

SAFETY AND HEALTH PROFESSIONALS AND AUDITS

Act 234, relating to workers' compensation reform, added section 396-4.5, Hawaii Revised Statutes, to provide for

Department of Labor and Industrial Relations to

- * Qualify individuals as certified safety and health professionals under section 12-58-2
- * Renew safety and health professional certificates
- * Revoke or suspend safety and health professional certificates

Certified Safety and Health Professionals to certify that

- * Employer has effective safety and health program
- * Employer qualifies for reduction in workers' compensation insurance premiums under section 431:14-103(b), Hawaii Revised Statutes

CERTIFICATION

Eligible Individuals

- * Certified Safety Professional (CSP)
- * Certified Industrial Hygienist (CIH)
- * Professional Engineer (PE) with 5 years of documented professional safety and health experience within last 7 years prior to filing of application for certification
- * Person with bachelor of science degree in industrial hygiene, safety, occupational safety and health, biology, chemistry, environmental health and science, physics, engineering, or related field, with 5 years documented professional safety and health experience deemed acceptable by director within last 7 years prior to filing of application for certification

- * Person with 9 years of documented professional safety and health experience deemed acceptable by director within last 10 years prior to filing of application for certification

Eligible individuals must exhibit knowledge and familiarity with content and application of Hawaii Occupational Safety and Health (HIOSH) standards

Applications

- * Submitted to director in writing
- * Accompanied by
 1. Reference from applicant's supervisor attesting to quality and breadth of qualifying work experience
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 - Self-certification where applicant is self employed
 2. Reference from safety and health professional familiar with applicant's work experience and character
 - (Note: Director must receive 1. and 2. before application processed)
 3. Other information or documentation deemed necessary by director
 4. \$50 non-refundable application fee

\$300 non-refundable certification fee payable prior to issuance of certificate upon approval of application for certification

Denial of Certificate

- * Incomplete certificate application
- * Specified grounds (in notification of denial)

Applicant denied certificate on specified grounds may request hearing by submitting written request to director within 10 calendar days of receipt of denial

Certificates

- * Valid for 3 years from date of issuance
- * Renewable for \$100 non-refundable fee

(Note: No reminder of expiration; if certification lapses, must reapply for certification)

Suspension or Revocation of Certification

- * Safety and health professional's hazard analysis or safety and health program development conflicts with state safety and health standards applicable to worksite
- * Safety and health professional knowingly includes false or misleading information in any report required by section 12-58-2
- * Safety and health professional no longer meets qualifications for certification

Safety and health professional shall make available all documents requested by department in process of determining whether certification should be suspended or revoked

Safety and health professional may request hearing on determination of suspension or revocation of certification by submitting written request to director within 10 calendar days of receipt of notice of suspension or revocation

Reinstatement of Certification

- * Safety and health professional demonstrates that qualifications met if suspension or revocation premised upon failure to meet qualifications for certification
- * Director reviews and approves reapplication for certificate if suspension or revocation premised upon

1. Hazard analysis or safety and health program development in conflict with state safety and health standards applicable to worksite

or

2. False or misleading information in any report required by section 12-58-2

Safety and health professional may submit reapplication no sooner than 1 year after expiration of suspension or revocation

Reinstatement of safety and health professional certificate subject to same procedures as application for original certificate

AUDITS

Certification of Employer's Safety and Health Program

Individuals who perform audit or review functions under section 12-58-2 shall limit their activities to area of expertise

Safety and health audits shall include

- * Worksite hazard assessment

Safety and health professional shall

1. Use applicable state regulations, as well as recognized safe work practices, as basis for review of worksite conditions and recommendation of corrective measures
2. Use testing protocols which conform to those recommended by National Institute of Occupational Safety and Health (NIOSH) and/or HIOSH wherever industrial hygiene sampling determined necessary for audit and have sample analysis performed by laboratory accredited by American Industrial Hygiene Association
3. Hold opening conference which includes discussion of

- a. Manner of audit
 - b. Information and other assistance required of employer to perform audit
 - c. Participation of employees or employee representative in audit
 - d. Sampling which might be required as part of audit and sampling protocols which would be used
 - e. Requirements of section 12-58-2 for conduct of audit
 - f. Results of audit and employer's right to not disclose results to department
 - g. Reiteration of voluntary nature of audit and employer's right to withdraw at any time if employer uncertain of desire to participate in audit
4. Hold closing conference with employer and employee representatives to discuss audit findings and recommendations

* Evaluation of employer's safety and health program

Audit Reports

Written report must be forwarded to employer no more than 20 calendar days from final closing conference date

Report shall include

- * 1. Name of safety and health professional performing audit and department's certificate number of safety and health professional

If another safety and health professional reviewed and approved report, include department's certificate number of that individual

- * 2. Name and location of establishment at which audit performed
- * 3. Date of audit visit
- * 4. Name of employer for whom report prepared
- * 5. Primary activity or activities of establishment and synopsis of work operation
- * 6. Number of employees at worksite
- * 7. Complete review of each required element of safety and health program in chapters 12-60 and 12-110 and assessment of employer's compliance with requirements, including discussion of reasons why program elements adequately met or deficient
- * 8. Identification and description of all safety and health hazards found at establishment
- * 9. Description of all monitoring performed at establishment, including methodology used, identification of laboratory processing sample, and monitoring results
- * 10. Recommendations for correction of all safety and health hazards or deficiencies noted during audit, including either recommended time frame for correction of each hazard or categorization of hazards by severity, using HIOSH protocol established for purpose
- * 11. Signed statement by safety and health professional who conducted audit and prepared report attesting that information in report technically accurate and meets requirements and intent of section 12-58-2

If report reviewed and approved by another party, include similar signed statement by that party

Safety and health professional shall maintain reporting and recordkeeping audits for minimum of 3 years

Premium Discount Certificate

After hazards and deficiencies noted in audit report corrected, employers desiring certificate shall submit to safety and health professional following information

- * Written report documenting all measures instituted to correct all safety and health hazards or deficiencies in safety and health program noted in safety and health professional's report and certified statement indicating deficiencies corrected and safety and health professional's recommendations implemented

In lieu of employer's documentation, safety and health professional may include signed statement attesting to employer's compliance during subsequent audit

- * Name, address, and phone number of employer's designated contact person for initial audit

Safety and health professional shall make information part of report within 15 working days after receipt

Safety and health professional shall issue premium discount certificate to employer after determining employer's compliance with minimum requirements of section 12-58-2