

# HIOSH ADVISORY COMMITTEE

## Minutes

November 18, 2004

Present: Richard Botti, Steve Brooks, Paul Chang, Charles Kelley, Tracy Lawson, Lily Chu for Robert Nakamatsu, Jim Newberry, Clifford Uwaine, Alan Hiramatsu for Thomas Vendetta, Raymond Welch, Clayton Winger

Absent: Arthur Akana, Lani Bjork, Delbert DeRego, Robert Dove, Gerald Estenzo, Wade Hashizumi, Connie Hastert, Tim Lyons, Ernest Reese, Gareth Sakakida, Hermando Tan, and Shelley Wheeling-Park

DLIR: James Hardway, Assistant to the Director

HIOSH: Mark Behrens, Lora Contreras, Gerald Ellamar, Ellen Kondo, Terrie Mizoguchi, Yash Nagpaul, Masayoshi Ogata, and Records Mary Chun and Ivy Spray

Meeting was called to order at 1:04 pm by Chair, Clayton Winger. A quorum was present

### 1. Approval of August 19 and October 19, 2004 Minutes

August 19, 2004 minutes accepted (moved by Paul Chang and seconded by Ray Welch).

October 19, 2004 minutes accepted (moved by Paul Chang and seconded by Ray Welch).

### 2. HIOSH Activities/Status Reports

#### a. Administration & Technical Support Branch - Gerald Ellamar, Acting Manager

Regarding vacancies, 14 positions are authorized 13 are filled with either permanent or 89-day hires. The one vacancy is a clerk typist II position for which ATS is currently awaiting Governor's approval.

Complaints for the period October 1, 2004 to November 16, 2004 - 23 complaints, 8 handled by phone/fax and the remaining 15 resulted in inspections.

Discrimination complaints: One, which is currently being investigated.

Tracy Lawson asked what were the subjects of the complaint. Gerald responded that he was unable to answer at this time.

Ray Welch asked how many of the vacancies were filled via 89d. Answer - 3

#### b. Occupational Safety Branch - Mark Behrens, Manager

Mark reported 12 positions when fully staffed. Safety branch is currently staffed with 7 experienced inspectors. Two positions, 1 Hilo, and 1 on Oahu have recently been filled and currently are in process of hiring two more OSHCO I positions for Oahu. Our Hilo OSHCO comes with 14 years of experience from North Carolina, State OSHA and our other position is an OSHCO I position who started this past Monday.

Interviews have just been completed for two additional vacancies and we have two possible new hires at the OSHCO I level. They will need a lot of training. Looking at about 6 months at least before they will be able to go out on inspections. This brings our total staff to eleven, which is one short, which brings us to the Maui OSHCO position, for which we are waiting for the Governor's approval.

FPEP – fall protection emphasis program. The emphasis program gives us the right to inspect worksites that are not complying with the fall protection standard.

What we have is referrals, self referrals, programmed inspections, complaints, and fatality inspections.

One fatality occurred last fiscal year. The case is not closed yet, so no details are available. This case involved workplace violence.

Dr. Kelley asked about the emphasis program and giving HIOSH the ability to do inspections. He thought we always had the right to do the inspection. Mark responded that there are legalities involved. There are 4 ways that we can do an inspection - ISS (Inspection Scheduling System), referrals, complaints, and fatalities.

Tracy asked about Mark's statement regarding 6 months of training - Mark explained that the trainees go out on accompanied inspections, attend classroom training (OSHA TI), self-study, accompanied inspections and after 6 months go out on low complexity inspections like Mom & Pop stores. As they progress to an OSHCO II, a little more complex inspections and as an OSHCO III they should be already out there except for fatalities. They will go out with OSHCO IVs for fatality inspections.

Clayton Winger asked about DeMinimus policy which expired end of October – Mark informed that it is still continuing. Clayton mentions that website states it's ended.

c. Occupational Health Branch - Masayoshi Ogata, Manager

Vacancies – Four vacancies- One position will be filled on December 1, 2004 and another on 89d. One employee is on light duty.

Violations – Employers are lacking in programs for bloodborne pathogen, hazard communication and other health type programs. Health Branch also finds a lot of safety violations, because Health Branch does not inspect the same establishments as Safety Branch.

Health Branch uses the same criteria, inspection list as the Safety Branch. Health Branch also does referral inspections. When Safety Branch goes out and finds health hazards they make a referral to the Health Branch

Question asked regarding Ergonomics – nothing happening in this area yet. It has been set aside temporarily.

d. Boiler & Elevator Branch - Yash Nagpaul, Manager

100% State funded program, no federal funds.

Hawaii Revised Statutes, chapter 397 Boiler and Elevator Safety Law mandates the safety requirements and enforcement of the inspection rules. The BE safety standards being enforced are basically the guidelines provided by the internationally recognized national organizations (American Society of Mechanical Engineers and the National Board of Boiler and Pressure Vessel Inspectors) and adopted into our law and safety standards.

Safety inspections are made from 6 months to 4 years, depending on the size of the vessel and use of the equipment. Variances are also made when requested.

Private insurance inspectors have been authorized by the National Board to inspect boilers and pressure vessels. Elevators, etc, at this time are not authorized for privatization.

Outreach – Have been a little slow in this area due to shortage of staff. The elevator supervisor visits schools and gives presentations on the safe use of elevators and escalators.

Staffing – Permanently lost 3 positions in the boiler section. In the recent legislative session, lost 3 elevator positions. We might lose another 3 positions, awaiting Governor's approval. Total of 13 positions, includes Manager. They did consider 89d hires, however they would not be feasible due to certification requirements.

Statistics:

Total number of elevators & kindred equipment	>6,000
Rope type elevators requiring 5 year test	3,448
Hydraulic elevators requiring 3 year test	1,100
Total number of escalators requiring 6 mo. Insp.	419

The remaining approximately 1,100 objects include dumbwaiters, vertical wheel chair lifts, amusement rides, man lifts, freight elevators, sewage lifts, etc.

Clayton Winger asked - Are all objects being inspected on schedule?

Pressure vessels are prioritized. Elevators has a backlog and is a concern for Yash and Les Kuratsu. How far behind are you on elevator inspections?

Les Kuratsu reported the following:

Oahu	4 months
Kauai	6 - 12 months
Hawaii	6 - 12 months
Maui	1 - 2 months

Kauai & Hawaii have no inspector and the inspector on Maui is retiring at the end of this year.

Paul Chang - On pressure vessels – who has final say on modifications? Yash Nagpaul replied that it must be an ASME approved company. It must be done in accordance with ASME rules regardless of who inspects, insurance inspector or State inspector.

e. Consultation & Training Branch - Ellen Kondo, Manager

C&T has 7 budgeted positions – Currently 5 are filled and two are vacant. One vacancy on Oahu and one on Maui. Temporarily filling with two 89d hires on December 1, 2004. In May 2004, had 5 SHARP participants. Since then have added 6 more participants, and so there are 11 participants.

The new SHARP participants are:

Kauai Sands  
FMC Dialysis Services of Pearlridge  
Master Sheet Metal, Inc.  
Aylward Enterprises Incorporated  
Big Island Candies, Inc.  
JAL Hawaii, Inc.

Question - Are we going to see any progress on the use of SGEs in the program at this time? Ellen replied she that a question was asked by the committee but have not received a response at this time. She will ask Allan Yokoyama again.

The question is "There was going to be a change in use in SGEs from working side by side with C&T to go out and do evaluations in support and help. And that was what Nelson had actually indicated initially that he would like the SGEs to do. Because of having 2 people out there it was a slow process. There was a change in the thought process in maybe using the SGEs to set up training classes for wanna be SHARPS so they could get pre-qualified in their incident rates and understand how to do their OSHA Logs so the rates could be done so that when C&T showed up the expectation is at a level where the process moves faster.

James Hardway asked what was the reason the process slowed down once the SGE showed up in the process? Ellen responded that initially it was the schedules. Trying to get 3 entities - client, SGE, and C&T.

James Hardway sees no problem with SGE going out on their own. James to check with Allan regarding status of SGEs.

Ray Welch – re Form 33, Allan wanted to do more training on Form 33 to allow employers out in the field to use it to self-audit. Ray would like to see that it can still be accomplished because it still a great tool to use in the field. Could SGEs do training? SGEs received training from OSHA. Need SGE when doing Form 33 for possible SHARP employer.

Others can do separate, less formal training for general use.

Dick Botti asked if a power point presentation can be given to them at next Advisory committee meeting. Ray Welch was asked if he would put it together and responded that he would be happy to put it together.

Jim Peck - Update on C&T sponsored outreach programs for businesses. One-day conferences, Reducing Injuries Prevents Unnecessary Costs, were conducted around the State. The last conference was held on Maui yesterday with Nira Cooray, who gave a very good presentation. There was a total of 160 attendees on the Neighbor Islands and 190 attendees on Oahu. Primary sponsor was HIOSH along with ASSE, AIHA, SBDC, Chamber of Commerce of Kauai were all co-sponsors.

Jim Peck was acknowledged for his hard work in making it happen.

f. Hoisting Machine Operators' Advisory Board (HMOAB) - Lora Contreras

Certified 391 operators. 248 on regular certification and 143 on special certification. A special certification is a one time 2 year application for applicants that do not meet the requirements for the 5 year certification.

They are now on the HIOSH website and post approved minutes of board meetings and all the names of the certified operators.

To date they still have only 3 certified companies able to provide training on crane certification. Looking at one more, Preferred Aerial & Crane Technology and Brodek Crane who have teamed up and they want to provide training also. They are awaiting approval from HMOAB.

There were no crane accidents reported this year.

Collection fees for certification of \$186,860.00

Submitted a budget which was approved in by the Board September, to Allan and it must be going through the process up to the legislature.

Proposed one rule change to add a penalty for the crane operator (minimum of \$200 and up to \$7,000) which matches the rules and guidelines in the DLIR regarding penalties.

Question was asked to define "Operator. Is it an employee or company?"

Answer: It could be both. Anyone who operates a crane or hoisting machine.

James Hardway asked: What size of the population do you think is certified?

There are 391 crane operators, how many more do you think need to be certified?

Response: Not too many. In the beginning, 6 years ago, they anticipated 2,000.

Clayton Winger asked if there is any move toward certifying tower cranes?

Response: Not yet, they are considering it on the Board though.

Jim Newberry asked regarding: What would it take to include a provision on Reporting of crane accidents since the current rule does not include crane accidents? HIOSH would have reported an accident with \$25,000 or more property damage or fatality. What would it take to get any accident with cranes into the proposed rules?

Answer: Propose rule would go to the Board.

3. Old Business

- a. Review and approve the Mission, Purpose and Vision Statement - Jim Newberry

Changes and additions were discussed.

The Mission, Purpose and Vision Statement were accepted. (Moved by Dick Botti and seconded by Dr. Kelley)

Operating Guidelines - were moved and accepted by committee with changes.

Dr. Kelley – Subcommittee bring subject to be discussed to Advisory Committee meeting for immediate feedback.

4. New Business

- a. Meeting Schedule for 2005

February 17, 2005

May 19, 2005

August 18, 2005

November 17, 2005

May meeting – Neighbor island meeting in Kona is still up for discussion with Nelson Befitel, Director. James Hardway to follow up with the Director.

- b. Sub-Committee Reports

- (1) Construction - Basic and Generic Training - Paul Chang

Carpenters – offers OSHA 10 to apprentices. Has scaffolding and forklift training. Most safety programs through the union are generic. More intense training is usually company specific.

Needs a minimum of 10 people to run a program. Subs usually go to the union and generals conduct their own.

Dick Botti - USDOT – New regulations on CDL entrance level drivers has included Whistleblower provisions. Whistleblowers provisions comes under HIOSH.

- (2) Rules and Regulations for Leasing Companies - Bob Dove  
None

- (3) Drugs in the Workplace - Charles Kelley  
None

- (4) Safety Recognition and Awards - Clayton Winger  
None

- c. Other New Business

None

5. Adjournment

2:35 adjournment.