

Hawaii State OSHA Annual Report (SOAR)

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Prepared by

**The Hawaii Occupational Safety and Health Division (HIOSH)
Honolulu, Hawaii
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INTRODUCTION

Hawaii's State Plan Program is administered through HIOSH, a division of the State's Department of Labor and Industrial Relations ("DLIR"). Hawaii's State Program has jurisdiction over most employment in the State in both the public and private sectors. Exceptions to state jurisdiction are private sector maritime and shipbuilding activities, Federal agencies, military, and all employment contained within the national parks. As of October 11, 2011, Hawaii gave up jurisdiction over all private sector employment located within military bases. Activities mandated under the OSH Act are considered core elements of Hawaii's occupational safety and health program, and provide an essential safety net for workers exposed to hazards with the potential to cause death or serious physical harm.

HIOSH's mission is to "Assure so far as possible, every working man and woman in the State safe and healthful working conditions." From the Hawaii Occupational Safety and Health Law (Chapter 396, HRS). Simply put, HIOSH's goal is to work in partnership with Hawaii's businesses to save lives and prevent injuries in the workplace.

HIOSH's role is to promote voluntary compliance first and foremost through a mix of incentives – HIOSH recognition and achievement programs such as the Hana Po'okela (Voluntary Protection Program), Hawaii Safety and Health Achievement Recognition Program (SHARP), other partnership programs (Alliances), and on-site consultation and training assistance. HIOSH works in partnership with businesses that share the same principles and goals, and uses enforcement as a tool for compliance for those companies that choose to disregard their obligations under the law.

BACKGROUND

Over the past seven (7) years, HIOSH had lost over 68 percent of its staffing, from fifty (50) authorized positions in 2003 to sixteen (16) positions in 2010, through a combination of budget cuts and hiring freezes. Beginning in February 2011 HIOSH began to rebuild despite the lingering economic recession and received support for additional positions from the new administration. In May of 2011 staffing was increased to thirty one (31) positions. However, eight (8) positions remain unfilled. In January, 2011 three (3) more positions will become vacant due to retirement.

Enforcement staffing remains significantly below benchmark levels and only three (3) of four (4) consultation positions are filled. Employers are reluctant to request consultation assistance. The consultation program is embarking on a series of print ads, brochures, and other marketing strategies to position themselves in the forefront of employers' minds when worker safety and health issues arise.

HIOSH managed to re-hire a former program specialist to work on the adoption of OSHA standards and we expect Hawaii to become fully compliant by February 2012.

In December 2009, HIOSH lost its librarian, who was responsible for much of the outreach and training materials including an extensive audio-visual library. The decision was made to close the library and re-direct clerical staff to work on deficiency areas identified in the 2009 and 2010 E-FAMEs.

EXECUTIVE SUMMARY

Due to serious under-staffing, HIOSH was not able to conduct a sufficient number of inspections or consultations to significantly impact workplace injuries and illnesses in FY 2011. None of its activity goals were met with the exception of affecting more employees in the accommodations industry than planned. Despite not reaching its activity goals, workers' compensation (WC) cases reported cost declined in calendar year 2010.

FY 2011 also saw a significant increase in reported fatalities to HIOSH. Eleven (11) fatalities were reported and investigated in FY 2011, an increase of six (6) cases over the past year. One positive aspect was that construction falls from elevation declined from two (2) fatality cases in FY 2010 to none in FY 2011 following an aggressive Fall Prevention Enforcement Program (FPEP) in late FY 2010 and early FY 2011. Unfortunately, there was an increase of fall hazards from elevations for tree trimmers and other workers in general industry.

HIOSH will be partnering with the Aloha Arborists Association to bring awareness and training to tree trimmers about fall and other hazards in February 2012.

Part 1 – Summary of FY 2011 Annual Performance Plan Results

Strategic Goal 1: Reduce the number of workplace injuries and illnesses in construction, general industry and public sector by 5% by focusing on the injuries and illnesses with the highest percentage of reported workers' compensation (WC) cases.

In order to focus on those injuries and illnesses with the highest percentage of reported workers' compensation cases, several industries were identified with the highest proportion of such injuries and illnesses, such as falls to the same level, struck-by, and bodily motion injuries. The industries identified were Accommodations (SIC 7011), Specialty Trade Contractors (SIC 1711-1799), State Government – Schools (SIC 8211), and Local Government – Police (SIC 9221).

Goal 1.1 Find and fix struck by hazards associated with WC cases for Specialty Trade Contractors.

Goal 1.2 Find and fix struck by and fall on the same level hazards associated with WC cases for Accommodation.

Goal 1.3a Address fall on same level hazards associated with WC cases for state government.

Goal 1.3b Address bodily reaction hazards associated with WC cases for local government.

The following tables summarize the FY 2011 activities and accomplishments:

Activity Measure: Inspections

Performance Goal	Quarter 1	Quarter 2	Quarter 3	Quarter 4	FY-to-Date	GOAL	% of Goal
1.1 Specialty Trade Contractors							
ALL Inspections in SIC 1711-1799					101	150	67%
No. of ISS (Programmed) inspections					38	75	51%
No. of violations (cited, includes abated)					160	300	53%
No. of employees employed in establishment					365	1500	24%
1.2 Accommodation							
ALL Inspections in SIC 7011					36	90	40%
No. of ISS (Programmed) inspections					26	75	35%
No. of violations (cited, includes abated)					183	180	102%
No. of employees employed in establishment					6675	4500	148%
1.3a State Government (DOE)							
ALL Inspections in SIC 8211, ownership B					4	28	14%
No. of ISS (Programmed) inspections					4	26	15%
No. of violations (cited, includes abated)					31	52	60%
No. of employees employed in establishment					472	1400	34%
1.3b Local Government (Police)							
All Inspections in SIC 9221, ownership C					1	6	17%
No. of ISS (Programmed) inspections					1	4	25%
No. of violations (cited, includes abated)					1	12	8%
No. of employees employed in establishment					186	60	310%

Note: No. of employees employed in establishment = no. of employees removed from exposure

Activity Measure: Consultation Visits

Performance Goal	Quarter 1	Quarter 2	Quarter 3	Quarter 4	FY-to-Date	GOAL	% of Goal
1.1 Specialty Trade Contractors							
ALL visits in SIC 1711-1799	4				4	92	4%
No. of hazards					n/a	460	n/a
No. of employees employed in establishment	132				132	460	29%
1.2 Accommodation							
ALL visits in SIC 7011					0	14	0.0%
No. of violations (cited, includes abated)					0	70	0.0%
No. of employees employed in establishment					0	700	0.0%
1.3a State Government (DOE)*							
ALL visits in SIC 8211, ownership C	0				0	0	
No. of violations (cited, includes abated)							
No. of employees employed in establishment							
1.3b Local Government (Police)*							
All visits in SIC 9221, ownership B	0				0	0	
No. of violations (cited, includes abated)							
No. of employees employed in establishment							

*Public sector is not on 21(d) Annual Performance Plan

Note: No. of employees employed in establishment = no. of employees removed from exposure

Primary Measures: Number of Reported Cases and Cases with Cost

Number of Reported Cases (WC Data)

Calendar Year	Reported	% Change	Cases w/cost	% Change
2009 (Baseline)				
Specialty Trade Contractors	942	0	800	0
Accommodation	1899	0	1328	0
State Government	1938	0	1324	0
Local Government	1493	0	823	0
2010				
Specialty Trade Contractors	778	-17.4%	660	-17.5%
Accommodation	1846	-2.8%	1238	-6.8%
State Government	1912	-1.3%	1258	-5.0%
Local Government	1852	24.0%	1220	48.2%

Strategic Goal 2: *Reduce the number of fatalities associated with the leading causes of workplace death in construction and general industry.*

Primary Measures – Fatalities reported to HIOSH

2010 (Baseline)	Construction	General Industry	Total	Change
TOTAL Fatalities	3	2	5	
Fall from elevation	2	1	3	
Electrocution				
Caught in or between		1	1	
Struck by				
Other	1		1	
2011				
TOTAL Fatalities	1	10	11	6
Fall from elevation		4	4	1
Electrocution			0	0
Caught in or between	1	1	2	1
Struck by		2	2	2
Other	2	3	3	2

Part 2 – Progress Toward Strategic Plan Accomplishment

The Hawaii State plan is making some progress towards meeting its strategic plan goals not as quickly as we would like. Lack of resources (inspection and consultation staff) remains a significant barrier towards accomplishing our 5-year strategic plan goals. However, other efforts, combined with consistent, fair and strong enforcement will soon motivate employers to comply with safety rules. Our other efforts consist of using press releases to publicize the results of accident investigations including the penalty amounts, adoption of a higher maximum penalty amount passed by the legislature in 2011, re-constituting the HIOSH Advisory Committee to comprise members who represent a larger cross-section of the regulated community, greater use of the HIOSH website, partnerships with other organizations, and better trained inspectors and consultants.

Part 3 – Special Accomplishments

OSHA Hawaii Workshop, April 2011:

Over 380 attendees, primarily representing employers targeted in our Strategic Plan attended various workshops on occupational safety and health. The final presentation was by HIOSH, emphasizing that fair, consistent, and strong enforcement was back and that consultation assistance was available.

Process Safety Management Inspection:

Hawaii's first PSM inspection was conducted on [REDACTED] with the help of Federal OSHA Region IX staff in late FY 2010. The case is in contest.

Voluntary Protection Program:

In FY 2011, Hawaii transitioned from VPP performed with consultation staff on 23(g) to enforcement staff.

- Monsanto Molokai, a seed agriculture enterprise, was awarded Hawaii's VPP in March, 2011.
- Chevron Hawaii Refinery was re-evaluated in August, 2011. Re-certification is pending completion of 90-day items identified by the Hawaii VPP Team.

Enforcement:

[REDACTED] was cited for \$410,000 following an investigation into the explosion of pyrotechnics materials in a storage bunker, killing five (5) workers.

Part 4 – Adjustments or Other Issues

As Hawaii has not been able to fill as many positions as originally intended, we are amending the FY 2011-2015 Strategic Plan and the FY 2011 and FY 2011 Annual Performance Plan. The activities and accomplishments are reliant on staffing. Although we have doubled our authorized staffing since 2010, recruitment remains an issue due to the relatively low salaries and staff turnover (retirements).

While in the past, when we were below benchmark in inspectors and consultants, we could use other staff to bolster outreach and training, we have similarly lost all other positions. Hawaii agrees that to boost consultation requests, and to raise awareness, we must re-establish a strong enforcement presence. This takes inspectors.

Our strategy was to hire Honolulu Community College students as interns to acquaint them with what we do and encourage them to apply for the vacant positions. We are also pursuing hiring above the minimum strategies for the Safety Manager, and will likely have to employ the same for the Consultation manager.

The current administration has made HIOSH staffing a priority. However, recent efforts and interviews of senior level health inspectors yielded no qualified candidates. The program now has intends to hire at the entry level and devote time and resources to train the new hires to independently perform inspections. This will delay staff recovery efforts and the ability to meet the FY 2011-2015 strategic plan goals.