



# University of Hawaii at Manoa

## Environmental Center

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## SB 3180

### RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION

Senate Committee on  
Agriculture and Environmental Protection

February 7, 1992  
1:00 pm, Room 504

By

John T. Harrison, Environmental Center

SB 3180 would extend the date for repeal of Act 293, the current law creating a Department of Environmental Protection from July 1, 1992 to July 1, 1993.

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

Act 293 of the 1991 Legislative Session established a skeleton framework for Department of Environmental Protection and commissioned a Task Force to analyse and propose component elements for inclusion in the new department. As a member of that task force, I participated in discussion and evaluation of various options for structure and function of the Department, and I concur that there is a pressing need for implementation of this department.

As noted in testimony from the Office of State Planning, the Task Force was unable to achieve consensus on the functional organization of the DEP. Consequently, in view of the Task Force's conceptual support for the DEP, the official report of the Task Force recommended that an interim phase, involving a Special Assistant to the Governor for the Environment, and creation of an interim Environmental Advisory Council to aide in the transition period. Extension of the deadline for Act 293 would be required in order to allow for implementation of the Task Force recommendation or interim options.

While we support the assembly of additional data on intergovernmental programmatic impacts of establishment of this new department, we suggest that a substantial degree of consensus does exist on fundamental elements of the new department, specifically as worded in the Task Force's report. The narrow focus model, discussed in the report, as well as a variety of

components, was agreed upon as appropriate structural foundation. Disagreement arose over two major areas: one was inclusion of certain specific programs, such as DOA Pesticides and certain resource management functions of DLNR, and the other was the relative merit of establishing a fixed structure at one time or creating an agency which could evolve in response to emerging needs on a continual basis. Operationally, resolution of the second consensual divergence implicitly will resolve the first as well.

As a professional evolutionary ecologist, it is clear where my inclinations lie. I don't believe we are capable of accurately predicting future management needs and consequently, the Department appropriately should have the capacity to expand and evolve. Thus, I would prefer to see a department created now. While additional deliberations may clarify specific attributes of departmental structure and programmatic impacts of departmental consolidation, such refinement will occur inevitably, regardless of when the department emerges. Further debate is not likely to alter the consensus that the need for the department is real and present, and the sooner a department structure is in place, the sooner will be achieved the functional advantages which are generally agreed upon.

A number of other bills have been introduced which will effect the immediate implementation of the DEP. We would prefer that one of these other bills ultimately serve as the effectuating instrument to emerge from this Legislature. However, this bill should be maintained in the process in case other bills fail to survive.

Should this bill be needed, one crucial amendment must be the allocation of funds to support the interim activities which will be required for departmental implementation in the future.