



University of Hawai'i at Mānoa

Environmental Center

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HB 386 HD1 RELATING TO THE ENVIRONMENT

Senate Committee on
Ecology and Environmental Protection

Public Hearing - March 17, 1995
1:00 P.M., Room 305 SOT

By
John T. Harrison, Environmental Center
Peter Rappa, Sea Grant
Andrew Tomlinson, Environmental Center

HB 386 HD1 would establish a new chapter in the Hawaii Revised Statutes requiring the department of health to publish written policy and guidance statements relating to implementation of environmental statutes.

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

An informed citizenry is prerequisite to rational public self-government. Uninformed or misinformed public opinion at best ignores injustice, and at worst endorses tyranny.

At the federal level, agency guidelines often are promulgated internally for the purpose of clarifying policies and procedures. Such guidelines are immensely helpful, providing both general public information and interpretive clarity useful in the course of judicial proceedings. Particularly in view of the latter application, interpretive policy guidelines must be carefully prepared, reviewed, and evaluated as to form and content before adoption. We believe this is the intent of the existing HAPA provisions under Section 91-2(2), HRS. Hence, we would suggest that the purposes of this measure might more effectively be achieved through legislative resolution rather than provision for a new statute.

In addition, we note the provision in the Standing Committee Report (SCR 793) that the DOH Environmental Planning Office is the appropriate repository for the collected guidelines. An alternative location which might be more publicly accessible would be the Office of Environmental Quality Control.