



DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

News Release

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OBAMA, ABERCROMBIE ADMINISTRATIONS RENEW COMMITMENT TO WORKPLACE SAFETY AND HEALTH IN HAWAII

Manufacturing Sector to Return to State Jurisdiction

HONOLULU—The Hawaii State Department of Labor & Industrial Relations (DLIR) and the Occupational Safety and Health Administration (OSHA) today announced that improvements in Hawaii's workplace safety and health during the last year will result in the Hawaii Occupational Safety and Health Division (HIOSH) reassuming responsibility for regulating Hawaii's manufacturing industries.

OSHA and HIOSH have shared regulatory responsibility for Hawaii per an agreement that clearly divides enforcement responsibilities. The Operational Status Agreement (OSA) went into effect last September and was designed to jointly rebuild and strengthen the safety and health regulatory environment in Hawaii. The OSA, a procedural agreement, provides a roadmap for how the OSHA and DLIR's HIOSH will work together to meet safety and health goals and assure safe and healthful working conditions for Hawaii's workers.

"By continuing to work together closely with OSHA, and in partnership with employers, we are on track in rebuilding the HIOSH program. A strong HIOSH not only lowers injury and illness rates, but also improves the overall work environment and accountability," said Governor Neil Abercrombie. "This Administration is committed to restoring the state's ability to assure workplace safety and health."

The agreement suspended HIOSH's enforcement authority in specific industries where OSHA assumed responsibility for enforcement until the State is able to be "at least as effective" as OSHA. The partnership allows OSHA to commit the resources and staff necessary to provide the training and support, which will enable HIOSH to reassume sole enforcement authority in the State. HIOSH will progressively resume authority over industries as it rebuilds capacity during the three-year period outlined in the agreement. The return of the Manufacturing sector to HIOSH jurisdiction is the first sector that was scheduled in the OSA to return to HIOSH.

"One of my first and ongoing priorities in the department has been the restoration of HIOSH," said DLIR Director Dwight Takamine. "Much of that effort has involved staff recruitment for the division and continuously seeking advice and help from our federal partners. The return of the Manufacturing sector to our jurisdiction recognizes that we are hitting those milestones necessary to re-establish meaningful safety and health regulation, although the work is not finished."

The progress being made to improve worker safety and health in Hawaii through this cooperative effort is encouraging to see," said Dr. David Michaels, Assistant Secretary of Labor for OSHA. "HIOSH, and all of our State partners are an integral part of the national OSHA effort to level the playing field by enforcing rules that everyone must follow to strengthen our economy, prevent serious injuries and illnesses, and save lives.

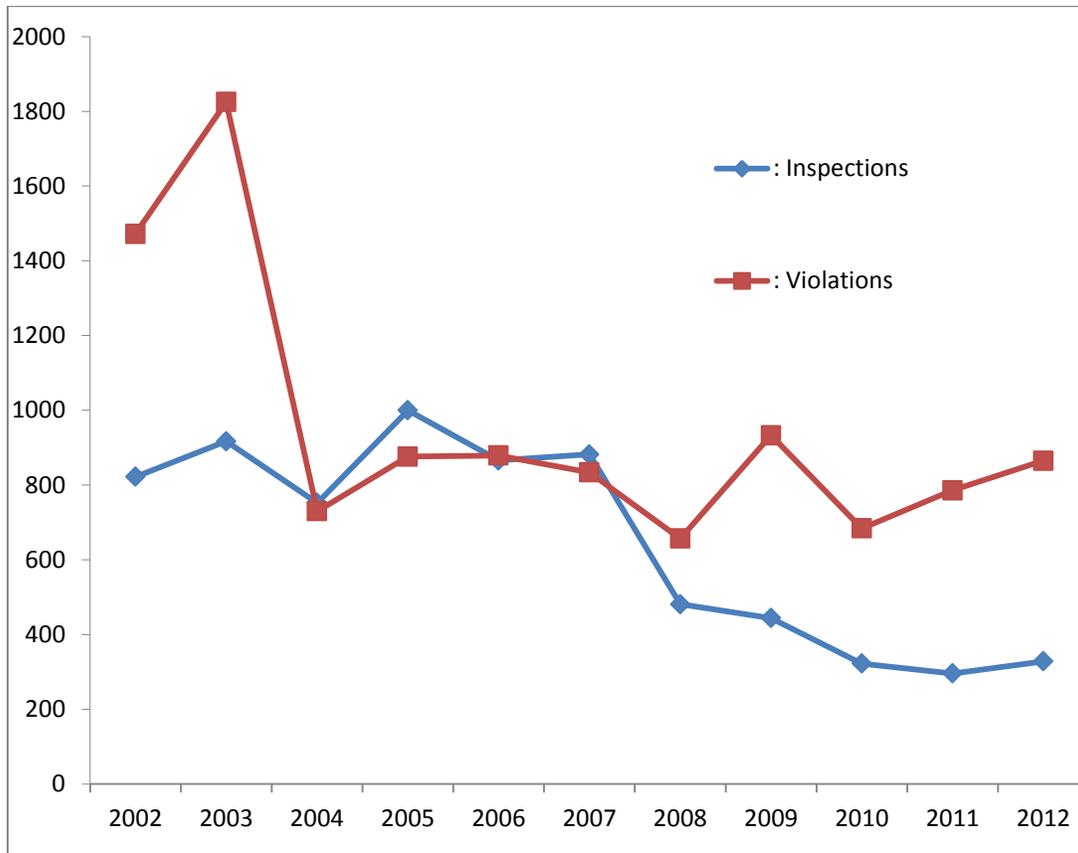
"Enforcement responsibilities are clearly divided to ensure that no one in the employer community needs to be confused about which agency is regulating their industry during the agreement," said HIOSH Advisory Board Chair Chuck Beneke. "We are continuing to conduct outreach to the employer community to minimize confusion as to which agency has jurisdiction as well as the safety and health standards that are applicable."

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 2002-2011 (Fed FY)



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 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 December 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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