REQUESTING STATE AND COUNTY AGENCIES TO UPDATE ADMINISTRATIVE RULES TO ADOPT ENVIRONMENTAL PROTECTION STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE FEDERAL STANDARDS AS OF JANUARY 1, 2016, OR JANUARY 1, 2017, WHICHEVER ARE MORE STRINGENT.

WHEREAS, Hawaii and its residents have relied on federal laws, including the Clean Air Act (42 U.S.C. 7401 et seq.), Water Pollution Control Act (Clean Water Act) (33 U.S.C. 1251 et seq.), Safe Drinking Water Act (42 U.S.C. 300f et seq.), and Endangered Species Act (16 U.S.C. 1531 et seq.), along with federal implementation of regulations and remedies, to protect the State's public health, environment, and natural resources; and

WHEREAS, these federal laws establish standards that serve as the baseline level of public health and environmental protection, while expressly authorizing states like Hawaii to adopt more protective measures; and

WHEREAS, as of January 2017, a new presidential administration and United States Congress are controlled by one party that has signaled a series of direct challenges to these federal laws and the protections they provide, as well as to the underlying science that makes these protections necessary, and to the rights of the states to protect their own environment, natural resources, and public health as they see fit; and

WHEREAS, according to the New York Times, federal agencies and the Republican-controlled Congress have engaged in one of the most significant shifts in regulatory policy in recent decades by delaying, suspending, or reversing more than ninety regulations in the first month and a half of President Trump's term; and
WHEREAS, Stephen Bannon, President Trump's chief strategist, while attending the Conservative Political Action Conference in February of 2017, described the administration's actions as "the deconstruction of the administrative state"; and

WHEREAS, dozens of public-interest groups, including environmentalists, labor unions, and consumer watchdogs, have characterized the Trump administration as a potential threat to America's well-being; and

WHEREAS, a letter signed by the leaders of one hundred thirty-seven nonprofit groups and delivered to the White House at the end of February 2017 states, "Americans did not vote to be exposed to more health, safety, environmental and financial dangers"; and

WHEREAS, there is immediate concern that Congress and the Environmental Protection Agency under its current leadership may roll back or cease enforcement of existing environmental protections, including restrictions on air and water pollutants and selling of public lands; and

WHEREAS, the California State Senate introduced legislation in its current legislative session to insulate California from some of the recent policy prescriptions indicated by the federal government; and

WHEREAS, the California legislation aims to enshrine current federal protections for the environment into California state law, which could not be scaled back by federal policies; and

WHEREAS, the "Preserve California" bill package includes:

(1) The California Environmental Defense Act, which makes current federal clean air, climate, clean water, worker safety, and endangered species standards enforceable under California law, regardless of federal action regarding those standards;

(2) The Public Lands Protection Act, which establishes new California state policy to discourage conveyances of
federal lands to private developers for resource
eextraction and directs the California Lands Commission
to establish a first right of refusal by California of
any federal lands proposed for sale or conveyance to
other parties; and

(3) The Whistleblower and Public Data Protection Act,
which ensures federal employees do not lose California
licensure for revealing violations of law, unethical
actions, or dangers to public health and safety, and
directs California environmental and public health
agencies to protect any information or data under
California law, even if parties in Washington, D.C.,
order their censorship or destruction; and

WHEREAS, the lands and waters of Hawaii are unique and
delicately balanced resources, the protection of which is vital
to the economy of Hawaii, and the protection of groundwater is
an urgent matter of the highest priority; and

WHEREAS, due to its unique geographical location, Hawaii is
home to rare and unique flora and fauna, many of which are
highly endangered species; and

WHEREAS, article XI, section 1, of the Hawaii State
Constitution mandates:

"For the benefit of present and future generations, the
State and its political subdivisions shall conserve and
protect Hawaii's natural beauty and all natural resources,
including land, water, air, minerals and energy sources,
and shall promote the development and utilization of these
resources in a manner consistent with their conservation
and in furtherance of the self-sufficiency of the State.

All public natural resources are held in trust by the State
for the benefit of the people."; and

WHEREAS, the continued maintenance and improvement of
Hawaii's environment require constant vigilance and continued
stewardship to ensure Hawaii's lasting beauty, cleanliness,
uniqueness, and stability of Hawaii's natural systems, all of
which enhance the mental and physical well-being of Hawaii's
people; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth
Legislature of the State of Hawaii, Regular Session of 2017, the
House of Representatives concurring, that the applicable state
and county agencies are requested to update their administrative
rules to retain or implement standards under the federal Clean
Air Act (42 U.S.C. 7401 et seq.), Water Pollution Control Act
(33 U.S.C. 1251 et seq.), Safe Drinking Water Act (42 U.S.C.
1531 et seq.) in existence as of January 1, 2016, or January 1,
2017, whichever are more stringent, regardless of actions taken
at the federal level; and

BE IT FURTHER RESOLVED that any changes to administrative
rules aim to do the following:

(1) Protect public health and welfare from any actual or
potential adverse effect that reasonably may be
anticipated to occur from pollution and the effects of
climate change;

(2) Preserve, protect, and enhance the environment and
natural resources in Hawaii, including but not limited
to the State's national parks, national wilderness
areas, national monuments, and other areas with
special national or regional natural, recreational,
scenic, or historic value;

(3) Ensure that economic growth will occur in a manner
consistent with the protection of public health and
the environment and preservation of existing natural
resources; and

(4) Ensure that any decision made by a public agency that
may adversely impact public health, the environment,
or natural resources is made only after careful
evaluation of all the consequences of that decision
and after adequate procedural opportunities for
informed public participation in the decision-making
process; and
BE IT FURTHER RESOLVED that every public agency is requested to undertake all feasible efforts using its authority under state and federal law to implement and enforce environmental protection standards that are at least as stringent as the federal standards as of January 1, 2016, or January 1, 2017, whichever are more stringent; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor; Attorney General; Director of Finance; Chairperson of the Board of Land and Natural Resources and all Board members; Chairperson of the Commission on Water Resource Management and all Commissioners; the Mayors of the Counties of Hawaii, Maui, Kauai, and City and County of Honolulu; Chairpersons of the Boards of Water Supply of the County of Kauai and City and County of Honolulu; Chairperson of the Water Board of the County of Hawaii; and Director of Water Supply of the County of Maui.

OFFERED BY:

[Signatures]

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