

HIOSH ADVISORY COMMITTEE MINUTES

Committee Meeting

August 21, 2008 1:00 PM to 2:22 PM

Department of Labor and Industrial Relations 830 Punchbowl Street – HIOSH Training Room 427

Members Present:

Lani Bjork (Hilton Hawaiian Village Hotel), Paul Chang (Hawaii Carpenters Union, Local 745), Joaquin Diaz (Dick Pacific Construction Co., Ltd.), Clifford Higa (Safety Systems Hawaii), Alan Hiramatsu for Thomas Vendetta (ISWC Division, C&C), Charles Kelley (Outrigger Enterprises, Inc.), Paul King (Actus Lend Lease, LLC), Robert Nakamatsu (Department of Human Resources Development), Timothy Lyons (Hawaii Business League), Joseph O'Donnell (Ironworkers, Local 625), Michael Redman (HEMIC), Daniel Vasilash (General Contractors Association of Hawaii), Clayton Winger (Monarch Insurance Service), James Zane (McCabe, Hamilton & Renny Co., Ltd.),

Members Excused:

Richard Botti (Legislative Information Service of Hawaii); Reynard Burgess (Parsons), Paul Chang (Hawaii Carpenters Union, Local 745), Patrick Cheng (Airgas Gaspro), Delbert DeRego (ILWU Local 142, Maui Division), Tracy Hayashi (Hawaii Electricians Training Fund), Clayton Kamida (Hawaii Employers' Council), Janelle Kanuha-Marshall (Marine Corps Community Service), Gareth Sakakida (Hawaii Transportation Association), Clifford Uwaine (United Public Workers), Richard Vieira (Hawaii Painter's Union), Shelley Wheeling-Park (Kaiser Permanente of Hawaii)

DLIR Staff:

Jamesner Dumlao, HIOSH Operations Manager; Jennifer Shishido, Director's Office; Lora Contreras, Hoisting Machine Operations Advisory Board; Ellen Kondo, HIOSH Consultation and Training Branch Manager; Terrie Mizoguchi, Consultation and Training Branch; Deirdre Yamasaki, HIOSH (Recorder)

Guests (Public):

Lawrence Akina, Hawaii Teamsters, Local 996; Tristan Aldeguer (Dick Pacific Construction Co., Ltd.), Robert Aquino, Hawaii Electricians Training Fund; D. Lewis Boucher, General Contractors Association; Les Onaka, American Society of Safety Engineers; Jim Newberry, American Industrial Hygiene Association

Agenda	Discussion	Decision and/or Outcome
Call to Order	Welcome and Introduction Mr. Zane welcomed members of the HIOSH Advisory Committee.	
Roll Call	Roll call was taken. Quorum was present.	
Approval of Minutes	<ul style="list-style-type: none">There were no corrections or additions to the May 15 and July 7, 2008 minutes.Suggestion was made to waive attendance for the special meeting (July 7, 2008) concerning the Hawaii SOS conference.	May 15 and July 7, 2008 minutes were approved and will be posted on the HIOSH's website.
Discussion Concerning Approval of New Members	<u>Reports Given on Membership:</u> <ul style="list-style-type: none">HIOSH's status of HIOSH Advisory Committee membership:<ul style="list-style-type: none">The following applications are approved pending the background check:<ul style="list-style-type: none">Mr. Lawrence Akina, Hawaii Teamsters, Local 996;Mr. Robert Aquino, Hawaii Electricians Training Fund;Mr. James Peck, American Industrial Hygiene Association; and	Motion was made to approve reports given on membership. Motion approved. Motion was made to accept the approval of the new members. Comments were made concerning need to examine the rules that HIOSH Advisory Committee has already

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	<ul style="list-style-type: none"> <ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Mr. Hans Nielsen, University of Hawaii. ○ HIOSH will complete the background checks on the pending applications within the next two weeks. ○ The following needs to submit an application: <ul style="list-style-type: none"> ▪ Mr. D. Lewis Boucher, General Contractors Association of Hawaii; and ▪ Mr. Les Onaka, American Society of Safety Engineers. ○ HIOSH has received an application from Mr. Joseph Ferrara, Associated Builders & Contractors (ABC). • Mr. Tristan Aldeguer will be submitting an application to replace Mr. Joaquin Diaz, Dick Pacific Construction Co., Ltd. • Concern was raised if Mr. Diaz will reapply for HIOSH Advisory Committee under his new company or if he will request to continue to be a member under his new company. Unofficially, Mr. Zane will request Mr. Diaz's new company to submit an application for Mr. Diaz. • Since membership for boards and commissions goes through the Governor, concern was raised if the HIOSH Advisory Committee needs to go through that process. HIOSH needs to give clarification. <p><u>Discussion:</u></p> <ul style="list-style-type: none"> • Request for clarification was made on of what HIOSH is looking for on background checks and what would eliminate someone from being a member. Response was background checks look into a person's criminal history and that would be relevant to membership that advises an enforcement agency. The background check is not the soul criteria to make a determination on membership. • If a motion is made to incorporate having new members complete an application with a background check into the guidelines, Mr. Jim Newberry would like to assist HIOSH with the change. Clarification was given that, after the applications pass the background check, the HIOSH Advisory Committee needs to pass a motion for each individual. • Chair requested that HIOSH keep the HIOSH Advisory Committee abreast of any drastic new interpretations to the rules and function of the HIOSH Advisory Committee. HIOSH's intent is to move forward in partnership. • Copies of the letters sent to Mr. Balatinez terminating his membership and ABC requesting a new replacement were distributed. ABC submitted Mr. Joseph Ferrara as their replacement. 	<p>established. Comment was made to also add that approval is pending the background check. Motion to approve new members pending the background check was approved with one abstention.</p>

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Information From HIOSH to the HIOSH Advisory Committee		
Director's Comments	<ul style="list-style-type: none"> Announcement was made that since August 1, 2008, Mr. Dan Bulkley has filled the Occupational Safety manager position. 	
Hawaii SOS Conference – September 25 and 26, 2008	<p><u>September 25, 2008:</u></p> <ul style="list-style-type: none"> This part of the conference will focus on vog. The conference will be held from 1:00 p.m. – 4:00 p.m. at the Hawaii Convention Center. Attendance is free. The seminar will be broadcasted on Olelo and available via webcast so that Big Islanders can get access. There will be displays for personal protective equipment (PPE), monitors and filters. DLIR's website (http://hawaii.gov/labor) contains information about the seminar and vog. <p><u>September 26, 2008:</u></p> <ul style="list-style-type: none"> This part of the conference will focus on compliance emphasis programs and construction accidents. The conference will be held from 8:00 a.m. – 3:45 p.m. at the Hawaii Convention Center. The cost is \$50 which includes lunch. Registration can be done online. Copies of the letter that was mailed to employers were distributed. Each letter contained fact sheets that pertained to the appropriate industry. The fact sheets provided a brief overview of the hazard, what to do and where to get help. Help tables will be available to answer questions and give information on where to get additional help. Names of companies attending will be kept confidential from HIOSH and OSHA. <p>Copy of the conference brochure being printed was passed around. Members will be emailed an electronic copy for their use.</p> <p>If attendance is exceeded, HIOSH will take as many as they can without violating the fire code.</p>	
Comments on Proposed OSHA Amendment Regarding PPE	<ul style="list-style-type: none"> Packets of proposed OSHA amendment regarding PPE dated August 19, 2008, were distributed for comment. The amendment is to add clarifying language that non-compliance with PPE and training requirements may expose employers to liability on a per employee basis. Comments was made that not enough clarification is given. The HIOSH Advisory Committee would like HIOSH is make sure that the standard is done clearly so that everyone will be able to interpret. Since OSHA would like HIOSH's feedback by September 18, 2008, HIOSH requested the HIOSH Advisory Committee send comments no later than September 11, 2008. Comments can be email to Mr. Jamesner Dumlao at 	

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	<p>jamesner.a.dumlao@hawaii.gov. Mr. Dumlao will forward comments to federal OSHA.</p> <ul style="list-style-type: none"> If no comments are received, the proposed amendment automatically becomes the rule. A hearing can be requested to provide an opportunity for comments. 	
Status of Tower Crane Certification	<ul style="list-style-type: none"> There is a proposed amendment to the crane certification to include certification for tower crane operators. Currently, only mobile cranes and certain other cranes are covered for certification purposes. Riggers are not included. All agencies including the Department of Business, Economic Development and Tourism, have signed off and endorsed that the amendment should go to public hearing. Currently, the amendment is awaiting Governor's approval. After the Governor approves, the amendment will go to public hearing. HIOSH will be soliciting comments. [Update: On or about September 8, 2008, HIOSH received preliminary approval to hold a public hearing.] Operators are shipped to the mainland to get tower crane certification. The long-term impact is costly. The General Contractors Association was notified to look into bringing someone locally to do tower crane certification. Recommendation was made to have a HIOSH Advisory Committee representative from the Operating Engineers, Local 3. The Operating Engineers is an integral part of the Hoisting Machine Operators Advisory Board (HMOAB). The HMOAB approved the amendment. Mr. Jamesner Dumlao will make a request to the Chair Tom Vendetta to make a presentation for the HIOSH Advisory Committee on what their plans are for training, including the practical exam, which is the hardest to achieve. In the meantime, members will be able to get immediate feedback at the Hawaii SOS conference. The Operating Engineers, Local 3, is aware of the new tower crane certification. Mr. Tristan Aldeguer will contact the training coordinator to see if there is a possibility of bringing someone locally. They will need a place certified to do the practical exam. 	
Information From HIOSH Advisory Committee to HIOSH		
Around-the-Table Comments	<ul style="list-style-type: none"> Comment was made that the HIOSH Advisory Committee did have a representative from the Operating Engineers, Local 3, years ago. Response was made that attempts were made to contact the Operating Engineers, Local 3, but have not received feedback. Question was asked what the possibilities are of riggers needing certification. Response was made that any prevention should be taken so that accidents do not happen. If accidents occur, government will be reactive. 	

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	<ul style="list-style-type: none"> • Clarification was requested if the tower crane certification will include a statement about following the manufacturer's requirements. Response was made that OSHA will enforce the rules in the American National Standards Institute (ANSI) Standard for tower cranes that says shall follow the manufacturer's instruction. • Comment was made that government should look into the rigging regulations and not wait until accidents happen. At this time, even though nothing may happen, the HIOSH Advisory Committee should have on record that they are being proactive. • Mr. Les Onaka apologized for not sending in an application. An application will be provided. • Mr. Aldeguer notified his application was turned in. • Mr. Vasilash stated that the references he made regarding challenges that he experienced with the perception of exposure interpretations of standards has been with other governmental designated authorities and not with the members at the meeting. 	
Public Comment Period	None.	
Next Meeting		November 20, 2008, 1:00 p.m. – 3:00 p.m., HIOSH Training Room 427

Respectfully submitted,

Approved:

Deirdre Yamasaki
Department of Labor and Industrial Relations/HIOSH

Mr. James Zane, Chair
HIOSH Advisory Committee