



## **DEPARTMENT OF HEALTH**

**DAVID Y. IGE**  
GOVERNOR

**ELIZABETH A. CHAR, MD**  
DIRECTOR

**FOR IMMEDIATE RELEASE**

February 28, 2022

22-022

### **Navy in non-compliance with DOH Red Hill Emergency Order**

HONOLULU – The Hawai'i Department of Health (DOH) has determined that the U.S. Navy is in non-compliance with the DOH Emergency Order to safely defuel the Navy's Red Hill facility.

The Emergency Order issued by DOH on December 6, 2021 specifies that the Navy must hire a qualified independent contractor, to be approved by DOH, to prepare the Red Hill workplans, conduct assessments, and recommend system repairs and improvements to safely defuel the Red Hill facility.

The Navy informed DOH on January 11 that it had selected third-party contractor, Simpson Gumpertz & Heger, Inc. (SGH). DOH immediately requested more information on the contract and contractor to assess the contractor's independence. DOH received this information on January 14 and February 2.

After evaluating the contract and related documents, DOH found SGH is not currently in a position to act independently. As a result, the Navy is in violation of the Emergency Order. According to the timeline submitted by SGH and the Navy, work has already begun. The Navy is proceeding at its own risk and without DOH approval.

"This disaster is about more than just engineering—it's about trust," said Deputy Director of Environmental Health Kathleen Ho. "It is critical that the work to defuel Red Hill is done safely and that the third-party contractor hired to oversee that work will operate in the interests of the people and environment of Hawai'i. Based on the contract, we have serious concerns about SGH's work being done independently."

DOH's concerns about the independence of SGH's contract and Performance Work Statement include:

- The proposed evaluation is only based on information provided by the Navy;

- Despite having regulatory authority over the site, DOH is not required to be included in any discussions or site visits to assure that DOH's concerns are understood and will be satisfactorily addressed;
- The Navy's ability to singularly influence the work product is a concern.

The Performance Work Statement and implementation schedule provided by SGH does not provide opportunities for DOH to review and approve of the independent third party, work plans, or assessment prior to execution as set forth in the DOH Emergency Order. Thus, it appears that the Performance Work Statement was prepared in response to the Secretary of the Navy's directive for an assessment rather than the Emergency Order.

[Click here to download DOH's assessment letter.](#)

###