



## DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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GOVERNOR

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### FOR IMMEDIATE RELEASE

Sept. 11, 2014

## OSHA RETURNS WORKPLACE SAFETY AND HEALTH REGULATION OF GENERAL INDUSTRY TO STATE

### Increased Inspections Results in Early Return of General Industry

**HONOLULU**—The Hawaii State Department of Labor and Industrial Relations (DLIR) and the federal Occupational Safety and Health Administration (OSHA) today announced that continued improvements in Hawaii's workplace safety and health regulation will result in DLIR's Hawaii Occupational Safety and Health Division (HIOSH) reassuming responsibility for regulating Hawaii's General Industry.

OSHA and HIOSH have shared regulatory responsibility for Hawaii per an Operational Status Agreement that went into effect in September 2012. The procedural agreement provides a roadmap for the agencies to work together as federal and state partners to jointly rebuild and strengthen the safety and health regulatory environment in Hawaii.

"In 2012, the state proactively identified a solution to restore regulatory capacity," said Gov. Neil Abercrombie. "Working closely with OSHA, and in partnership with employers, we are on track to rebuild a strong HIOSH program, which will result in lower injury and illness rates, and improvements in the overall work environment and accountability. Our goal is to build a HIOSH that is stronger than it's ever been."

DLIR Director Dwight Takamine added: "My first and ongoing priority for the department has been the restoration of HIOSH. Much of the credit for the improvements belongs to our federal partners—OSHA—and the state Legislature, which has continued to provide additional resources. This year the Legislature once again provided additional positions and funding that will allow us to further increase inspections."

The agreement had suspended HIOSH's enforcement authority in specific industries where OSHA assumed responsibility for enforcement until the state was able to be "at least as effective" as OSHA. The partnership allows OSHA to commit the resources and staff necessary to provide training and support, enabling HIOSH to eventually reassume sole enforcement authority in the state.

Under the agreement, returning regulatory authority of industrial sectors to HIOSH as it rebuilt capacity included the scheduled return of Manufacturing last year and Accommodations/Food Service this year and General Industry in 2015. Manufacturing and Accommodations/Food Service was returned on schedule; however, OSHA is returning enforcement authority for General Industry to HIOSH one year early, beginning in October 2014.

"Returning General Industry to state enforcement one year earlier than scheduled is in recognition of the progress being made in Hawaii," said Region 9 Administrator Ken Atha. "We laud Hawaii's policy makers for recognizing the importance of helping HIOSH's ability to level the playing field by enforcing rules that everyone must follow to strengthen our economy, prevent serious injuries and illnesses, and save lives."

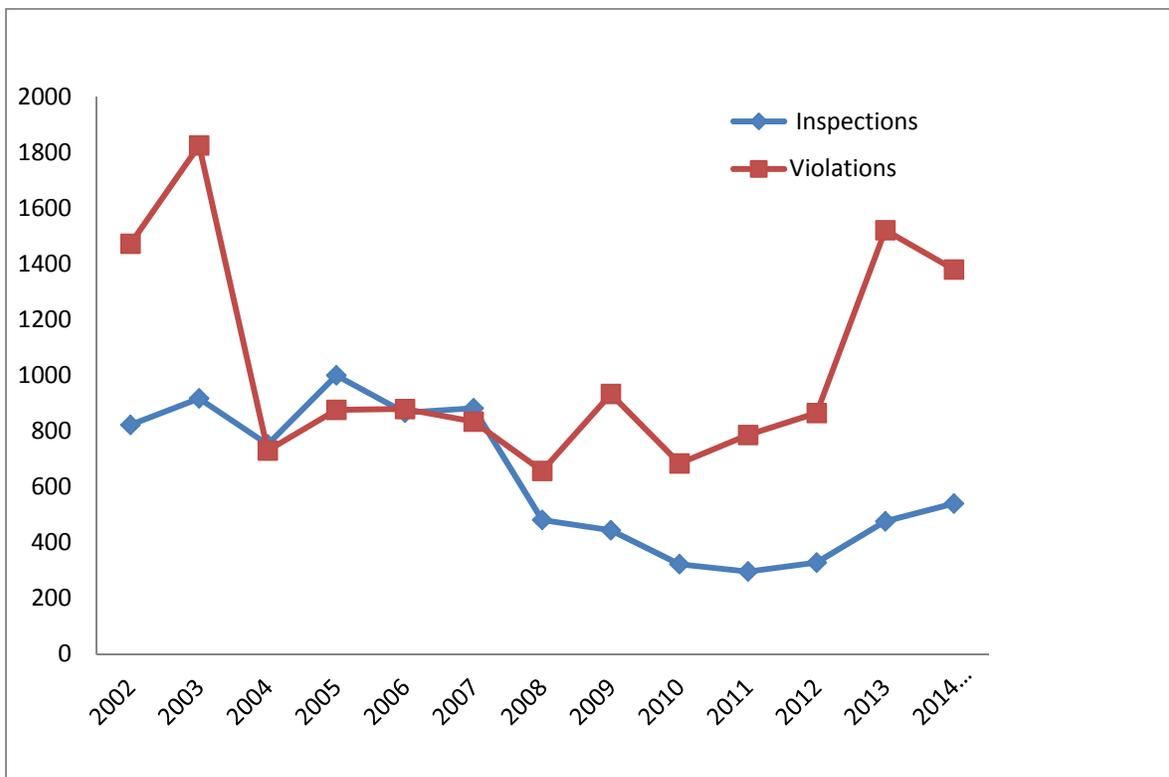
"HIOSH staff also deserves recognition for increasing inspections by 60 percent since 2011," said HIOSH Administrator Diantha Goo. "Their hard work and dedicated public service are critical to the assurance of safe and healthful workplaces."

Details about the OSA and FAQs are posted at <http://labor.hawaii.gov/hiosh/hiosh-news/osa>.

**BACKGROUND**

In 2009, 32 of 51 HIOSH positions were eliminated during the 2009 Reduction-in-Force process. Sixteen of the 32 were benchmarked positions that contributed to meeting the necessary OSHA staffing requirements—OSHA requires HIOSH to have 22 specific positions in compliance and consultation. In FY 2009, HIOSH completed only 426 inspections (51 percent) of its goal of 835 inspections. Due to the Reduction-in-Force in 2009, only 12 of the 22 benchmarked positions were authorized in the Executive Budget and only 10 of the 12 positions were filled.

**HIOSH INSPECTIONS & VIOLATIONS 2002-2014 (Fed FY)**



\* 2014 data includes projections from 9/8 to 9/30; 9/8 total inspections = 510, 1,289 violations

OSHA released a Federal Annual Monitoring and Evaluation Report (FAME) covering federal fiscal year 2009 in September 2010 that raised numerous concerns about Hawaii's program including the following:

- "Additional layoffs...occurred in the first quarter of FY10, and the staff was further reduced to nine compliance staff (50 percent below the benchmark) and one consultant (75 percent below the benchmark)."
- "In 24 of the 43 case files reviewed [in 2009], HIOSH did not appropriately classify the

violations and/or cite all the hazards. Seven other-than-serious (OTS) should have been classified as serious (S). There were 19 case files where the narrative or a photo provided sufficient information to document a hazard which was not cited."

- "The person designated as the HIOSH Administrator in the 23g Grant was not assigned to the duties of the Administrator as described by the HIOSH FOM [Field Operations Manual]. The State's response at the time was, "In August of 2004, the HIOSH Administrator was placed on special assignment and the day-to-day management of operations was shifted to the Director's office."

The 2010 Legislature restored 12 of the positions abolished during the Reduction-in-Force, though the department did not move to fill the positions until the start of the Abercrombie Administration. Beginning in December 2010, the Abercrombie Administration initiated recruitment for the positions and the conversion of nine of the restored positions to meet the OSHA benchmark staffing requirements. The HIOSH administrator was also assigned back to the management of the division.

The Occupational Safety and Health Act, signed by President Richard Nixon on Dec. 29, 1970, established OSHA under the U.S. Department of Labor. OSHA's mission is to "assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance."

The act also encourages states to develop and operate their own job safety and health programs. OSHA approves and monitors state plans and provides up to 50 percent of an approved plan's operating costs. OSHA relinquishes enforcement authority in states that obtain approval for their own plans and Hawaii was the first state granted final approval on April 30, 1984.

States must set job safety and health standards that are "at least as effective as" federal standards and may promulgate stricter standards or ones covering hazards not addressed by federal standards. A state must conduct inspections to enforce its standards, cover both the private and public sectors, and operate occupational safety and health training and education programs. In addition, most states including Hawaii, provide free on-site consultation to help employers identify and correct workplace hazards.

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