

**OPERATIONAL STATUS AGREEMENT UNDER SECTION 18(e) OF THE  
OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970**

**ADDENDUM FOR FISCAL YEAR 2014**

All terms of the Operational Status Agreement between the Regional Administrator for OSHA, Region 9, and the Director of the Department of Labor and Industrial Relations of the State of Hawaii, signed in 2012, remain in effect, except as follows:

The paragraph numbered "2" shall read:

2. Federal enforcement authority under Section 18 of the Act may be exercised with regard to Federal occupational safety and health requirements over Agriculture and General Industries, excluding Transportation (NAICS 48), Warehousing (NAICS 49) and Manufacturing (NAICS 31 through 33) except for Refineries (NAICS 324) and any other private sector facilities that include processes covered by the Process Safety Management standard (29 CFR 1910.119). Federal OSHA will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to employment in facilities that include processes covered by the Process Safety Management standard as well as provisions of general industry and construction standards (29 CFR 1910 and 1926) appropriate to hazards found in that employment. Potential violations where the employer is in compliance with Federal regulations, but not with more stringent Hawaii Occupational Safety and Health Division (HIOSH) regulations, may be referred to the HIOSH.

The Paragraph numbered "3" shall read:

3. HIOSH will retain enforcement authority in any case commenced before the date of the Final Rule published in the Federal Register modifying the status of the Hawaii State Plan to 18(b) in order to enforce standards under the Plan. Additionally, it will exercise inspection and enforcement authority over:

- a. Construction industry, Transportation (NAICS 48), Warehousing (NAICS 49) and Manufacturing (NAICS 31 through 33) except Refineries (NAICS 324) and any other private sector facilities that include processes covered by the Process Safety Management standard (29 CFR 1910.119) under its Plan.
- b. State and Local government as an employer; and
- c. Referrals from Federal OSHA to HIOSH.

The Paragraph numbered "5" shall read:

5. If there arises any case or circumstance in which authority is not clearly defined in this agreement, the Director of the Department of Labor and Industrial Relations of the State of Hawaii as the State Designee and the Regional Administrator, or their designated representatives, will resolve the issue. While the issue is being resolved about who has authority (e.g., where quick response is required such as a Fatality, Catastrophe, or Significant Event) Federal OSHA shall respond to the situation. When limited availability or a lack of resources prevent HIOSH or Federal OSHA from responding timely to life threatening workplace safety or health situations, the enforcement activities will be performed by the available agency under coordination of the Honolulu Area Director and the HIOSH Administrator, or their designees.

\_\_\_\_\_  
Dwight Takamine, Director  
Department of Labor and Industrial Relations  
State of Hawaii

11/27/13  
Date

\_\_\_\_\_  
Ken Nishiyama Atha, Regional Administrator  
Occupational Safety and Health Administration  
Region 9

11/20/2013  
Date