

Pacific Business News (Honolulu) - September 6, 2004
<http://pacific.bizjournals.com/pacific/stories/2004/09/06/story1.html>

PACIFIC BUSINESS NEWS

EXCLUSIVE REPORTS

From the September 3, 2004 print edition

Is state watchdog too friendly?

OSHA cites staffing, safety enforcement

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Pacific Business News

The state-run occupational safety and health program, in its quest to be more business friendly, is raising red flags among Hawaii's health and safety officials and is drawing closer scrutiny from federal OSHA officials.

Of particular concern are 26 staff vacancies that include positions such as safety and health inspectors in the Hawaii Occupational Safety and Health division. The division would have 71 employees if fully staffed.

Federal Occupational Safety and Health Administration officials also criticize the staff's inability to identify hazardous job sites, adopt federal standards within the stipulated time and force companies to rectify hazards. The concerns were part of OSHA's evaluation of Hawaii's program, given to the state Tuesday, for the fiscal year Oct. 1, 2002, to Sept. 30, 2003.

"HIOSH has had some difficulty in identifying high-hazard job sites," the report states. "Also, HIOSH needs to examine the low rate of identification of hazards in the construction industry to determine if compliance officers need further training."

The report also stresses the need for Hawaii to build strong enforcement and consultation programs and commends its initiatives so far in these areas.

The recommendations come at a time when the state's construction boom means more employees are working on risky job sites. HIOSH is the state agency that monitors businesses to make sure they follow federal occupational safety laws. It receives a combination of state and federal funds totaling \$4.2 million annually.

The increase in consultation with private companies is part of the state's policy to be more business friendly, said Nelson Befitel, director of the state Department of Labor and Industrial Relations, which oversees HIOSH.

For example, if a business is caught in a minor violation, HIOSH will point out the mistake and allow the employer to fix it without issuing a citation. If the offense takes more than two weeks to rectify, the company receives a notice of violation. In this way, the state hopes to reduce injury rates by 5 percent across the board.

"This is better than an adversarial process," Befitel said. "We want to partner with business, not alienate them."

This is a marked shift in approach from the previous HIOSH administration known for its heavy-handedness.

It also initially worried Frank Strasheim, OSHA's Region 9 administrator, who oversees Hawaii. He and Alan Traenkner, OSHA's regional director of analysis and evaluation, have made several visits to Gov. Linda Lingle and Befitel regarding the state plan.

"When the governor first told me 'we are not doing enforcement' I was really concerned," Strasheim told PBN.

Strasheim now says he likes the direction the state is going as long as Hawaii can walk the line between being friendly to businesses when they do the right thing and enforcing citations and penalties when they fail to meet standards.

Jim Peck, an occupational safety and health consultant with Work Comp Hawaii, a consulting company, is unsure whether the state is maintaining the balance. He says the pendulum has swung too far toward business friendliness.

"When HIOSH says it's trying to be friendly to business, companies get the message that they won't be cited," Peck said.

Bob Dove, president of Hawaii Employers' Mutual Insurance Co., says it's OK for the state to work with businesses through consultation and let them avoid fines as long as they can ensure a safe workplace. HEMIC is the state's workers' compensation insurer of last resort, and Dove is a member of HIOSH's advisory board.

One of the biggest concerns in the construction industry is the decreased use of fall-protection devices for workers on jobs six or more feet above ground level -- sort of a seat-belt law for the construction industry.

The state has seen more of that, Befitel said.

"We are getting the word out to employers about the need for fall protection and visit sites during our geographic sweep," he said.

Mary Silva, safety officer for Castle & Cooke, says she hasn't seen any decrease in HIOSH inspections. But she says it is now easier to talk to inspectors without fear of being fined.

OSHA officials commend the state for improving its business consultation program. The state has added two companies to its voluntary protection program, which promotes a safe work site, and nine companies to its safety and health achievement recognition program, which recognizes small businesses.

Previously, the programs had hardly any participation.

HIOSH's advisory committee plans to aggressively help the state in its recruitment efforts, Dove said.

Silva, who as the president of the Hawaii chapter of the American Society of Safety Engineers serves on HIOSH's advisory committee, added that companies aren't concerned about the low staffing levels.

"What employer would want to have more inspectors out there?" she asked. "It's counterproductive to us. The bottom line is, employers are responsible for safety of employees -- it's not HIOSH."

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