



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Hoisting Machine Operators Advisory Board
Princess Ruth Keelikolani Building, 830 Punchbowl Street, Room 321, Honolulu HI 96813
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Hoisting Machine Operators Advisory Board Minutes
Tuesday, July 29, 2014 at 1:30 p.m.
DLIR Conference Room, 321

Present: Members: Joaquin Diaz (Chairperson); Tristan Aldeguer, and Richard Lentes, III
Staff: Robert M. Armstrong, Executive Director
Excused: Members James Weander and Angela Chinen
Visitor: Ed Ventula

- 1. Call to Order:** The meeting was called to order at 1:31 p.m. by Chairperson Diaz.
- 2. 25 June 2014 Minutes:** The minutes were moved by Lentes and seconded by Aldeguer and unanimously approved without discussion.
- 3. DLIR Report:** Deputy Director Jade Butay announced the recent finalization of State elevator code upgrading, fourteen years after the last such effort by the DLIR. Among the improvement include the posting of permits in cars, data plate installation, maintenance control programs, the streamlining of building, construction and variance rules, and more robust accident and reporting rules.

Mr. Butay indicated a new web-based and mobile-friendly technology system is being developed to reduce labor costs and make operations more efficient and transparent.

Finally, he congratulated staff for their involvement in May's Pacific Rim Safety Conference which saw OSHA Director and Assistant Labor Secretary Dr. David Michaels attending. A similar 2015 meeting is planned.

- 4. Guest Presenter HIOSH Director Diantha Goo:** Following a robust public conversation about rigging and elevator construction violations, Ms. Goo shared that her department has not adopted new federal crane regulations because her section is presently understaffed and overwhelmed. She also could not provide a time frame as to when they might be addressed as there is essentially only one qualified person in that area.

A lengthy discussion ensued regarding the adoption of new State certification rules regarding hoisting machine operators HMOAB adopted and sent to Governor Abercrombie in November 2011, for enactment in January 2012. This follows public testimony and contact with the four Island accrediting bodies about the legislation. All sides agreed the status of

this alleged “law” has eluded both HMOAB and HIOSH, and research into its current status is needed immediately. Both organizations pledged to follow-up with one another.

In answer to a question regarding fine structures of non-licensed operators, Ms. Goo says it is situational and two-tiered, depending on what is found. If the operator is working in ways unapproved by the manufacturer, the highest penalty would be assessed. The bottom line is trying to stop the recent rise in unnecessary workplace industrial site deaths although no clear trend in how such fatalities are caused has emerged. The four or five deaths (up from three or four) in Hawai’i either are unfortunate events or involve the misuse of high-graders.

Goo addressed violations of forklifts operating as a crane when equipped with a hook or wench, especially those which ‘boom out’ in movement or vertically telescope over work areas. It is allowed only if the manufacturer has approved the attachment for that use. She noted the push in the industry to only allow licensed crane operators and to use other equipment only if there is a licensed operator for them. As no one certifies forklift operators, there is a gap in enforcement. HIOSH usually reacts to problems and sometimes they are caused by federal actions or from the lack of thinking through the entirety of new ramifications.

Diaz believes HMOAB must look at rigger qualifications as it is a missing piece to crane operations and where the vast majority of accidents occur, in his opinion. He also wants to address expanding our licensing to include State and City employees, service trucks, and tows used as cranes. Lentes asked if national statistics compare crane versus construction accidents. Goo says the number is probably found somewhere given enough data separation, and that crane-related fatalities nationwide is between 80 and 90 annually.

Finally, Ms. Goo does not believe HIOSH is overly aggressive in its enforcement of regulations. While efforts continue to unite OSHA and HIOSH rules, it is necessary to toe the federal line until the State restores its 18E rating. She also noted her displeasure with the divisions in general industry crane use versus construction needs, especially in the areas of maritime and ship building, agriculture, etc. She admits the rules are very confusing and overly bureaucratic. It would also help focus the power and direction of HMOAB, which is an important player in stopping bad crane operators statewide.

The lengthy discussion ended by noting the current economic construction climate is similar to that experienced here in the late 1960’s and early 1970’s, although all those skilled workers are gone or have left the industry. Today workers and operators in this area suffer from high blood pressure, diabetes, being overweight, and various heart ailments. Trustees noted, if permitted, outreach is needed in this area plus the creation of a public service campaign to inform operators about rules, expectations and procedures.

- 5. HMOAB Executive Director’s Report:** Since June, twelve applicants have been processed and included five renewals, five new certifications, and two replacements. An additional four applications are pending, awaiting either payment or further identification. Monthly receipts include revenues of \$3,750. and the successful resolution of the organization’s first non-sufficient funds pursuit. Armstrong notes there is no system in place to revoke a

personal license which has been previously issued, and may become a concern should more NSF's are received, as financial processing within the DLIR can take as long as ten days. A suggestion to move toward credit card payments was made and will be pursued by the office.

Armstrong hopes the e-criminal installation will be completed by the next HMOAB meeting and invited Trustees to suggest topics for NCCCO's Bob Hornauer's upcoming presentation either to our group or the industry. Assuming his wife's health permits, he is willing to come to Hawai'i without expense.

6. **Old Business:** As time was now running short, Armstrong reports he's updated a rough draft of page one of the online application but asked members to look at the questions on page two and three of the application as to its relevance, applicability, and usefulness in the certification process.
7. **New Business:** Please see the discussion comments under the Goo presentation.
8. **Community Comments:** Mr. Ventula complimented State officials in their forward movement of regulations and licensing.
9. **Next HMOAB Meeting:** Wednesday, August 20, 2014 at 1:30 p.m., DLIR room 321. Other meeting dates were scheduled through January 2015, and await Trustee comments.
10. **Adjournment:** Aldeguer moved and Lentes seconded the close of the meeting at 3:14 p.m. The motion was unanimously approved without discussion.