
SENATE RESOLUTION

URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH AND CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF IMPLEMENTING A CONSTRUCTION SAFETY AND HEALTH PROGRAM IN THE STATE.

1 WHEREAS, the State of Hawaii operates under an agreement
2 with the Occupational Safety and Health Administration (OSHA) in
3 accordance with Section 18 of the Occupational Safety and Health
4 Act of 1970; and

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6 WHEREAS, the Department of Labor and Industrial Relations
7 (DLIR) is the designated state agency to administer the program
8 through the Hawaii Occupational Safety and Health Division
9 (HIOSH); and

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11 WHEREAS, the Hawaii State Plan applies to all private and
12 public sector employees and places of employment in the State
13 other than federal employees, the United States Postal Service,
14 private sector maritime employees, and land that is located
15 exclusively within a federal jurisdiction, all of which are
16 subject to federal OSHA jurisdiction; and

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18 WHEREAS, Hawaii has adopted the majority of federal OSHA
19 standards verbatim; and

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21 WHEREAS, critics have questioned the accuracy of falling
22 injuries and illnesses reported by the Bureau of Labor
23 Statistics, and OSHA announced on October 1, 2009, that it
24 instituted the National Emphasis Program on recordkeeping to
25 check the accuracy of employer reporting, especially in the
26 construction industry where it appears that incomplete reporting
27 may be a serious and widespread problem; and

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29 WHEREAS, the United States Government Accountability Office
30 cites academic studies, which suggest that OSHA misses up to
31 two-thirds of all workplace injuries and illnesses; and

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1 WHEREAS, OSHA, due to the jurisdictional distinctions
2 outlined above, is not an equivalent alternative to HIOSH,
3 because OSHA does not cover public workers and does not fully
4 replace State programs; and
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6 WHEREAS, the current DLIR staffing levels do not meet OSHA
7 benchmark levels and despite this, the DLIR continues to reduce
8 staffing levels and thereby jeopardize its ability to fulfill
9 the mission of HIOSH, which exposes Hawaii workers to greater
10 risk; and
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12 WHEREAS, workplace safety and health, which happens to be
13 the mission of HIOSH, saves lives, prevents the loss of workers'
14 livelihoods, prevents debilitated workers from losing time with
15 their families and recreational endeavors, and reduces costs for
16 employers and society in general; and
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18 WHEREAS, the State of California has implemented a
19 construction safety and health program through which trained
20 private individuals presenting credentials at a construction
21 site are allowed onto the site to determine whether or not
22 safety and health law are being violated; and
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24 WHEREAS, under the California construction safety and
25 health program, information on potential violations on
26 construction sites is submitted to California OSHA officials,
27 who determine what course of action, if any, should then be
28 taken; and
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30 WHEREAS, the Legislature finds that a similar construction
31 health and safety program could benefit Hawaii's workers and the
32 feasibility of implementing that program should be explored;
33 now, therefore,
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35 BE IT RESOLVED by the Senate of the Twenty-fifth
36 Legislature of the State of Hawaii, Regular Session of 2010,
37 that the DLIR is strongly urged to meet or exceed OSHA benchmark
38 safety levels for Health Compliance Officers, Safety Compliance
39 Officers, Safety Consultants, Health Consultants, Compliance
40 Assistants, and other positions as required for HIOSH and the
41 DLIR to fulfill its mission in workplace safety and health; and
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43 BE IT FURTHER RESOLVED that the DLIR is requested to
44 perform a study to determine the feasibility of implementing a



1 construction safety and health program in the State of Hawaii
2 that is similar to California's program; and

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4 BE IT FURTHER RESOLVED that the DLIR is requested to report
5 to the Legislature on its progress and plan to meet or exceed
6 OSHA benchmark safety levels and on the feasibility of
7 implementing a construction safety and health program in the
8 State no later than twenty days before the convening of the 2011
9 Regular Session; and

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11 BE IT FURTHER RESOLVED that certified copies of this
12 Resolution be transmitted to the Governor of the State of
13 Hawaii, the Director of Labor and Industrial Relations, the
14 Director of Health, Director of Finance, the Director of Human
15 Resources Development, and chairperson of the Hawaii
16 Occupational and Safety Health Division Advisory Committee.

