

TESTIMONY

SCR 144



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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State
Committee on Labor

Testimony by
Hawaii Government Employees Association
April 8, 2010

S.C.R. 144/ S.R. 65 – URGING THE
DEPARTMENT OF LABOR AND INDUSTRIAL
RELATIONS TO MEET OR EXCEED
OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION POSITION BENCHMARKS
FOR WORKPLACE SAFETY AND HEALTH.

The Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO strongly supports S.C.R. 144/ S.R. 65. Workplace safety must be the highest priority for all employers, and the state has the primary responsibility to enforce statutes and rules pertaining workplace safety. It is very disturbing that staffing levels within the Department of Labor and Industrial Relations (DLIR) do not meet federal Occupational Safety and Health Administration (OSHA) benchmarks. Of even greater concern is that DLIR continues to cut staffing levels thereby interfering with its ability to keep workplaces safe.

During the recent reduction-in-force, 12 employees were laid off within Hawaii Occupational Safety and Health Division (HIOSH). Hawaii workers are therefore exposed to greater risk as a result of this shortsighted decision. We agree with the purpose of S.C.R. 144/ S.R. 65 that DLIR must take affirmative steps to meet or exceed OSHA benchmark safety levels for Health Compliance Officers, Safety Compliance Officers, Safety Consultants, Health Consultants, Compliance assistants, and other positions for HIOSH to adequately protect workplace safety. Enforcing accountability through a report from DLIR on HIOSH staffing levels to the 2011 Legislature is also warranted.

Thank you for the opportunity to testify in support of S.C.R. 144/ S.R. 65.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

The Twenty-Fifth Legislature
Regular Session of 2010

THE SENATE
Committee on Labor
Senator Dwight Y. Takamine, Chair
Senator Brian T. Taniguchi, Vice Chair

State Capitol, Conference Room 224
Thursday, April 8, 2010; 2:45 p.m.

STATEMENT OF THE ILWU LOCAL 142 ON S.C.R. 144 AND S.R. 65
Urging the Department of Labor and Industrial Relations to Meet or Exceed
Occupational Safety and Health Administration Position Benchmarks
for Workplace Safety and Health

The ILWU Local 142 supports S.C.R. 144 and S.R. 65, which urges the Department of Labor and Industrial Relations (DLIR) to meet or exceed OSHA benchmark safety levels to ensure safety and health in Hawaii workplaces.

The ILWU represents some 20,000 members statewide who work in a variety of industries. Most of these industries are under the jurisdiction of the Hawaii Occupational Safety and Health (HIOSH) Division of DLIR. S.C.R. 144 and S.R. 65 raise a concern that the report of injuries and illnesses attributable to the workplace may be inaccurate and may fail to recognize the severity and scope of workplace safety and health issues.

Understaffing of the HIOSH Division would easily lead a reasonable person to that conclusion. Lacking staff to do adequate inspection of worksites, both announced and unannounced, HIOSH may likely fail to detect workplace deficiencies that could lead to injuries and death.

We fully understand the State's dilemma as it is forced to grapple with a huge deficit that requires the Legislature to consider further cuts in services or an increase in taxes. However, the health, safety, and well-being of Hawaii's workers should be paramount on the minds of lawmakers and administrators. It would be "penny wise and pound foolish" to scrimp on safety and health inspections if more workers become ill, disabled, or die as a result.

The ILWU urges adoption of S.C.R. 144 and S.R. 65. We trust that DLIR will meet or exceed OSHA benchmarks so that Hawaii workers can be assured of safe and healthful work environments as required by law. Thank you for the opportunity to testify on this matter.

Testimony In Support of

SCR144/SR65

URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO
MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH

BY Al Lardizabal, Director of Government Relations
Hawaii Laborers' Union

To the Senate Committee on Labor
Thursday, April 8, 2010, 2:45 p.m.
State Capitol, Room 224

Senator Dwight Y. Takamine, Chairman and Members of the Committee:

Secretary of Labor Hilda L. Solis said, "The safety of workers must be priority one, and the U.S. Department of Labor is stepping up review of state OSHA plans to ensure that is the case." The state of Nevada safety and health program had such serious deficiencies that the U.S. DOL is now auditing other state safety and health programs including that of Hawaii. The State DLIR should provide a report on this audit to the Committee.

The federal government under President Obama and Secretary Solis has increased the OSHA budget by 10% to \$563 million because of this priority for the safety of workers. The opposite is occurring in Hawaii state government. Positions in HIOSH have been gradually reduced affecting the capability of the HIOSH to fulfill its mission.

According to anecdotal evidence, in 2009, 17 positions were abolished within HIOSH. In August 2009, 13 more positions were lost. This year, the department recommended the reduction of another 13.50 positions but thankfully, the Legislature saw fit to restore them in the current budget bill now under consideration. Vacant positions even if without funding, should be left intact for the next governor and director to determine their utility. Worker safety is a high priority.

In April 17, 2008, the International Labor Organization established benchmarks for safety: it said that there should be at least one labor inspector for every 10,000 workers. In comparison, before the recent budget increase, the U.S. Government (DOL) had a one to 63,670 ratio nationally and the Hawaii offices of the U.S. D.O.L. had a one to 29,803 ratio. Hawaii has a civilian labor force of about 636,050 (2009) therefore, using the ILO ratio of 1/10,000, Hawaii should ideally have about 63 inspectors or staffing; it doesn't.

The above is not an accurate measurement for staffing but it provides a basis for comparison and determining the relative importance of worker safety and health in the overall scheme of things. It is my understanding, subject to confirmation, that HIOSH has only 26 staff now.

To put safety in perspective, according to U.S. D.O.L data of workplace fatalities for the period 1992 to 2007 for all states, Hawaii had 405 fatalities or about 26 per year. This is 26 deaths too many each year.

I wish to make clear that the staff of the entire DLIR especially the HIOSH, are all professionals in their own right and are performing under exceedingly difficult conditions. They deserve to be acknowledged for their dedication and effort to keep Hawaii workers safe. But they are severely limited in resources and personnel to perform the job, as it should be done. And if the workers of Hawaii are to be protected from industrial injury and illness, especially when more construction projects are coming online, the HIOSH program must be supported and strengthened.

Thank you for the opportunity to submit this supporting testimony.

The Senate
Committee on Labor
Thursday, April 8, 2010
2:45 p.m., Room 224

Statement of the **Hawaii Carpenters Union in Support of SR 65/ SCR 144**

The Hawaii Occupational Safety and Health Division (HIOSH), the subject of this resolution, cannot be subjected to continued understaffing, nor can its performance be allowed to slip to the point of “Federalization”.

The Legislature considered the above during tough budget deliberations in 2009. After careful consideration, the Legislature decided against de-staffing HIOSH. There should not be an administrative implementation of what the Legislature decided against.

In 2009, legislators became aware of the myths around the California experience, seeing that in the brief period when Federal OSHA stepped into the place of the state program, not all functions were replaced. Furthermore, touted savings to the state were not realized because still other functions and overhead costs could not be discontinued due to use by other state programs. Serving public workers, which Federal OSHA does not do, was also a continuing cost.

The State of Hawaii has a hard-won history and tradition of caring about the health and safety of its working people. No individual or family should be devastated by injury or illness that would not have occurred if not for a worker having to be on a job to make a living.

Economically, many unionized companies have come to emphasize job safety instead of attempting regressive action against Workers Compensation benefits. HIOSH is needed to provide education to these companies, and to extend the economic sensibility to those employers who don't care.

In the course of considering this resolution, we urge the Committee to shed light on the recent reductions in staffing. Is there a deliberate, intentional policy to cripple a program that workers' very lives depend on?

While in support of the resolution, we offer an amendment that an aspect of the California program be studied. In that state's construction industry, private individuals completing a training program may enter a work site upon presentation of credentials, and conduct a safety inspection. Violations may be reported to CALOSHA personnel.

Full staffing and proactive policies are needed for HIOSH. It is preventative healthcare, prevents burdens on the community, and prevents costs. Thank you for your consideration of our testimony in support of this resolution.