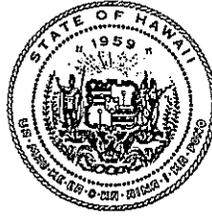


HMOAB APPROVED FOR CORRESPONDENCE LOG

DATE	FROM	TO	COMPANY	REGARDING
1 7/22/2003	L. Contreras	Kurt Tsukiyama, Fleet Specialist	Hawaiian Electric	Derrick diggers not under rules-operators do not need to be certified
2 10/15/2003	A. Parker	Benjamin Lee, Managing Director	C&C of Honolulu	12-48-2 Certification only if performing construction; 12-50-1 Construction definition and 12-48-5 Certification not required for persons performing maintenance or inspection work
3 8/23/2004	N. Befitel	Larry Leopardi, Director	C&C of Honolulu	No exemption for any group of operators; mechanics repairing hoisting cranes do not need to be certified-only if construction is performed; derrick diggers not under rules-operators not required to be certified
4 3/23/2005	A. Parker	Kurt Tsukiyama, Fleet Specialist	Hawaiian Electric	Personnel platforms directly fixed to the cranes boom tip does not require certification.
5 5/16/2005	A. Parker	George West, VP Operations	Ameron	12-48-2 Certification only if performing construction; 12-50-1 Construction definition and 12-48-5 Certification not required for persons performing maintenance or inspection work
6 5/25/2005	N. Befitel	George West, VP Operations	Ameron	Fixing the crane belts or brakes, replacing tires or oiling the machine do not require certification. Operating a machine doing construction - operator must be certified.

LINDA LINGLE
GOVERNOR



NELSON B. BEFITEL
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813

May 25, 2005

Mr. George West

Re: Clarification on Certification Requirements of Maintenance Workers

Dear Mr. West:

In response to your

As I indicated to you in my response letter dated October 15, 2003, based on your representations that you provided, if the operator is a mechanic and doing maintenance work (fixing the crane belt or brakes, replacing a tire or oiling the engine, etc.) he is not required to be certified. When the operator is operating the crane or any machine covered under the administrative rules to do construction work, then he must be certified.

The hoisting machine operators' certification program is for both public and worker safety. The certification demonstrates that the operator has been adequately trained and has demonstrated the ability to safely operate a crane and continues to demonstrate his ability through minimum seat time requirements. The circumstances described in your letter "maintain streams, waterways and related" which in emergency situations would be performed under extremely adverse situations such as inclement weather, rush orders, and traffic congestion are the very situations which would require the greatest skill.

At this time the Hoisting Machine Operator's Board continues to support its decision that minimum training requirements are the same for both public and the private sector. As such, a hoisting machine operator State of Hawaii Certificate will not be issued to anyone who cannot receive a valid certification from NCCCO or its equivalent, or have satisfied the minimum requirements for a State of Hawaii Special Certificate.

Thank you for your continued concern and safety support for the workers of our community.

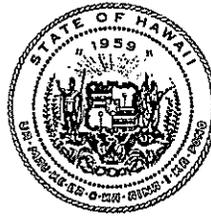
If you have further questions or comments please feel free to contact me at 586-8844.

Sincerely,

NELSON B. BEFITEL

C. Lora Contreras, HMOAB
Allan Yokoyama, HOISH
Allan Parker, Chair, HMOAB

LINDA LINGLE
GOVERNOR



NELSON B. BEFITEL
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Hoisting Machine Operators Advisory Board
830 PUNCHBOWL STREET
HONOLULU, HAWAII 96813
PH: (808) 521-3019 FAX: (808) 585-0422

Board Members:

Allan Parker, Chair
Roy Akamine
Kerwin Chong
Melvin Miyamoto
Tom Vendetta

Lora Contreras
Executive Director

March 23, 2005

Mr. Kurt Tsukiyama
Fleet Safety Specialist
Hawaiian Electric Co., Inc.
P.O. Box 2750
Honolulu, Hawaii 96840-0001

Dear Mr. Tsukiyama:

Thank you for Hawaiian Electric's request of consideration to the Hoisting Machine Operator's Advisory Board (HMOAB) regarding the usage of a crane with a platform attachment.

On March 15, the HMOAB met and agreed that the ASME B30.5 standard does not address a platform directly fixed to the cranes boom tip when the hoist is disabled. As such, any persons operating this equipment as a personnel platform does not require a Hawaii state certification.

We hope this review of your inquiry provides clarity for your maintenance workers and look forward to continued communications on safety issues for our community.

Sincerely,

Allan Parker, Chair
Hoisting Machine Operator's Advisory Board

cc: HMOAB
James Hardway, DLIR
Allan Yokoyama, HIOSH

LINDA LINGLE
GOVERNOR



NELSON B. BEFITEL
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Hoisting Machine Operators Advisory Board
830 PUNCHBOWL STREET
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Board Members:

Allan Parker, Chair
Clayton Winger
Gary McKeague
Melvin Miyamoto
Kerwin Chong

Lora Contreras
Executive Director

July 22, 2003

Mr. Kurt Tsukiyama
Fleet Safety Specialist
Hawaiian Electric Co., Inc.
P.O. Box 2750
Honolulu, Hawaii 96840-0001

Dear Mr. Tsukiyama:

I have more good news for you since my last correspondence to you on May 27, 2003,.

The advisory board (HMOAB) met on July 17, 2003. The matter of whether or not the "derrick digger" is covered under the Hoisting Machine Administrative Rules Chapter 12-48 was discussed. The Board confirmed its original decision that the "derrick digger" is not listed as one of the machines under ASME B30.5, and therefore the operator does not need to be certified.

The approved HMOAB meeting agenda's as well as the minutes are on our website (<http://hiosh.hawaii.gov>) for statewide access.

Please feel free to call me anytime at 521 3019. I will surely inform you when my office is ready at the DLIR and has a new contact number.

Sincerely,

Lora Contreras

Cc: HMOAB

LINDA LINGLE
GOVERNOR



NELSON B. BEFITEL
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Hoisting Machine Operators Advisory Board
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PH: (808) 521-3019 FAX: (808) 585-0422

Board Members:

Allan Parker, Chair

Roy Akamine

Kerwin Chong

Melvin Miyamoto

Tom Vendetta

Lora Contreras
Executive Director

May 16, 2005

Mr. George West
Vice President of Operations-Oahu
Ameron Hawaii
2344 Pahounui Drive
Honolulu, Hawaii 96819

Dear Mr. West:

This is in response to your letter of inquiry of April 20, 2005 on the Hoisting Operators certification. At its April 19, 2005 meeting, the board had reviewed the following applicable administrative rules:

§12-48-2 Scope. Certification of hoisting machine operators is limited to operators of equipment covered by ASME B30.5, and which has a lifting capacity of more than five tons, and **who performs construction** work as defined by section 12-50-2, Hawaii Administrative Rules. [Eff 12/6/02] (Auth: HRS §396-4) (Imp: HRS §396-4, 396-19) (Emphasis added.)

§12-50-1 "Construction" or "construction work" means for construction, alteration, demolition, or repair including painting and decorating, erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of the existing transmission and distribution lines and equipment.

§12-48-5 (e) A hoisting machine operator certificate **is not required for persons performing maintenance or inspection work.** [Eff 12/6/02] (Auth: HRS §396-4) (Imp: HRS §§396-4, 396-19) (Emphasis added.)

Based on your representations that you provided in your April 20, 2005 letter, the board concluded that such work is maintenance in nature. Therefore, HAR §12-48-5 exempts your maintenance workers from the hoisting certification requirement.

If you have any questions or comments please feel free to contact me at 845-7871.

Sincerely,

Allan Parker, Chairman, HMOAB

LINDA LINGLE
GOVERNOR



NELSON B. BEFTEL
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813

August 23, 2004

Mr. Larry Leopardi
Director and Chief Engineer
City and County of Honolulu
Office of the Managing Director
530 South King Street, Room 306
Honolulu, Hawaii 96813

Re: Letter of concerns dated July 27, 2004

Dear Mr. Leopardi:

In response to your letter dated July 27, 2004, the chair of the Hoisting Machine Operator's Advisory Board, (HMOAB), Mr. Allan Parker had communicated with Mr. Philip Kinser, Technical Engineer for the National Commission for the Certification of Crane Operator's (NCCCO) in Utah on Friday, July 30, 2004. Mr. Kinser shared that the National Commission for the Certification of Crane Operators (NCCCO) is aware of the City & County of Honolulu's request to exempt testing standards by lowering the length requirements of the lattice boom crane. The concern is that all other testing is of 70 to 90 feet boom requirements would be at a disadvantage. He has indicated that the NCCCO board would be meeting to decide as quickly as possible. However, these same sentiments were conveyed earlier on November 6, 2003. This can only mean that the NCCCO's decision to compromise their testing accreditations may take longer than we anticipate.

At our meeting of August 12, we were informed of the Attorney General's opinion dated August 5, 2002, from Deputy Herbert Lau citing the statutory language plainly refers to the entire hoisting machine operators' profession, and that no exemption is provided for any group of operators.

As I indicated to you in you in my response letter dated October 15, 2003, based on your representations that you provided, if the operator is a mechanic and doing maintenance work (fixing the crane belt or brakes, replacing a tire or oiling the engine, etc.) he is not required to be certified. When the operator is operating the crane or any machine covered under the administrative rules to do construction work, then he must be certified.

The hoisting machine operators' certification program is for both public and worker safety. The certification demonstrates that the operator has been adequately trained

Mr. Larry Leopardi, Director and Chief Engineer
August 5, 2004
PAGE 2

and has demonstrated the ability to safely operate a crane and continues to demonstrate his ability through minimum seat time requirements. The circumstances described in your letter "maintain streams, waterways and related" which in emergency situations would be performed under extremely adverse situations such as inclement weather, rush orders, and traffic congestion are the very situations which would require the greatest skill.

At this time the Board continues to support its decision that minimum training requirements are the same for both public and the private sector. As such, a hoisting machine operator State of Hawaii Certificate will not be issued to anyone who cannot receive a valid certification from NCCCO or its equivalent, or have satisfied the minimum requirements for a State of Hawaii Special Certificate.

On the matter of "derrick digger". The derrick digger is not listed as one of the machines under ASME B30.5, and therefore the operator does not need to be certified. The Board has adopted the NCCCO determination that the fixed cab/station configuration of the telescopic boom (TSS) cranes is more important in categorizing them rather than their capacity and that any boom truck that has a rotating cab, regardless of the capacity is classified under the large hydraulic (TLL) category.

Thank you for your continued concern and safety support for the workers of our community.

If you have further questions or comments please feel free to contact me at 586-8844.

Sincerely,

NELSON B. BEFITEL

C. Lora Contreras, HMOAB
Allan Yokoyama, HOISH
Allan Parker, Chair, HMOAB
MDO
DHR
Robert Awana, Office of the Governor
Dayton Nakanelua, UPW
Graham Brent, NCCCO



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 Punchbowl Street, Room 321
Honolulu, Hawaii 96813

October 15, 2003

Mr. Benjamin B. Lee, Managing Director
City and County of Honolulu
Office of the Managing Director
530 South King Street, Room 306
Honolulu, Hawaii 96813

Dear Mr. Lee:

As a follow up to our meeting on August 12, 2003 and your letter dated September 26, 2003 on the Hoisting Operators certification, I have reviewed the following applicable administrative rules:

§12-48-2 Scope. Certification of hoisting machine operators is limited to operators of equipment covered by ASME B30.5, and which has a lifting capacity of more than five tons, and **who performs construction** work as defined by section 12-50-2, Hawaii Administrative Rules. [Eff 12/6/02] (Auth: HRS §396-4) (Imp: HRS §§396-4, 396-19) (Emphasis added.)

§12-50-1 "Construction" or "construction work" means for construction, alteration, demolition, or repair including painting and decorating, erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of the existing transmission and distribution lines and equipment.

§12-48-5 (e) A hoisting machine operator certificate **is not required for persons performing maintenance or inspection work.** [Eff 12/6/02] (Auth: HRS §396-4) (Imp: HRS §§396-4, 396-19) (Emphasis added.)

Based on your representations that you provided in your September 26, 2003 letter with attachments, I conclude that such work is maintenance in nature. Therefore, HAR §12-48-5 exempts the City and County of Honolulu from the hoisting certification requirement. If the scope of their work changes, please update the department promptly.

If you have any questions or comments please feel free to contact me at 586-8844.

Sincerely,

Nelson B. Befitel

C. Lora Contraras
Jennifer Shishido
Alan Parker