be less dependent on specific delegations of authority by the Governor. The actual exercise of the powers and the appropriateness of the way in which the powers are exercised would still depend on OEQC's budget, staff size, and staff competence.

Three specific provisions of HB 1319 relate to the practical aspects of OEQC's strength.

The first is the provision in a proposed new section of HRS 341 that the OEQC Director adopt rules. The OEQC has certain responsibilities with respect to the Environmental Impact Statement system. Rules relating to that system are the responsibility of the Environmental Council under the provisions of HRS 343. Because OEQC's powers are largely those of coordinating the environmental management activities of other agencies, it is not clear what need exists for OEQC rules. Hence we suggest that the provision with respect to rules be in the form of an authorization, rather than of a mandate as proposed.

The second is the mandate, in a second proposed new section, that state and county agencies cooperate with the OEQC. Because OEQC's powers consist largely of the coordination of the environmental management activities of these agencies, their cooperation is essential.

The third provision relating to the practical aspects of OEQC's strength is that which would transfer OEQC from the Department of Health (DOH) to the Office of the Governor, where it was originally established. With respect to this provision we note merely that we have considered that, as a part of the DOH, the OEQC was likely to be less influential with respect to the environmental management aspect of both that department and other departments than it was in the Office of the Governor; that the LRB has recommended return of the OEQC to the Office of the Governor; and that the OEQC will be perceived more widely as a neutral, non-biased coordinating agency in the Office of the Governor than in the DOH.

Expansion

The proposed expansion of OEQC's role is represented in two provisions of HB 1319.

The first is a responsibility for the development and update of a comprehensive environmental quality action plan whose scope seems well spelled out in the bill. The second is a responsibility for the continuing conduct of public environmental education programs rather than merely for the initiation of such programs. This latter provision would meet the need for programs for persons who are not students in the State educational institutions. We suggest, however, that the words "or arrange for the conduct of" be inserted after the word "conduct" in the provision to clarify that OEQC would not have responsibility for the conduct of environmental education programs in educational institutions.

There is proposed, in addition, a provision that the OEQC coordinate with the University and other agencies conducting environmental research. This provision we regard as providing appropriate guidance to the exercise of OEQC's present authority to conduct and arrange for research rather than as an additional power.

In summary, the provisions of HB 1319 are in accord with the need for improvement of environmental quality management.