



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

February 8, 2022

The Honorable Carlos Del Toro
Secretary of the Navy
1000 Navy Pentagon
Room 4D652
Washington, DC 20350

Dear Secretary Del Toro,

We, the undersigned lawmakers, write to register our grave concerns regarding your decision to appeal the Hawai'i Department of Health (DOH) December 6, 2021 Emergency Order. This decision is an error in judgment that will have detrimental ramifications to the Navy's relationship with the people of Hawai'i.

On January 4, 2022, Hawai'i's entire federal delegation demanded that the Navy comply with the Emergency Order. On January 11th, Rear Admiral Blake Converse told the U.S. House Armed Services Committee's Subcommittee on Readiness that the Navy acknowledged that the order was "lawful" and would comply with it. Your decision to reverse course and challenge the order explicitly contradicts that testimony, which was delivered on the record before congress.

The justification you cite in the complaint is even more frustrating. You argue that the evidence presented does not support a finding that the storage of fuel at the facility presents an imminent peril to public health and safety.

More than three thousand Navy families are currently displaced from their homes because the Navy determined it necessary that they relocate for their own safety. In a December 10, 2021 joint informational briefing before the Hawai'i State Legislature, the Navy reported that the cause of the home contamination was jet fuel that likely leaked into the Red Hill shaft after the November 20, 2021 fuel spill at the Red Hill Bulk Fuel Storage Facility. The Navy has refused to release its evaluation of the exact cause of the November 20, 2021 spill.

With no official report upon which to base its findings, the DOH has no recourse but to take the Navy at its word that the Red Hill Bulk Fuel Storage Facility is the source of this crisis.

The Navy cannot have it both ways. You cannot argue that the Red Hill Bulk Fuel Storage Facility is both the cause of the fuel spill and not the cause of the danger presented by the fuel spill.

These legal games need to stop.

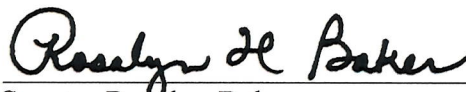
Hiding behind legal maneuvers may forestall doing the right thing—for now. But any potential victories in court further cement your losses in the court of public opinion. These tactics convey a lack of respect for our community and a disinterest in favorable military-community relations in Hawai‘i. At every turn since the start of this crisis, the Navy has manipulated the legal system to delay the obvious: that the tanks need to be emptied. Your appeal damages the credibility of the Navy and the entire Department of Defense. If military leaders cannot be viewed as trusted partners, how can the State of Hawai‘i engage in any future interactions with an expectation of good faith?

We urge you to reconsider your position, rescind your legal challenge to the Emergency Order, and take immediate steps to repair your damaged military assets and your damaged relationship with the State of Hawai‘i. We are not expendable and will not sacrifice our future for the continued complacency of the military.

Mahalo,



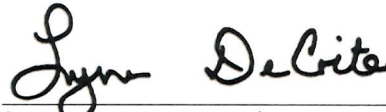
Senator Laura Acasio



Senator Rosalyn Baker



Senator Stanley Chang



Senator Lynn DeCoite



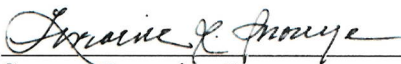
Senator Donovan Dela Cruz



Senator Kurt Fevella



Senator Mike Gabbard



Senator Lorraine Inouye



Senator Dru Mamo Kanuha



Senator Gilbert Keith-Agaran



Senator Jarrett Keohokalole



Senator Donna Mercado Kim



Senator Chris Lee



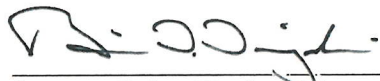
Senator Sharon Moriwaki



Senator Karl Rhoads



Senator Joy San Buenaventura



Senator Brian Taniguchi



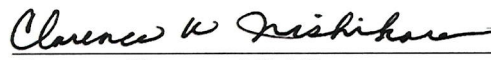
Senator Michelle Kidani



Senator Ronald Kouchi



Senator Bennette Misalucha



Senator Clarence Nishihara



Senator Gil Riviere



Senator Maile Shimabukuro



Senator Glenn Wakai

Cc: President Joe Biden
Secretary of Defense Lloyd J. Austin III
Admiral John Aquilino, U.S Indo-Pacific Command
Admiral Samuel Paparo, U.S Indo-Pacific Command
Under Secretary of the Navy Meredith A. Berger
Governor David Ige, State of Hawai'i
Speaker Scott Saiki, Hawai'i State House of Representatives
Director Libby Char, Hawai'i State Department of Health
Mayor Rick Blangiardi, City and County of Honolulu
Councilman Tommy Waters, Chair of the Honolulu City Council
Manager and Chief Engineer Ernest Lau, Honolulu Board of Water Supply