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



1 other positions as required for HIOSH and the DLIR to fulfill  
2 its mission in workplace safety and health; and  
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4 BE IT FURTHER RESOLVED that the DLIR is requested to  
5 perform a study to determine the feasibility of implementing a  
6 construction safety and health program in the State of Hawaii  
7 that is similar to California's program; and  
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9 BE IT FURTHER RESOLVED that the DLIR is requested to report  
10 to the Legislature on its progress and plan to meet or exceed  
11 OSHA benchmark safety levels and on the feasibility of  
12 implementing a construction safety and health program in the  
13 State no later than twenty days before the convening of the 2011  
14 Regular Session; and  
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16 BE IT FURTHER RESOLVED that certified copies of this  
17 Concurrent Resolution be transmitted to the Governor of the  
18 State of Hawaii, the Director of Labor and Industrial Relations,  
19 the Director of Health, Director of Finance, the Director of  
20 Human Resources Development, and chairperson of the Hawaii  
21 Occupational and Safety Health Division Advisory Committee.

