

FY 2003

HAWAII OCCUPATIONAL SAFETY AND  
HEALTH PROGRAM



21 (d) and 23 (g)

Evaluation Report

Evaluation Period: October 1, 2002 - September 30, 2003  
Plan Approval: December 28, 1973  
18(e) Approval: April 30, 1984

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## Executive Summary

This report contains OSHA's evaluation of the State's performance in enforcement, private and public sector consultation and training for the period of October 1, 2002 through September 30, 2003.

During this evaluation a new State Designee, Nelson B. Befitel, was named to the position of Director of the Department of Labor and Industrial Relations. Mr. Befitel has taken an active role in improving the Hawaii Division of Occupational Safety and Health (HIOSH) program. He is committed to improving safety for workers by working with all of Hawaii's stakeholders.

The HIOSH program has struggled for years to meet its commitments. This year under the direction of Mr. Befitel and his staff we have seen improvement in both the total number of inspections and consultation visits. HIOSH has formed alliances with industry and safety and health leaders in Hawaii and a pilot program to use Special Government Employees (SGEs) to enhance the consultation program has been implemented. There are several other changes under development which are designed to be beneficial to the people of Hawaii which will be reported during FY2004's evaluation.

The program's unique feature includes enforcement of a State standard requiring workplace specific safety and health programs. The 100% state funded Training and Assistance Fund that encouraged voluntary compliance with occupational safety and health standards and rules through training and consultation with Hawaii employers and employees was discontinued in June 2003 due to legislative changes.

Consistent with the Government Performance and Results Act (GPRA) and OSHA's requirements for State Plans, HIOSH developed a Five Year Strategic Plan (FY 2002-2006) similar to that of Federal OSHA. The plan commits the DLIR not only to the effective and efficient performance of the agency's occupational safety and health activities, but also to certain levels of reduction in the injury and illness rates of employers and industries targeted. Outcomes will be measured against the Bureau of Labor Statistics (BLS) Annual Survey on Occupational Injuries and Illnesses.

HIOSH has had some difficulty in identifying high hazard jobsites. It is suggested that HIOSH re-examine their targeting efforts and focus on active jobsites where hazards

are most likely to exist and allocate resources to conduct enforcement and outreach and training activities to achieve their overall goal of reducing injury and illness. Also HIOSH needs to examine the low rate of identification of hazards in the construction industry to determine if compliance officers need further training.

In fiscal year 2003, OSHA placed restrictions on Hawaii's grant indicating the goals proposed would not have an impact on injuries and illnesses. As a result, the state agreed to change its goals.

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During FY03, HIOSH approved the Chevron Hawaii-Refinery for participation in the Hawaii Voluntary Protection Program (VPP) which is similar to OSHA's STAR exemption program. In addition the VPP team conducted an evaluation of Frito Lay and reviewed an application of a major construction company, Dick Pacific.

Hawaii adopted a recognition and exemption program similar to OSHA's Safety and Health Achievement Recognition Program (SHARP). Subsequently they submitted a separate program for non-fixed worksites and a Pre-SHARP program. HIOSH has implemented both programs and is awaiting Federal approval of final documents.

### Areas of Effective Performance

Hawaii performed effectively in most program areas.

#### **PRIVATE SECTOR ENFORMCENT**

- responding promptly to complaints
- obtaining entry to conduct inspections when entry was denied
- response to imminent complaints or referrals classified as imminent danger
- citation lapse time
- abatement verification
- sustaining violations and penalties in informal conferences and when formally contested

#### **PRIVATE SECTOR CONSULTATION**

Hawaii's' private sector consultation program results are considered satisfactory in prioritizing visits to small workplaces in high hazard industries with less than 250 employees.

#### **BUDGET**

The State met its matching funding obligation for the 23(g) and 21(d) programs budget. In FY 2003, the State met the required level of Federal matching funds and provided 56% of the 23(g) program's funding (\$3,694,000) and 10% of the 21(d) program's funding (\$505,493).

## **Areas of Improvement**

The State's performance in the following areas showed improvement from the last evaluation. OSHA commends the State for its efforts and encourages it to continue to work toward achieving program objectives.

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### **PLANNED VS. ACTUAL INSPECTIONS**

The State is to be commended for their efforts in increasing their number of private sector compliance inspections. They were 1 inspection short of their projected goal of 1000. This is much better than two years ago when inspections had dropped to 485.

### **DISCRIMINATION**

Lapse time in processing discriminations complaints improved. During the last evaluation period, 26% (5/19) of Hawaii's discrimination investigations took more than 90 days to investigate and close. During this evaluation period HIOSH investigated 90% (17/19) of their cases in a timely fashion.

### **PRIVATE SECTOR CONSULTATION**

Historically Hawaii's 21(d) program goals in terms of number of consultation visits have been relatively low compared to those of other consultation programs and OSHA has raised this concern over the last several evaluations. For FY 2003, the State officials are to be commended for their efforts in increasing the level of consultation productivity. HIOSH conducted 253 consultation visits which exceeded its goal of 245.

Performance has improved in ensuring that abatement evidence is specific and timely for all hazards classified as serious. However, there has been a problem in assuring hazards are corrected. The Consultation Branch must track correction due dates and ensure abatement evidence is specific.

HIOSH consultants must ensure they speak to employees as well as management as part of the consultative process during all visits.

## **Areas of Concern**

It is recommended that HIOSH focus its attention in the following areas:

### **IDENTIFICATION OF HAZARDS**

While the overall compliance program is satisfactory, attention is needed in the areas of programmed inspections with violations. Data indicates that violations are found in less than half of all programmed inspections. Hawaii needs to address this by focusing their resources on high hazard employers where hazards are most likely to exist.

## **STANDARDS AND RULEMAKING**

HIOSH needs to improve lapse time in the adoption of standards in response to Federal program changes. They must meet the six-month statutory period. This has been an issue over the past several years which needs to be solved.

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### **PUBLIC SECTOR CONSULTATION**

Hawaii's performance is unsatisfactory for verifying abatement for serious hazards in a timely manner. HIOSH must address the potential for uncorrected hazards and make certain to obtain closure on all open serious hazards. If hazards are not corrected they must be referred to enforcement. This is also a problem with private sector consultation to a much lesser extent.

### **INTERNAL QUALITY ASSURANCE**

Hawaii did not meet its commitment. The program manager should conduct one accompanied visit each year for every consultant.

### **STAFFING**

Although Staffing benchmarks for enforcement and consultation were met, HIOSH needs to fill all vacancies with qualified people as soon as possible. Turnover for staff has been a major factor in the HIOSH program over the past several years.