

# The Hawai'i Hoisting Machine Operators Advisory Board 2019 - 2020 Annual Report For Fiscal Year Ending June 30, 2020

## An Introduction to HMOAB

The Hoisting Machine Operators Advisory Board (HMOAB) operates as an 'attached agency' within the State Department of Labor and Industrial Relations and is administered through the Hawai'i Occupational Safety and Health Division. Since 1998, HMOAB has been charged with assuring construction crane operators across the Islands operate hoisting machines in a safe and lawful manner on behalf of the citizens of Hawai'i.

## Annual Summary

Fiscal Year 2018-19 was a year of examining the future of the Hawai'i Hoisting Machine Operators Advisory Board after the US Occupational Safety and Health Administration adopted final rules on crane operator certification.

The US Occupational Safety and Health Administration (OSHA) final rules on crane operator certification were published November 7, 2018 and evaluation and documentation requirements became effective on February 7, 2019.

The State of Hawai'i can enact stronger rules than those required by OSHA. The choice of accepting the OSHA rules as-is, or working to enact stronger rules has been a subject of discussion for some time by HMOAB.

The Board (HMOAB) has decided to seek to stronger safety protections for Hawai'i workers by requiring HMOAB certification for crane operators in general industry and utilities. Currently, OSHA rules do not apply to cranes in general industry and utilities.

This decision is based on data collected by the Board which showed a significant number of crane accidents occurring in general industry. According to data compiled by Haag Engineering, general industry accounts for about 37 percent of crane accidents and construction accounts for 49 percent. Proper training and certification of crane operators in this industry have the potential of reducing accidents and risk to the general public. Utility companies and tree trimming companies often operate in riskier situations with uneven and unstable grounds, unpredictable loads, and proximity to road traffic. Unfortunately, we have recently seen a major accident involving a utility company here in Hawai'i.

In preparation for proposing amendments to the Hawaii Revised Statutes and Administrative Rules to include general industry and utilities, HMOAB will seek to conduct dialog with local contractors and utility companies. The Board has developed proposed amendments and will be working with industry partners to develop as much consensus as possible prior to bringing these proposals before the Legislature.

A total of 172 certifications were issued for Hawai'i crane operators – an increase from 146 certifications issued in the prior fiscal year. This consisted of 57 new applicants and 115 renewals, compared to 60 new applicants and 86 renewals in the prior fiscal year. Online applications increased from 48 to 63, as more applicants used the online application feature of the HMOAB website, which was put in place in December 2016.

## Advisory Board

**John P. Muhlbauer, Jr.** serves as Chairperson of HMOAB. Mr. Muhlbauer is president of All Ship & Cargo Surveys, Ltd. and is registered as a licensed Mechanical Engineer in Hawai'i and California. Mr. Muhlbauer serves on as an Alternate on the ASME B30.8 and ASME B30.24 sub-committees. Mr. Muhlbauer retired after 29 years in Federal Service as a Mechanical Engineer with the US Navy and the US Army Corps of Engineers. Mr. Muhlbauer's term runs until June 30, 2022.

**Don "Doc" Bailey** has over 30 years of experience in the crane industry. He is the C.E.O and President of "Doc Bailey Cranes & Equipment Inc." which he founded in 1986. The company specializes in Crane Rentals, Crane Repair, Crane & Winch Sales, Hi-Rail, and Specialized Construction Equipment. Mr. Bailey expanded his business to California in 1995, to Las Vegas in 2015, and to Guam in 2019. Mr. Bailey's term on the Board runs until June 30, 2021.

**Angela A. Chinen** is an instructor with the Joint Apprenticeship Committee of Operating Engineers Local Union #3. Ms. Chinen has more than 30 years of construction industry experience and is a certified member of both HMOAB

and the National Commission for the Certification of Crane Operators (NCCCO). Ms. Chinen’s term on the Board runs until June 30, 2022.

**Thomas Jacobs** has over 26 years of experience in construction safety and is the ESH Project Safety Manager for Layton Construction Company. Mr. Jacobs is a member of the American Society of Safety Engineers as well as the General Contractors Association Safety Committee, and is a certified Construction Health and Safety Technician and Occupational Health and Safety Technologist. He has conducted numerous safety trainings, including OSHA 10- and 30- hour certification training, scaffolding training, excavation and trenching safety, and aerial lift platform safety. Mr. Jacobs has been appointed to the Board on an interim basis and is seeking confirmation in the current Session for a term to expire June 30, 2024.

The Board currently has one vacancy.

**Tracy Takano** has worked in the HMOAB office as its executive assistant since January 2020. Mr. Takano comes to the HMOAB after working 24 years for the International Longshore and Warehouse Union.

### **Agency Funding**

The HMOAB revolving fund supports the process of investigation, verification and certification of new and renewing hoisting machine operators in the State of Hawai‘i. The fund is generated from user fees and covers personnel and operating expenses of the Hoisting Machine Operators Advisory Board. The funds also cover the cost of preparing and disseminating information about the certification process, public outreach programs, and the costs associated with the annual reporting of the agency’s activities. The Hoisting Machine Operators Advisory Board and its office is supported solely by user fees and operates without expense to the taxpayers of the State of Hawai‘i.

### **Current Funding Summary**

As all funds are self-generating, the Hoisting Machine Operators Advisory Board projects annual income of approximately \$30,000 per fiscal year and about \$22,000 in expenses. This income over expenses has allowed the Special Fund to grow slightly to \$352,297.

The following table shows the revenues and income for the past three Fiscal Years. Income comes from application fees and interest income. Expenses include only personnel costs and the usual office operating expenses.

	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Beginning Cash	\$330,650	\$341,239	\$343,467
Revenues	\$35,575	\$29,826	\$31,100
Expenses	\$35,575	\$27,595	\$22,270
Ending Cash	\$341,239	\$343,467	\$352,297

### Certifications Summary

Since the inception of the agency, the Hoisting Machine Operators Advisory Board has certified over one thousand crane operators statewide. During Fiscal Year 2019-2020, the agency certified 57 new operators and renewed 115 operators. Statewide, there are approximately 315 crane operators with current HMOAB certification. In March 2020, the HMOAB Executive Assistant position was declared non-essential, resulting in slower response times to applications.

	2017-18	2018-19	2019-20
New Applicants	72	60	57
Renewals	81	86	115
Total	153	146	172
Response/48 hours	95%	95%	75%

### History, Purpose and Administrative Governance

The Hoisting Machine Operators Advisory Board was established by the Hawai'i State Legislature under Act 165 in 1998. HMOAB operates as an attached agency of the State of Hawai'i Department of Labor and Industrial Relations.

The Board certifies operators of all construction crane and tower machines having a lifting capacity of one ton or more in the state. This power comes from definitions in Section 12-50-2 of the Hawai'i Administrative Rules (HAR). Under Sections 19 and 20 of the State Occupational Safety and Health Law and Chapter 396 of HAR, the Hoisting Machine Operators Advisory Board requires all operators using equipment covered by the American Society of Mechanical Engineers (ASME) B30.5 (mobile and locomotive cranes) to be medically qualified, pass written and practical training examinations, and possess practical experience in order to safely operate hoisting machines in the State. These requirements ensure a minimum competency level of operators, assure employers that potential workers comply with relevant state and federal standards, and provide safeguards for the public that buildings are constructed and maintained using best available practices. Enforcement is covered in section 12-110-50 of the Hawai'i Administrative Rules.

Prospective and renewing hoisting machine operators are required to submit an application for certification (found online at [HMOAB.ehawaii.gov](http://HMOAB.ehawaii.gov)), a current digital photograph of their head and shoulders, and pay the requisite fee of one hundred dollars (\$100) per year of desired State certification (up to the balance of their national certification but shall not exceed five years). New applicants must also pay a one-time, non-refundable application fee of fifty dollars (\$50). Replacement or reissued cards are supplied to current operators without cost.

HMOAB operates with a five-member advisory board, made up of representatives from organized labor and construction management firms who are appointed by the Governor for four-year, staggered terms, subject to approval by the State Senate. Between meetings of the Board, administrative and financial business for the agency are completed by an Executive Assistant, who serves at the direction of the Board.

### For Further Contact

The Hoisting Machine Operators Advisory Board can be reached by calling (808) 586-8146 or emailing the office at [HMOAB@Hawaii.gov](mailto:HMOAB@Hawaii.gov). The Board meets publicly on the second Wednesday every other month (except December) in Room #114 at 1:30 p.m. During the COVID-19 pandemic, Board meetings have been conducted by teleconference.