HOUSE RESOLUTION

URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH.

WHEREAS, the State of Hawaii operates under an agreement with the Occupational Safety and Health Administration (OSHA) in accordance with Section 18 of the Occupational Safety and Health Act of 1970; and

WHEREAS, the Department of Labor and Industrial Relations (DLIR) is the designated state agency to administer the program through the Hawaii Occupational Safety and Health Division (HIOSH); and

WHEREAS, the Hawaii State Plan applies to all private and public sector employees and places of employment in the State other than federal employees, the United States Postal Service, private sector maritime employees, and land that is located exclusively within a federal jurisdiction, all of which are subject to federal OSHA jurisdiction; and

WHEREAS, Hawaii has adopted the majority of federal OSHA standards verbatim; and

WHEREAS, critics have questioned the accuracy of falling injuries and illnesses reported by the Bureau of Labor Statistics, and OSHA announced on October 1, 2009, that it instituted the National Emphasis Program on recordkeeping to check the accuracy of employer reporting, especially in the construction industry where it appears that incomplete reporting may be a serious and widespread problem; and

WHEREAS, the United States Government Accountability Office cites academic studies, which suggest that OSHA misses up to two-thirds of all workplace injuries and illnesses; and

WHEREAS, OSHA, due to the jurisdictional distinctions outlined above, is not an equivalent alternative to HIOSH,
because OSHA does not cover public workers and does not fully replace State programs; and

WHEREAS, according to the Construction Injury Law Firms report of February 11, 2010, there are over eleven thousand two hundred disabling construction injuries annually; and

WHEREAS, of the one hundred eleven fatalities in the construction industry that occurred between 2004 and 2008, twenty-three of those fatalities occurred in Hawaii; and

WHEREAS, the current DLIR staffing levels do not meet OSHA benchmark levels and despite this, the DLIR continues to reduce staffing levels and thereby jeopardize its ability to fulfill the mission of HIOSH, which exposes Hawaii workers to greater risk; and

WHEREAS, workplace safety and health, which happens to be the mission of HIOSH, saves lives, prevents the loss of workers' livelihoods, prevents debilitated workers from losing time with their families and recreational endeavors, and reduces costs for employers and society in general; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that the DLIR is strongly urged to meet or exceed OSHA benchmark safety levels for Health Compliance Officers, Safety Compliance Officers, Safety Consultants, Health Consultants, Compliance Assistants, and other positions as required for HIOSH and the DLIR to fulfill its mission in workplace safety and health; and

BE IT FURTHER RESOLVED that the DLIR is requested to report on its progress and plan to meet or exceed OSHA benchmark safety levels to the Legislature no later than twenty days before the convening of the 2011 Regular Session; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the Director of Labor and Industrial Relations, the Director of Health, Director of Finance, the Director of Human Resources Development, and chairperson of the Hawaii Occupational and Safety Health Division Advisory Committee.