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GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO  
DIRECTOR

DEPT. COMM. NO. 108  
JOANNA A. VIDINHAR  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813

December 10, 2021

TRANSMITTED VIA LEGISLATIVE WEBSITE

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Hoisting Machine Operator's Certification Revolving Fund report for the fiscal year ending June 30, 2021, as required by section 396-20(c), Hawaii Revised Statutes (HRS). In accordance with section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://labor.hawaii.gov/find-a-report/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne Eustaquio".

Anne E. Perreira-Eustaquio  
Director

Enclosure

c: Legislative Reference Bureau Library  
State Publications Distribution Center  
University of Hawaii

**The Hawai'i Hoisting Machine Operators Advisory Board  
2020 - 2021 Annual Report  
For Fiscal Year Ending June 30, 2021**

**An Introduction to HMOAB**

The Hawai'i Hoisting Machine Operators Advisory Board (HMOAB, or the Board) operates as an attached agency within the State Department of Labor and Industrial Relations and is administered through the Hawai'i Occupational Safety and Health Division (HIOSH). Since 1998, HMOAB has been charged with assuring crane operators working in the construction industry and at utilities across the state are properly trained and certified to operate hoisting machines in a safe and lawful manner.

**Annual Summary**

Fiscal Year 2020-2021 was a year of examining the role of the Board after the Occupational Safety and Health Administration (OSHA) adopted final rules on crane operator certification in 2019.

The State of Hawai'i has the option of enacting stronger rules than those required by OSHA. HMOAB decided to work towards this option by expanding these rules to also include Hawai'i crane operators in general industry. The Board felt that since the safety of workers and the general public are also affected by cranes in general industry, it was important to ensure that operators of these cranes were also properly trained and certified.

The Board prepared draft amendments to the Hawaii Revised Statutes and Administrative Rules and began reaching out to industry partners to discuss these drafts. The goal of this outreach was to develop as much consensus as possible prior to the 2022 Legislative Session.

HMOAB certified 190 crane operators this fiscal year – a slight increase from the 172 certifications issued in the prior fiscal year. Online applications increased from 63 to 120 in this period, as more applicants used the online application feature of the HMOAB website.

**Advisory Board**

**John P. Mihlbauer, Jr.** serves as Chairperson of HMOAB. Mr. Mihlbauer is the president of All Ship & Cargo Surveys, Ltd. and is registered as a licensed Mechanical Engineer in Hawai'i and California. Mr. Mihlbauer serves on as an Alternate Member on the ASME B30 Main Committee. In addition, he is Chair of the ASME B30.24 (Container Cranes) Sub-committee and a Member of the ASME B30.8 (Floating Cranes) Sub-committee. Mr. Mihlbauer retired after 29 years in Federal Service as a Mechanical Engineer with the US Navy and the US Army Corps of Engineers. Mr. Mihlbauer is serving his second term on the Board, and this term expires June 30, 2022.

**Don "Doc" Bailey** has over 35 years of experience in the crane industry. He is the C.E.O and President of Doc Bailey Cranes & Equipment Inc. which he founded in 1986. The company specializes in Crane Rentals, Crane Repair, Crane & Winch Sales, Hi-Rail, and Specialized Construction Equipment. Mr. Bailey expanded his business to California in 1995, to Las Vegas

in 2015, and to Guam in 2019. Mr. Bailey is serving his second term on the Board, and this term expires June 30, 2024.

**Angela A. Chinen** is a retired Tower Crane operator and recently retired as a crane instructor with the Joint Apprenticeship Committee of Operating Engineers Local Union #3. Ms. Chinen has more than 35 years of construction industry experience and serves on a committee for the National Commission for the Certification of Crane Operators (NCCCO). Ms. Chinen is serving her second term on the Board, and this term expires June 30, 2022.

**Thomas Jacobs** has over 26 years of experience in construction safety and is the ESH Project Safety Manager for Layton Construction Company. Mr. Jacobs is a member of the American Society of Safety Engineers as well as the General Contractors Association Safety Committee, and is a certified Construction Health and Safety Technician and Occupational Health and Safety Technologist. He has conducted numerous safety trainings, including OSHA 10- and 30- hour certification training, scaffolding training, excavation and trenching safety, and aerial lift platform safety. Mr. Jacobs is serving his first term on the Board, and this term expires June 30, 2024.

The Board currently has one vacancy.

**Tracy Takano** has worked in the HMOAB office as its Executive Assistant since January 2020. Mr. Takano comes to HMOAB after working 24 years for the International Longshore and Warehouse Union.

### **Agency Funding**

HMOAB was established in 1998 with its own Special Fund, and until this year relied solely on user fees to cover personnel and operating expenses. This Special Fund was abolished in the 2021 Legislative session, and the Fund’s balance of \$352,296.56 was transferred to the General Fund.

### **Certifications Summary**

Since its inception, HMOAB has certified over one thousand crane operators statewide. During Fiscal Year 2020-2021, the agency certified 190 operators, which includes both new certifications as well as renewals. Statewide, there are approximately 328 crane operators with current HMOAB certification. Normally, applications are processed within 48 hours. However, in March 2020 the HMOAB Executive Assistant position was declared non-essential during the COVID-19 pandemic, resulting in slower response times to applications.

	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>
New Applicants	60	57	72
Renewal Applications	86	115	118
Total Certification Processed	146	172	190
Applications processed within 48 hours	95%	75%	75%

### **History, Purpose and Administrative Governance**

HMOAB was established by the Hawai'i State Legislature under Act 165 in 1998. HMOAB operates as an attached agency of the State of Hawai'i Department of Labor and Industrial Relations.

The Board certifies operators of all construction cranes and tower machines in the state having a lifting capacity of one ton or more. This authority derives from Section 12-50-2 of the Hawai'i Administrative Rules (HAR). Under Sections 19 and 20 of the State Occupational Safety and Health Law and Chapter 396 of HAR, HMOAB requires all operators using equipment covered by the American Society of Mechanical Engineers (ASME) B30.5 (mobile and locomotive cranes) to be medically qualified, pass written and practical training examinations, and possess practical experience in order to safely operate hoisting machines in the state. These requirements ensure a minimum competency level of operators, assure employers that potential workers comply with relevant state and federal standards, and help ensure safety for the public. Enforcement is covered in Section 12-110-50 of HAR.

Prospective and renewing operators are required to submit an application for certification (found online at [hmoab.hawaii.gov](http://hmoab.hawaii.gov)) and pay a fee of one hundred dollars (\$100) for each year of HMOAB certification. New applicants must also pay a one-time, non-refundable application fee of fifty dollars (\$50). Replacement or reissued cards are supplied to current operators without cost.

HMOAB operates with a five-member board comprised of industry experts and organized labor who are appointed by the Governor for four-year, staggered terms, subject to approval by the State Senate. Between meetings of the Board, administrative and financial business for the agency are completed by an Executive Assistant, who serves at the direction of the Board.

### **For Further Contact**

HMOAB can be reached by calling (808) 586-8146 or emailing the office at [hmoab@hawaii.gov](mailto:hmoab@hawaii.gov). The Board meets publicly, usually on the second Wednesday of the month (except December) at 1:30 p.m. During the COVID-19 pandemic, all Board meetings have been conducted by teleconference.