

# HIOSH ADVISORY COMMITTEE MINUTES

## Committee Meeting

February 19, 2009 1:00 PM to 3:00 PM

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

### Members Present:

Lani Bjork (Hilton Hawaiian Village Hotel), Richard Botti (Legislative Information Service of Hawaii), Reynard Burgess (Parsons), Paul Chang (Hawaii Carpenters Union, Local 745), Clifford Higa (Safety Systems Hawaii), Alan Hiramatsu for Thomas Vendetta (ISWC Division, C&C), Clayton Kamida (Hawaii Employers' Council), Paul King (Actus Lend Lease, LLC), Dan Miyahira for Robert Nakamatsu (Department of Human Resources Development), Joseph O'Donnell (Ironworkers, Local 625), Sharlyn Sato for Patrick Cheng (Airgas Gaspro), Daniel Vasilash (General Contractors Association of Hawaii), Richard Vieira (Hawaii Painter's Union), James Zane (McCabe, Hamilton & Renny Co., Ltd.),

### Members Excused:

Delbert DeRego (ILWU Local 142, Maui Division), Janelle Kanuha-Marshall (Marine Corps Community Service), Charles Kelley (Outrigger Enterprises, Inc.), Timothy Lyons (Hawaii Business League), Michael Redman (HEMIC), Clifford Uwaine (United Public Workers), Gareth Sakakida (Hawaii Transportation Association), Clifford Uwaine (United Public Workers), Shelley Wheeling-Park (Kaiser Permanente of Hawaii)

### Presenters:

### DLIR Staff:

Darwin L.D. Ching, Director of Labor and Industrial Relations; Jamesner Dumlao, HIOSH Operations Manager; Jennifer Shishido, Director's Office; Moses DeMello, HIOSH Consultation and Training Branch Manager; Ellen Kondo, Consultation and Training Branch; Terrie Mizoguchi, Consultation and Training Branch; Deirdre Yamasaki, HIOSH (Recorder)

### Guests (Public):

Lawrence Akina, Hawaii Teamsters, Local 996; Robert Aquino, Hawaii Electricians Training Fund; Chuck Beneke, Covanta; D. Lewis Boucher, General Contractors Association; Joaquin Diaz, Dick Pacific Construction Co., Ltd.; Joseph Ferrara, Associated Builders and Contractors; Dan Kauai, Actus Lend Lease LLC; David Lovelace, Hawaii Electricians Training Fund; James Newberry, American Society of Safety Engineers; Hans Nielsen, University of Hawaii; Les Onaka, American Society of Safety Engineers; Jim Peck, American Industrial Hygiene Association

Agenda	Discussion	Decision and/or Outcome
Call to Order	<b>Welcome and Introduction</b> Mr. Daniel Vasilash welcomed members of the HIOSH Advisory Committee.	
Roll Call	Roll call was taken. A quorum was present.	
Minutes	<ul style="list-style-type: none"><li>A motion was made to approve the minutes from the December 4, 2008 meeting and an addendum to the August 21, 2008 minutes.</li><li>Comment was made requesting that the minutes be distributed either 30 days after the meeting or earlier than two weeks prior to the next meeting. HIOSH will try to accommodate as much as possible.</li><li>There was discussion on adding to the minutes a section related to old business. Suggestion was made to include old business section to the meeting agenda so that it will be reflected in the minutes.</li></ul>	December 4, 2008 minutes were approved. Addendum to the August 21, 2008 minutes were approved. Motion to include a section related to old business to the minutes was approved.

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<b>Membership Discussion</b>	<ul style="list-style-type: none"> <li>• After consulting with the Attorney General's Office, no formal background will be required; however, the Director reserves the right to address concerns that may arise.</li> <li>• According to the Operating Guidelines, the HIOSH Advisory Committee consists of 24 member organizations. There was discussion on whether or not the HIOSH Advisory Committee should reexamine the list to fit the membership applications.</li> <li>• Since no formal background check was required, clarification was given on pending members' status:               <ul style="list-style-type: none"> <li>○ Mr. Jim Peck and Mr. Les Onaka's membership was approved at the last meeting.</li> <li>○ Mr. Lawrence Akina's membership was approved. Mr. Akina of Hawaii Teamsters replaces Mr. David Aki.</li> <li>○ Mr. Robert Aquino's membership was approved. Mr. Aquino of Hawaii Electricians Training Fund replaces Mr. Tracy Hayashi.</li> <li>○ Mr. Joseph Ferrara's membership was approved as a representative of the Associated Builders and Contractors, an organizations that is listed in the Operating Guidelines.</li> <li>○ Mr. Tristan Aldeguer's membership was approved. Mr. Aldeguer of Dick Pacific replaces Mr. Joaquin Diaz.</li> <li>○ Mr. Hans Nielsen's membership was approved. Mr. Nielsen is an Occupational Health and Safety Specialist at the University of Hawaii.</li> <li>○ Mr. D. Lewis Boucher's membership was approved. Mr. Boucher represents General Contractors Association.</li> <li>○ Mr. Dennis Kaimi and Ms. Antoinette Waikiki both submitted applications to represent Operating Engineers. Operating Engineers will need to designate one representative. Designated representative's membership will be approved.</li> </ul> </li> </ul>	Chair appointed Mr. James Newberry as the subcommittee chair to amend the Operating Guidelines' list of member organizations.
<b>Information From HIOSH to the HIOSH Advisory Committee</b>		
<b>Director's Comments</b>	<ul style="list-style-type: none"> <li>• Over the next two years, the State will be facing an approximately \$1.1 billion deficit. As a result, the Department of Labor and Industrial Relations has tried to keep the quality of services while facing reductions and restrictions.</li> <li>• According to the federal stimulus bill, the U.S. Department of Labor will be receiving approximately \$7 million. Eighty-five percent (85%) of the \$7 million will go to the Workforce Development Division. More information will be provided later.</li> <li>• The Governor and the U.S. Department of Labor have signed an agreement that will give qualified unemployed individuals an additional \$25 more per week.</li> </ul>	

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<b>Proposed Legislation Concerning Elevators</b>	<ul style="list-style-type: none"> <li>• House Bill No. 1130 is currently with the House and will cross over to the Senate. House Bill No. 1130 will require building owners and managers to keep on top of their elevators and make sure they are safe.</li> <li>• A presentation was given on boiler and elevator penalties.</li> <li>• HIOSH will start looking at issuing citations and penalties for boiler or elevator violations.</li> </ul>	
<b>Accidents</b>	<ul style="list-style-type: none"> <li>• From 2004-2008, there has been a steady increase in the number of accidents. However, so far for 2009, there have been only two accidents.</li> <li>• A presentation was given on a summary of accidents for fiscal year 2008.</li> <li>• Mr. Joseph O'Donnell informed the committee that the Ironworkers Union provided whole body harnesses with lanyards for their members, even though it is the employers' responsibility, for the safety of their members.</li> <li>• Since Airgas Gaspro has a trailer to demonstrate fall protection, a suggestion was made to have the trailer visit small contractors. HIOSH will see if the demonstration can be part of the next conference. If Airgas Gaspro will allow HIOSH to film the demonstration, HIOSH can put the demonstration on their website.</li> </ul>	
<b>HIOSH Staffing and Vacancies</b>	<ul style="list-style-type: none"> <li>• Ms. Ellen Kondo is on special assignment as acting Administration and Technical Support Manager.</li> <li>• Mr. Moses DeMello is on special assignment as acting Consultation and Training Branch Manager.</li> <li>• HIOSH's current staffing includes:               <ul style="list-style-type: none"> <li>○ Eight safety inspectors, which includes one working manager and one working supervisor.</li> <li>○ Six health inspectors, which includes one working manager.</li> <li>○ Five consultants, three are for safety and two are for health.</li> <li>○ Eight elevator inspectors, which includes a working manager.</li> <li>○ Two boiler inspectors.</li> </ul> </li> </ul>	
<b>Joint Projects Between HIOSH and the HIOSH Advisory Committee</b>		
<b>Training Outreach Committee</b>	<ul style="list-style-type: none"> <li>• Nothing reported.</li> </ul>	
<b>One Day Workshop (ASSE)</b>	<ul style="list-style-type: none"> <li>• The one-day workshop will be held on May 20, 2009, at Hale Ikena.</li> <li>• There are plans to have three breakout rooms conducting two sessions in the morning and two sessions in the afternoon. HIOSH will be using one of the rooms.</li> <li>• The fee is about \$75.</li> <li>• Information is posted on ASSE's website.</li> </ul>	

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<b>Information From HIOSH Advisory Committee to HIOSH</b>		
<b>Around-the-Table Comments</b>	<ul style="list-style-type: none"> <li>• Mr. Reynard Burgess commented future construction contracts with the State should be performance based. Review of the bidder's safety record and program should be a requirement and factor.</li> <li>• Mr. James Zane informed as of February 12, 2009, to gain access to harbor facilities, a transportation worker identification credential (TWIC) card is needed. The cost is \$132.50. The TWIC card can be purchased at 1347 Kapiolani Boulevard, Suite 204, Monday through Friday, 7:00 a.m. – 6:00 p.m. Mr. Vasilash informed to preplan when going to Kapiolani Boulevard since there is no parking.</li> <li>• Mr. Zane thanked Ms. Kondo for helping with consultation throughout the years. Director Ching stated that Ms. Kondo is currently on a temporary assignment.</li> <li>• Mr. Richard Vieira commented that everyone sitting around the table has accomplished a lot in the last few years in regards to their emphasis in fall protection. Although there are unfortunate cases, no one will ever know how many lives were saved.</li> <li>• Mr. Clayton Kamida apologized for not attending the recent meetings. For the last 11 months, Mr. Kamida has been working on collective bargaining negotiations. Mr. Kamida commented since employers are currently concerned about cutting costs, safety needs to be emphasized and remain a priority.</li> <li>• Mr. Akina thanked Mr. Zane for informing everyone about the TWIC card.</li> <li>• Mr. Newberry informed lately he has been told by employers that they do not have time for someone to hold a safety meeting for them or that they do not have a safety representative any longer. Mr. Newberry commented that emphasis needs to be given to those that are not paying attention.</li> <li>• Mr. Diaz informed that he read an article about a general contractor who hired a subcontractor with a bad performance history and a large citation history. The general contractor was cited by OSHA for negligent hiring. The District Court ruled in favor of OSHA. Director Ching asked Mr. Diaz to forward the article so that it could be put on HIOSH's website.</li> <li>• Mr. Chuck Beneke informed his company is looking for someone to mentor for SHARP or VPP status but they cannot find anyone. Mr. Beneke asked what the status of the programs is. Mr. DeMello responded that HIOSH is currently working on five sites on the neighbor island for SHARP status. HIOSH is now being more detailed in their research to qualify companies for SHARP. At the next meeting, HIOSH will inform the committee on the status of the program. Recently, a Memorandum of</li> </ul>	

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	<p>Understanding was finalized between the Department of Labor and Industrial Relations and the federal government which will allow HIOSH to ask for additional personnel to help evaluate VPP applicants.</p> <ul style="list-style-type: none"> <li>• Mr. D. Lewis Boucher was thankful that clarification was made concerning his membership. He is looking forward to working with the committee and HIOSH.</li> <li>• Ms. Lani Bjork informed the hotel industry is also feeling the downturn in business. She enjoyed today's meeting and will take back the information.</li> <li>• Mr. Richard Botti informed he missed a couple meetings but is glad to be back. For future committee meetings, either he or Ms. Lauren Zirbel will be attending.</li> <li>• Mr. Ferrara commented that focus needs to be on the percentage that doesn't obey safety rules. He is thankful that he is allowed to be part of the committee.</li> <li>• Mr. Peck was delighted to see so many people at the meeting and thinks it is great that there are people interesting in working with the committee.</li> <li>• Mr. Paul King introduced Mr. Dan Kauai who is a safety and loss control specialist on his Actus Lend Lease staff.</li> <li>• Ms. Sharilyn Sato stated that for the TWIC card, it is helpful to make an appointment on the website instead of standing in line.</li> <li>• Mr. Paul Chang informed that the Carpenters' Union currently has a bill going through legislation requiring a law be passed that contractors that get bids have a certified apprenticeship program.</li> <li>• Mr. Diaz informed that United Kingdom has a design for safety construction requirement. By law, design build projects are required to design for safety not only the end product but during the actual construction of the project. Hawaii should look at that as a model.</li> <li>• Director Ching encouraged members to continue discussion with the unions and legislators on how to improve safety. Mr. Botti suggested having a press release on citations and violations to get everyone's attention. Companies will not like the bad publicity and will respond quicker. Further discussion to take place on this suggestion.</li> </ul>	
<b>Next Meeting</b>		May 21, 2009, 1:00 p.m. – 3:00 p.m., HIOSH Training Room 427

Respectfully submitted,

Approved:

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Deirdre Yamasaki  
Department of Labor and Industrial Relations/HIOSH

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Mr. Daniel Vasilash, Chair  
HIOSH Advisory Committee