

Charlotte A. Carter-Yamauchi  
Acting Director

Research (808) 587-0666  
Revisor (808) 587-0670  
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

## Written Testimony

# **HCR51 REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A SAFETY STUDY ON THE LANA'I AIRPORT BASE YARD**

Testimony by the Legislative Reference Bureau  
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Transportation

Monday, March 21, 2016, 10:15 a.m.  
Conference Room 309

Chair Aquino and Members of the Committee:

Good morning Chair Aquino and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Acting Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.C.R. No. 51, Requesting the Legislative Reference Bureau to Conduct a Safety Study on the Lana'i Airport Base Yard.

The purpose of this measure is to request that the Department of Transportation conduct a safety study on the Lana'i airport base yard. The measure also requests that, in conducting its study, the Department of Transportation survey the area to identify specific improvements necessary to ensure the area is environmentally and structurally safe for employees.

While the Legislative Reference Bureau takes no position on the measure, we submit the following comments for your consideration.

As a general matter, we note that the title of the measure does not match its body in that the Bureau is mentioned in the title but nowhere else. The Department of Transportation is the named entity in the body of the measure that is requested to conduct the safety study.

With regard to the issue of conducting the safety study, Bureau personnel are not qualified to determine whether a workplace is "safe", or survey an area to identify specific improvements necessary to ensure the area is environmentally and structurally safe for employees. We note for the Committee's information, occupational safety and health matters are under the specific jurisdiction of the Department of Labor and Industrial Relations pursuant to chapter 396, Hawaii Revised Statutes. Furthermore, pursuant to section 396-4.5, Hawaii Revised Statutes, only persons who have been certified by the Department of Labor

and Industrial Relations as a safety and health professional may certify an employer has an effective health and safety program.

Consequently, it seems that either the Department of Transportation, which has specific knowledge and expertise regarding the operations of an airport facility, or the Department of Labor and Industrial Relations, which has jurisdiction over occupational safety and health matters, would be the more appropriate agency or agencies to conduct the safety study.

Thank you again for your consideration.