Appendix G

OSHA 110 Form - 23(g) Grant Agreement Page 1 of 1 ΙX (1) Region: U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration Hawaii State: Grantee: Dept. of Labor & Industrial Relations **GRANT** AGREEMENT Grant Number: SP-39072-SP3 OSHA 23(g) OPERATIONAL Starting Date: October 1, 2022 **PROGRAM** September 30, 2023 Ending Date: CFDA: 17,503 Occupational Safety and Health State Program U.S. Department of Labor (3) Recipient (2) Occupational Safety & Health Administration State of Hawaii Name: 90 7th Street, Suite 2650 Address: 830 Punchbowl Street, # 425 San Francisco, CA 94103 Honolulu, Hawaii 96813 Anne E. Perreira-Eustaquio, Director James Wulff, Regional Administrator Recipient Liaison Representative OSHA Liaison Representative (808) 586-8850 (415) 625-2547 Area Code and Telephone Number Area Code and Telephone Number (4) Authority for Grant: P.L. 91-596, under Section 23(g) Pct. Total Funds 50% 1. Federal Base Award Amount: \$1,584,700 2. State Base Award Amount: 50% \$1,584,700 (please do not include 100% funding) \$1,584,700 3. Total Recipient Share: \$0 4. Recipient 100% Funding: (please also include in line 3) 5. Total State and Federal Funds \$3,169,400 Allocated to This Agreement: (line 1 plus line 3) Uniform Administrative Requirements, Cost Principles, and Audit Requirements: 2 CFR Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements, Final Rule 2 CFR Part 2900: DOL Exceptions to 2 CFR Part 200 Terms and Conditions of the Grant: This GRANT AGREEMENT includes the award notification letter as well as the entire grant application, including all attachments, exhibits, enclosures, etc. (5) Recipient Approval (6) Federal Approval Digitally signed by KIMBERLY
TAYLOR LOCEY KIMBERLY TAYLOR Date: 2022.09.27 16:35:27 -04'00' Kimberly A. Locey, Director Date Administrative Programs Anne E. Perreira-Eustaquio, Director

Form OSHA 110

Appendix H

23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions

Note: Some of these assurances may not be applicable to your program. If you have questions, please contact the awarding agency. Some federal awarding agencies may require applicants to certify to additional assurances. If this is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- 1. Has the legal authority to apply for federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
- 2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
- Will comply with all federal statutes relating to nondiscrimination. These include but are not 6. limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of disabilities; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§2000d) and section 188 of the Workforce Investment Act of 1998 (P.L. 105-220), as it relates to the prohibition against national origin discrimination for persons with limited English proficiency (pursuant to Executive Order 13166 issued August 11, 2000); (j) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

- 7. Will comply with Executive Orders 13779, 13555, 12928, and 13592 by strongly encouraging contractors to provide subcontracting opportunities to Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges and Universities.
- 8. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
- 9. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
- 10. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction sub-agreements.
- 11. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234), which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- Will comply with environmental standards which may be prescribed pursuant to the following:

 (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
- 13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.), related to protecting components or potential components of the national wild and scenic rivers system.
- Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
- 15. Will comply with the National Research Act (P.L. 93-348) regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.

- 17. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Uniform Guidance 2 CFR 200 and exceptions in 2 CFR 2900.
- 19. Will comply with all applicable requirements of all other federal laws, executive orders, regulations and policies governing this program.
- Will comply with the requirements for Federal Funding Accountability and Transparency Act (2 CFR Part 170) and the Universal Identifier and System for Award Management, formerly Central Contractor Registration (2 CFR Subtitle A, Chapter I and Part 25).
- 21. In accordance with Section 516 of the 1989 Department of Labor Appropriation Act, the grantee agrees that when issuing statements, press releases, requests for proposals, bid solicitations or other documents describing the grant project or program, the grantee shall clearly state:
 - (a) The percentage of the total costs of the program or project which will be or is being financed with federal money;
 - (b) The dollar amount of Federal funds for the project or program; and
 - (c) Percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.
- 22. In accordance with the Drug-Free Workplace Act of 1988, the grantee certifies that it will provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and

- (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Lobbying Certification

- 23. The undersigned certifies, to the best of his or her knowledge and belief, that:
 - (a) No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or an employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal award, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal award, grant, loan, or cooperative agreement.
 - (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activity," in accordance with its instructions.
 - (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants) and that all sub-recipients shall certify and disclose accordingly.
 - This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.
 - (d) Section 18 of the Lobbying Disclosure Act of 1995, signed by the President on December 19, 1995, requires that any organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities shall not be eligible for the receipt of federal funds constituting an award, grant or loan.

(1)	This is to certify that we are/are	not_X	_ an IR	S 50	01(c)(4) entity.	
(2)	As an IRS 501(c)(4) entity, we have_	/hav	e not_	X_	engaged in lobbying activiti	es.

23(g) OSHA Restrictions and Conditions

Restrictions and Conditions #1 through #27 are applicable to all grantees and are made a part of these assurances and certifications by the Occupational Safety and Health Administration (OSHA). These include program elements mandated by the Occupational Safety and Health Act of 1970 as amended and implementing regulations that are not addressed through other available monitoring and reporting mechanisms, and a number of other restrictions:

- 1. The grantee assures that the following mandated program elements are and will continue to be implemented in accordance with all statutory and regulatory requirements: (1) prohibition against advance notice of inspection; (2) worker access to hazard and exposure information; (3) safeguards to protect an employer's trade secrets; (4) employer recordkeeping; (5) legal procedures for compulsory process and right of entry; (6) posting of worker protections and rights; (7) right of a worker representative to participate in a walkaround; (8) right of a worker to review a decision not to inspect (following a complaint); and (9) voluntary compliance programs.
- 2. The grantee understands that participation in the OSHA Information System (OIS) and all its constituent data components, including the OSHA IT Support System (OITSS), is a condition of plan approval. The State Plan agrees to pay OSHA for data processing services, telecommunication, specialized training, and other services provided through such a system, based on annual and/or quarterly bills. All bills are expected to be paid upon receipt, but must be paid no later than September 1.
- 3. Although OIS and OITSS, are web-based applications, it is expected that all State Plans maintain sufficient information technology infrastructure to maintain an effective program. State Plans must maintain appropriate equipment, Internet access with adequate bandwidth, e-mail services, and data connectivity for its staff to effectively operate as a State Plan. In addition, it is expected that the State Plan will maintain and host a webpage for the public of its state/territory that, at a minimum, sufficiently explains the services provided by the State Plan and includes links and/or contact information for the appropriate reporting mechanisms.
- 4. State recipients that participate in OITSS, OLD, OIS, or other OSHA applications are required to submit account request forms for each system if a new account is requested. Upon employee separation, recipients are required to submit an account deletion form for each application no later than the day of departure. The form should clearly mark the account(s) to be deleted (i.e., OITSS, OLD, OIS, etc.). OITSS and OLD forms can be e-mailed to: oshaapplications@dol.gov. OIS forms should go to the OIS Help Desk at oshaapplications@dol.gov.
- 5. All system users (OLD, OIS, OITSS, Extranet and other OSHA applications) must adhere to federal, Department of Labor (DOL), and OSHA computer security policies, procedures, and processes, including use of appropriate federal IT software.
- 6. All state recipients must ensure that encryption software is used, in order to protect sensitive information, including Personally Identifiable Information, and to meet Office of Management and Budget (OMB) and Department of Labor requirements. The software should meet the requirements of the National Institute of Standards and Technology (NIST) Federal Information Processing Standards (FIPS) 140-2, which has been installed on all computers/devices that access OSHA systems, and its use is required by all users. This must include full disk encryption of all mobile computers and file-level encryption of data downloaded from OSHA information systems to portable storage devices.
- 7. All OSHA system users must complete any federally mandated or DOL-required computer security training.

- 8. All users connected through OSHA, Extranet and other OSHA applications must annually sign Rules of Behavior for each system accessed.
- 9. Only staff and contractors who have been authorized by the state-designated Approving Official can use the Extranet to access internal agency resources. All users must change their Extranet account password every 90 days. Accounts that have not been used for 60 consecutive days will become disabled. Once the account has been disabled, only the user's Approving Official can unlock their account. Accounts that have not been used for 120 consecutive days will be deleted.
- No 23(g) grant or matching state funds may be expended for the development or operation of a 10. substitute/alternative or supplemental OIS system unless it provides all data required by OSHA and the OIS, in a timely manner and in an acceptable electronic format. Any state developing an alternative or supplemental system must continue to provide data to OSHA that are identical to that required by the Federal Information System and that are submitted in the same manner and to the same extent as though continuing to participate in the federal system. Data must be submitted timely through download (e.g., an interface) into the OIS, and must be provided in a format that meets OSHA's current as well as any future requirements. All OIS software releases or modifications must be deployable within a timeframe negotiated with OSHA upon receipt of specifications. There must be no interruption in submission of data unless authorized by OSHA during the development or modification of such alternative or supplemental systems. States will be expected to continue to meet these requirements upon deployment of the OIS. Implementation of a new system, or change to an existing system, must be coordinated with OSHA, and OSHA must be notified at least 90 days prior to implementation of a new system, or modification of an existing system.
- 11. To maximize the use of the new OIS features and to address the increasing role of videos and other social media that will provide enhanced capabilities, the State Plan's IT capabilities must include network bandwidth capacity for each site of at least 1.544 MB (e.g., T-1 Line or higher).
- 12. States must assure participation of all appropriate staff in any required OIS training. States must continue to designate individual(s) to assist OSHA in coordinating OIS training for newly hired staff, and retraining or additional training of existing staff.
- 13. No 23(g) grant or matching state funds may be expended for programs coming within the jurisdiction of and/or funded by another federal agency, whether or not the federal program is administered by the designated State Plan agency.
- 14. OSHA reserves the right to transfer title to equipment acquired under this agreement with a unit cost of \$5,000 or more.
- 15. The grantee agrees to pay OSHA for industrial hygiene sample analysis services provided by the Salt Lake Technical Center (SLTC) laboratory. Any State Plan using the SLTC as its primary analytical laboratory must have a signed Memorandum of Agreement (MOA) on file. The fourth quarter payment will be based on an estimated bill. States without an MOA may submit samples on an occasional basis. All bills are expected to be paid upon receipt, but must be paid no later than September 1. Any necessary adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year.
- 16. The grantee agrees to pay OSHA for costs associated with the conduct of OSHA Training Institute (OTI) training courses conducted for the grantee at the grantee's request. The grantee will pay for travel and per diem for OTI instructors, all fees and travel expenses associated with contract trainers, shipping charges, equipment rental and training facility rental. All bills are expected to be paid upon receipt, but must be paid no later than September 1. Any necessary

- adjustments between actual charges and estimates will be made in the first quarter of the following fiscal year.
- 17. No 23(g) or matching state funds may be expended for activities prohibited under OSHA's Appropriation Riders. Non-match/100 percent state funds only must be used if the state chooses to perform prohibited activities; an accounting mechanism must be in place to ensure that no 23(g) or matching state funds are expended on these activities. (Any state using 100 percent state funds for such activities must appropriately use the available OSHA Information System (OIS) coding to reflect this.)
- 18. No legal liability on the part of OSHA arises until the appropriation is made available within OSHA to fund the obligation.
- 19. States are encouraged to promote safety or health professional certification of their employees by a nationally recognized accrediting organization. State Plan Grant funds may be used to pay for the costs associated with a professional certification preparation course and the examination, including travel and per diem. No 23(g) or matching state funds may be expended for costs associated with preparation for a second attempt to obtain certification by employees who initially fail a professional certification examination. However, grant funds may be used for the examination itself and related travel and/or per diem for a second attempt. Grant funds may not be used for any subsequent attempts. Percentage of certification costs charged to the grant cannot exceed the percentage of time for which an employee is dedicated to the grant.
- 20. No 23(g) or matching state funds may be expended for annual fees associated with maintaining professional certifications.
- 21. State representatives are expected to attend all regularly scheduled joint meetings between OSHA and the Occupational Safety and Health State Plan Association (OSHSPA). The 23(g) grant and/or state matching funds may be used for costs associated with such attendance. Attendance is essential to a state's commitment to its program. These meetings are the mechanism through which OSHA both seeks input and informs the states of its expectations for State Plan performance and structure.
- 22. All state recipients are expected to maintain a State Internal Evaluation Program as part of the State Plan monitoring system. Failure to operate an effective internal self-audit program will result in increased federal oversight.
- All state recipients must assure that an effective debt collection mechanism is in place and documented in the State Plan to ensure the integrity of the program through collection of assessed penalties. Funds so collected may not be used for operation of the enforcement program.
- 24. All state recipients must use laboratories that are listed as proficient in each relevant field of testing by the Industrial Hygiene Proficiency Analytical Testing (IHPAT) or the Bulk Asbestos Proficiency Analytical Testing (BAPAT) programs of the American Industrial Hygiene Association (AIHA). The National Voluntary Laboratory Accreditation Program (NVLAP) may be used as an alternative to the BAPAT program only. State Plans must inform the Office of State Programs if they use labs other than those listed in Appendix M or if their contractual lab loses their proficiency in any field of testing for which the State Plan utilizes that specific facility. State Plans are responsible for ensuring SLTC has access to all proficiency results for any labs used.
- 25. The grantee understands that participation in blended course work (a course that is a combination of web-based training and instructor-led training) offered through the OSHA Training Institute

- (OTI) requires the grantee and its students to be able to receive automatic email course notifications from OSHA's third-party web-based training hosting service at their official, work-issued email address.
- All State Plans are required to administer state and local government on-site consultation programs that adhere to the requirements of the Consultation Policies and Procedures Manual (CPPM) or an approved, state-specific, at least as effective alternative to the CPPM. Two State Plans, Kentucky and Washington, that operate their private sector on-site consultation program with 23(g) funding, must also have policies at least as effective as the provisions of the CPPM. State Plans are required to report out on all mandatory elements of the on-site consultation program in the SOAR. State Plans that provide private sector consultation services under the 23(g) grant (Kentucky and Washington) must also plan to attend the On-Site Consultation Training Conference and otherwise meet equivalent effectiveness requirements. Costs for attendance may be allocated to 23(g) and/or state matching funds.
- 27. States that provide private sector on-site consultation services under the 23(g) grant must complete both Appendix D and Appendix J of this grant application.

Note: The Restrictions and Conditions which relate to the procedures for payment for various services OSHA provides may be further modified prior to the time of grant submission.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL Onne Outfor	TITLE Anne E. Perreira-Eustaquio Director, Dept. of Labor & Industrial Relation		
APPLICANT ORGANIZATION	DATE SUBMITTED		
State of Hawaii Dept. of Labor & Industrial Relations Hawaii Occupational Safety & Health	7/13/22		

Signature must be by official with signatory authority for 23(g) programs and it applies to assurances and certifications, lobbying restrictions and 23(g) OSHA restrictions and conditions.