

ORDINANCE NO. _____

BILL NO. 16 (2025)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII,
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII
OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF
ALLEGED VIOLATIONS AT THE KIHEI WASTEWATER RECLAMATION
FACILITY

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The State of Hawaii, Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division ("HIOSH"), alleged violations of the Hawaii Occupational Safety and Health Standards at the Kihei Wastewater Reclamation Facility during an inspection held in July 2024 ("Alleged Violations"), as described in the Citation and Notification of Penalty, attached as Exhibit "1."

The County and HIOSH, to avoid incurring expenses and the uncertainty of an administrative and judicial determination of the parties' respective rights and liabilities, plan to reach a resolution of the Alleged Violations by way of the Expedited Informal Settlement Agreement ("Agreement"), attached as Exhibit "2."

Section 2.20.020, Maui County Code, provides, "Unless authorized by ordinance, the mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the county or any department or agency thereof."

In accordance with Section 3.16.020.B., Maui County Code, any settlement in excess of \$25,000 requires Council authorization. The Department of the Corporation Counsel has requested authority to settle the Alleged Violations under the terms presented in the Agreement.

SECTION 2. The Council approves settlement of the Alleged Violations under the terms presented in the Agreement. The Council authorizes the Mayor to execute the Agreement, all other necessary documents relating to the Agreement, and any amendments imposed, and agreed to, by the Corporation Counsel. The Council further authorizes the Director of Finance to satisfy the settlement in these matters.

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

LF 2024-1782: Bill re. DEM HIOSH IGA

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", positioned above a horizontal line.

ALICE L. LEE

Upon the request of the Mayor.

STATE OF HAWAII - KA MOKU'ĀINA O HAWAI'I

Department of Labor and Industrial Relations - Ka 'oihana Pono Limahana

HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION

830 PUNCHBOWL STREET ROOM 425

Honolulu, HI 96813

Phone: (808) 586-9110 Fax: (808) 586-9104



To: County of Maui-Environmental
Management, Wastewater Reclamation
Division Central Maintenance
and its successors
480 E. Welakahao Rd
Kihei, HI 96753

Inspection Number: 1768939
Inspection Date(s): 07/18/2024-07/18/2024
Issuance Date: 10/07/2024

Certified Mail Number: 7022 2410 0000 2463 7747

Citation and Notification of Penalty

Inspection Site:
480 E. Welakahao Rd
Kihei, HI 96753

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty describes violations of the Hawaii Occupational Safety and Health (HIOSH) Law. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you file a contest in the manner described in the section "Employer's Right to Contest" on page 2 of this Citation and Notification of Penalty. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this Citation. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as allowed by Law or, if contested, the Citation is affirmed by the Hawaii Labor Relations Board (HLRB) or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the HIOSH Administrator during the 20-calendar day contest period. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty. If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove, and post the page 5, Notice to Employees, next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may also contest all citation items or only individual items. You may also contest the penalty and/or abatement dates without contesting the underlying violations. To contest you must submit a signed original letter of contest to the Administrator which must be postmarked or, if not mailed, received by the Administrator within 20 calendar days after you receive this Citation and Notification of Penalty. The letter of contest must be a signed original and may not be submitted by facsimile or e-mail. Address your letter of contest to the State of Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty. Once a letter of contest is received, it becomes the jurisdiction of the HLRB. If a timely contest is not filed, the Citation and Notification of Penalty will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number found on the front page on the remittance. HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the Citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Citation is classified as Serious and the Citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the Citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement. The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty.

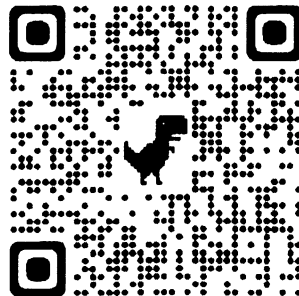
Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The signed original contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - You should be aware that OSHA publishes information on inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

NEW FEATURE NOW AVAILABLE!

Online Payment Options – Starting December 1, 2022, HIOSH penalties can be paid with credit card or personal bank account through an online portal. Simply visit hioshpayments.ehawaii.gov or scan the QR code below to be taken to the site. Search by your unique inspection number to bring up your invoice. If you were offered an Early Informal Settlement Agreement (EISA), included if applicable, you can choose to pay the EISA offered amount, which will be reflected once we receive your signed EISA and Abatement Certification (page 4). In you have any questions, please contact DLIR.HIOSH@hawaii.gov or call (808) 586-9116.



Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-9116.

ABATEMENT CERTIFICATION

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd
 Kihei, HI 96753
Inspection Number: 1768939
Issuance Date: 10/07/2024

List the specific method of correction for each citation item and supporting documentation as appropriate in this **Citation and Notification of Penalty** that does not state "Corrected" and return to: **Department of Labor and Industrial Relations – Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 425, Honolulu, HI 96813.**

Citation Number 1, Item 1 was corrected on August 19, 2024
 How Corrected: A new button was installed to operate the horn. A picture is attached.

Citation Number 1, Item 2 was corrected on November 6, 2024
 How Corrected: A chuck guard was installed. Picture attached.

Citation Number 1, Item 3a was corrected on September 10, 2024
 How Corrected: The saw blade guard was re-attached to the saw. Training sign in sheet attached.

Citation Number 1, Item 3b was corrected on November 1, 2024
 How Corrected: Table Saw Spreader was installed. Picture attached.

Citation Number 1, Item 3c was corrected on November 1, 2024
 How Corrected: Table Saw non-kick back finger was installed. Picture attached.

Citation Number 1, Item 4 was corrected on October 30, 2024
 How Corrected: The existing air nozzles were replaced with air nozzles that reduced the psi to less than 30. Pictures attached.

Citation Number 1, Item 5 was corrected on July 18, 2024
 How Corrected: An outlet cover was installed. Picture attached.

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

Shayne R. Agawa
 Signature of Employer or
 Employer's Authorized Representative

11/8/24
 Date

SHAYNE R. AGAWA
 Typed or Printed Name

DIRECAN DEM
 Title

Posting: For posting requirements, please refer to Chapter 12-51, Hawaii Administrative Rules.

ABATEMENT CERTIFICATION

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd
 Kihei, HI 96753
Inspection Number: 1768939
Issuance Date: 10/07/2024

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Citation Number 1, Item 6 was corrected on November 8, 2024

How Corrected: FR clothing for the Electrical staff is on order.

Citation Number 2, Item 1 was corrected on September 5, 2024

How Corrected: OSHA Logs were emailed to the Inspector. The logs are attached.

Citation Number 2, Item 2 was corrected on July 18, 2024

How Corrected: The ladder was disposed of.

Citation Number 2, Item 3 was corrected on November 7, 2024

How Corrected: The door was removed and an exit sign was installed. Pictures are attached.

Citation Number 2, Item 4 was corrected on November 7, 2024

How Corrected: A Workplace Hazard Assessment was completed for Central Maintenance. Attached

Citation Number 2, Item 5 was corrected on August 20, 2024

How Corrected: The Energy Control Procedures were reviewed by the Central Maintenance Supervisors and the Training Officer. Copy of the Record of Revisions is attached.

Citation Number 2, Item 6 was corrected on September 27, 2024

How Corrected: Training for the Maintenance Staff was held on the Energy Control Procedures.

Training sign-in sheets are attached.

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

Shayne R. Agalva
 Signature of Employer or
 Employer's Authorized Representative

11/8/24
 Date

SHAYNE R. AGALVA
 Typed or Printed Name

DIRECTOR DEM
 Title

Posting: For posting requirements, please refer to Chapter 12-51, Hawaii Administrative Rules.

ABATEMENT CERTIFICATION

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd
 Kihei, HI 96753
Inspection Number: 1768939
Issuance Date: 10/07/2024

List the specific method of correction for each citation item and supporting documentation as appropriate in this **Citation and Notification of Penalty** that does not state "Corrected" and return to: **Department of Labor and Industrial Relations – Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 425, Honolulu, HI 96813.**

Citation Number 2, Item 7 was corrected on August 20, 2024

How Corrected: An inspection of the energy control procedures was completed.

Citation Number 2, Item 8 was corrected on July 31, 2024

How Corrected: All Fire Extinguishers were inspected and re-tagged by a Fire Extinguisher Company.

Citation Number 2, Item 9 was corrected on July 31, 2024

How Corrected: Monthly fire extinguisher inspections were completed. Picture is attached.

Citation Number 2, Item 10 was corrected on April 24, 2023

How Corrected: Forklift training completed. Certificates are attached.

Citation Number 2, Item 11 was corrected on October 31, 2024

How Corrected: Chemicals were inventoried and a list of the chemicals present was compiled.
Pictures are attached.

Citation Number 2, Item 12 was corrected on October 30, 2024

How Corrected: Safety Data Sheets for current chemicals were compiled into binders in individual work areas. Chemical list at the front of the binder. Pictures attached.

Citation Number _____, Item _____ was corrected on _____

How Corrected: _____

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

Shayne R. Agawa
 Signature of Employer or
 Employer's Authorized Representative

11/8/24
 Date

SHAYNE R. AGAWA
 Typed or Printed Name

DIRECTOR DEM
 Title

Posting: For posting requirements, please refer to Chapter 12-51, Hawaii Administrative Rules.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with the Hawaii Occupational Safety and Health Division (HIOSH) to discuss the Citation and Notification of Penalty issued on 10/07/2024.

The informal conference will be at the HIOSH office located at:

830 PUNCHBOWL STREET
ROOM 425
Honolulu, HI 96813

on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

STATE OF HAWAII -
KA MOKU'ĀINA O HAWAI'I
Department of Labor and Industrial Relations
Ka 'oihana Pono Limahana
Hawaii Occupational Safety and Health Division



Inspection Number: 1768939
Issuance Date: 10/07/2024
Inspection Date(s): 07/18/2024-07/18/2024

Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd. Kihei, HI 96753

Citation 1, Item 1 - Type of Violation: Serious

29 CFR 1910.178(q)(7) [Refer to 12-60-50(a), HAR]: Industrial trucks shall be examined before being placed in service and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily. Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected.

Yard area - The horn on a Komatsu Model FD40Z12-8 serial #136053A Powered Industrial Truck was not operational which exposed employees working in the area to struck by hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected
\$5,485.00

Citation 1, Item 2 - Type of Violation: Serious

29 CFR 1910.212(a)(1) [Refer to 12-60-50(a), HAR]: Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

Mechanic Shop - A Birmingham model YCL-144OGH serial #835117 Metal Lathe was not provided with a Chuck guard to protect the operators from struck by hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

November 12, 2024
\$5,485.00

STATE OF HAWAII -
KA MOKU'ĀINA O HAWAI'I
Department of Labor and Industrial Relations
Ka 'oihana Pono Limahana
Hawaii Occupational Safety and Health Division



Inspection Number: 1768939
Issuance Date: 10/07/2024
Inspection Date(s): 07/18/2024-07/18/2024

Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd, Kihei, HI 96753

Citation 1, Item 3a - Type of Violation: Serious

29 CFR 1910.213(c)(1) [Refer to 12-60-50(a), HAR]: Each circular hand-fed rip saw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. The hood and mounting shall be arranged so that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut but it shall not offer any considerable resistance to insertion of material to saw or to passage of the material being sawed. The hood shall be made of adequate strength to resist blows and strains incidental to reasonable operation, adjusting, and handling, and shall be so designed as to protect the operator from flying splinters and broken saw teeth. It shall be made of material that is soft enough so that it will be unlikely to cause tooth breakage. The hood shall be so mounted as to insure that its operation will be positive, reliable, and in true alignment with the saw; and the mounting shall be adequate in strength to resist any reasonable side thrust or other force tending to throw it out of line.

BMR Shop - A DeWalt Model DWE7491 table saw serial #201617-CT090643 was not provided with a blade guard during the ripping operations. The lack of a blade guard exposed the operators to serious injuries due to struck by hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

October 15, 2024
\$11,292.00

Citation 1, Item 3b - Type of Violation: Serious

29 CFR 1910.213(c)(2) [Refer to 12-60-50(a), HAR]: Each hand-fed circular rip saw shall be furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator. The spreader shall be made of hard tempered steel, or its equivalent, and shall be thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the saw even when either the saw or table is tilted. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced.

BMR Shop - A DeWalt model DWE7491 table saw serial #201617-CT090643 used for ripping lumber was not provided with a spreader to prevent the material being cut from squeezing the saw blade and being thrown back at the operator. The lack of a spreader exposed the operators to serious injuries due to struck by hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

October 15, 2024
\$0.00

**STATE OF HAWAII -
KA MOKU'ĀINA O HAWAI'I**
Department of Labor and Industrial Relations
Ka 'oihana Pono Limahana
Hawaii Occupational Safety and Health Division



Inspection Number: 1768939
Issuance Date: 10/07/2024
Inspection Date(s): 07/18/2024-07/18/2024

Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd, Kihei, HI 96753

Citation 1, Item 3c - Type of Violation: Serious

29 CFR 1910.213(c)(3) [Refer to 12-60-50(a), HAR]: Each hand-fed circular rip saw shall be provided with nonkickback fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of materials being cut.

BMR Shop - A DeWalt model DWE7491 serial #201617-CT090643 operated by employees to rip plywood was not equipped with nonkickback fingers or dogs to oppose the thrust or tendency of the saw to pick up the material being cut and being thrown back towards the operator. The lack of nonkickback fingers or dogs exposed the operators of the DeWalt table saw to serious injuries due to struck by hazards.

Date By Which Violation Must be Abated:

October 15, 2024

Proposed Penalty:

\$0.00

Citation 1, Item 4 - Type of Violation: Serious

29 CFR 1910.242(b) [Refer to 12-60-50(a), HAR]: Compressed air used for cleaning. Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment.

BMR Shop & Paint Shop - The compressed air nozzles used for cleaning purposes in the shop areas were not reduced to less than 30 p.s.i. and also no chip guarding was provided.

Date By Which Violation Must be Abated:

November 12, 2024

Proposed Penalty:

\$5,485.00

**STATE OF HAWAII -
KA MOKU'ĀINA O HAWAI'I**
Department of Labor and Industrial Relations
Ka 'oihana Pono Limahana
Hawaii Occupational Safety and Health Division



Inspection Number: 1768939
Issuance Date: 10/07/2024
Inspection Date(s): 07/18/2024-07/18/2024

Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd, Kihei, HI 96753

Citation 1, Item 5 - Type of Violation: Serious

29 CFR 1910.305(b)(2)(i) [Refer to 12-60-50(a), HAR]: All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

Paint shop - A 3-wire duplex wall mounted outlet was missing the cover. The missing cover exposed employees to serious injuries due to electrical hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected
\$5,485.00

Citation 1, Item 6 - Type of Violation: Serious

29 CFR 1910.335(a)(1)(i) [Refer to 12-60-50(a), HAR]: Employees working in areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed.

Note: Personal protective equipment requirements are contained in subpart I of this part.

Facilities - Employees who work on live energized motor control panel while taking amperage readings and during repairs and removal of the variable frequency drive were not provided with nor using electrical protective equipment that is appropriate to protect the specific parts of the body while the work is being performed.

Date By Which Violation Must be Abated:
Proposed Penalty:

November 12, 2024
\$6,857.00

STATE OF HAWAII -
KA MOKU'ĀINA O HAWAI'I
Department of Labor and Industrial Relations
Ka 'oihana Pono Limahana
Hawaii Occupational Safety and Health Division



Inspection Number: 1768939
Issuance Date: 10/07/2024
Inspection Date(s): 07/18/2024-07/18/2024

Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd. Kihei. HI 96753

Citation 2, Item 1 - Type of Violation: Other-than-Serious

29 CFR 1904.40(a) [Refer to 12-60-50(a), HAR]: Basic requirement. When an authorized government representative asks for the records you keep under Part 1904, you must provide copies of the records within four (4) business hours.

Establishment - The OSHA 300 Logs of Work-Related Injuries and Illnesses and the OSHA 300A Summaries of Work-Related Injuries and Illnesses for the years 2019, 2020, 2021, 2022, and 2023 were not provided upon request within four (4) business hours.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected
\$0.00

Citation 2, Item 2 - Type of Violation: Other-than-Serious

29 CFR 1910.23(b)(9) [Refer to 12-60-50(a), HAR]: The employer must ensure: (9) Ladders are inspected before initial use in each work shift, and more frequently as necessary, to identify any visible defects that could cause employee injury.

Electrical Shop - The manufacturer's duty rating decal was missing on a 4-foot yellow Husky fiberglass portable ladder which prevents the users of the ladder from knowing the maximum safe load capacity of the ladder.

Date By Which Violation Must be Abated:
Proposed Penalty:

November 12, 2024
\$0.00

Citation 2, Item 3 - Type of Violation: Other-than-Serious

29 CFR 1910.36(d)(1) [Refer to 12-60-50(a), HAR]: Employees must be able to always open an exit route door from the inside without keys, tools, or special knowledge. A device such as a panic bar that locks only from the outside is permitted on exit discharge doors.

Electrical Supply Room Exercise Room Door - A door marked with an Exit Sign was missing the door handle and was locked in the closed position with a latch.

Date By Which Violation Must be Abated:
Proposed Penalty:

October 25, 2024
\$0.00

**STATE OF HAWAII -
KA MOKU'ĀINA O HAWAI'I**
Department of Labor and Industrial Relations
Ka 'oihana Pono Limahana
Hawaii Occupational Safety and Health Division



Inspection Number: 1768939
Issuance Date: 10/07/2024
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Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd, Kihei, HI 96753

Citation 2, Item 4 - Type of Violation: Other-than-Serious

29 CFR 1910.132(d)(2) [Refer to 12-60-50(a), HAR]: The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

Establishment - There was no verification through a written certification that the required workplace hazard assessment had been performed to determine on whether hazards are present, or likely to be present, which would necessitate the use of personal protective equipment.

Date By Which Violation Must be Abated:
Proposed Penalty:

October 25, 2024
\$0.00

Citation 2, Item 5 - Type of Violation: Other-than-Serious

29 CFR 1910.147(c)(6)(i) [Refer to 12-60-50(a), HAR]: The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

Central Maintenance Facilities - A periodic inspection of the energy control procedures was not conducted at least annually to ensure that the employees who utilize the procedures are correctly following the employers energy control procedures while conducting work activities that require energy control procedures to be implemented.

Date By Which Violation Must be Abated:
Proposed Penalty:

November 12, 2024
\$0.00



Inspection Number: 1768939
Issuance Date: 10/07/2024
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Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd, Kihei, HI 96753

Citation 2, Item 6 - Type of Violation: Other-than-Serious

29 CFR 1910.147(c)(7)(iv) [Refer to 12-60-50(a), HAR]: The employer shall certify that employee training has been accomplished and is being kept up to date. The certification shall contain each employee's name and dates of training.

Wastewater Reclamation Central Maintenance - There was no verification through a written certification to verify that several employees who utilize energy control procedures had received the required energy control training.

Date By Which Violation Must be Abated: **November 12, 2024**
Proposed Penalty: **\$0.00**

Citation 2, Item 7 - Type of Violation: Other-than-Serious

29 CFR 1910.147(c)(6)(ii) [Refer to 12-60-50(a), HAR]: The employer shall certify that the periodic inspections have been performed. The certification shall identify the machine or equipment on which the energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

Wastewater Reclamation Central Maintenance facilities - There was no verification through a written certification to verify that the required periodic inspection of the energy control procedures had been performed.

Date By Which Violation Must be Abated: **October 25, 2024**
Proposed Penalty: **\$0.00**

Citation 2, Item 8 - Type of Violation: Other-than-Serious

29 CFR 1910.157(e)(3) [Refer to 12-60-50(a), HAR]: The employer shall assure that portable fire extinguishers are subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the Assistant Secretary upon request.

BMR Shop, Mechanic Shop, Painters Shop - The portable fire extinguishers provided in the Central Maintenance shop areas were last provided with an annual maintenance check in November of 2022.

Date By Which Violation Must be Abated: **November 12, 2024**
Proposed Penalty: **\$0.00**

**STATE OF HAWAII -
KA MOKU'ĀINA O HAWAI'I**
Department of Labor and Industrial Relations
Ka 'oihana Pono Limahana
Hawaii Occupational Safety and Health Division



Inspection Number: 1768939
Issuance Date: 10/07/2024
Inspection Date(s): 07/18/2024-07/18/2024

Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd, Kihei, HI 96753

Citation 2, Item 9 - Type of Violation: Other-than-Serious

29 CFR 1910.157(e)(2) [Refer to 12-60-50(a), HAR]: Portable extinguishers or hose used in lieu thereof under paragraph (d)(3) of this section shall be visually inspected monthly.

BMR Shop, Mechanic Shop, Painters Shop - The portable fire extinguishers provided in the shop areas were not subjected to the required monthly visual inspections.

Date By Which Violation Must be Abated:
Proposed Penalty:

October 15, 2024
\$0.00

Citation 2, Item 10 - Type of Violation: Other-than-Serious

29 CFR 1910.178(l)(4)(iii) [Refer to 12-60-50(a), HAR]: An evaluation of each powered industrial truck operator's performance shall be conducted at least once every three years.

Wastewater Reclamation Central Maintenance Facility - The Forklift operator's performance evaluations were not being conducted at least once every three years.

Date By Which Violation Must be Abated:
Proposed Penalty:

November 12, 2024
\$0.00

Citation 2, Item 11 - Type of Violation: Other-than-Serious

29 CFR 1910.1200(e)(1)(i) [Refer to 12-60-50(a), HAR]: A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas).

A) Mechanics Shop B) Electrical Shop - A list of the hazardous chemicals known to be present was not compiled for the two shop areas.

Date By Which Violation Must be Abated:
Proposed Penalty:

November 12, 2024
\$0.00

STATE OF HAWAII -
KA MOKU'ĀINA O HAWAI'I
Department of Labor and Industrial Relations
Ka 'oihana Pono Limahana
Hawaii Occupational Safety and Health Division

Inspection Number: 1768939
Issuance Date: 10/07/2024
Inspection Date(s): 07/18/2024-07/18/2024



Citation and Notification of Penalty

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division Central Maintenance
Inspection Site: 480 E. Welakahao Rd, Kihei, HI 96753

Citation 2, Item 12 - Type of Violation: Other-than-Serious

29 CFR 1910.1200(g)(8) [Refer to 12-60-50(a), HAR]: The employer shall maintain in the workplace copies of the required safety data sheets for each hazardous chemical and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted if no barriers to immediate employee access in each workplace are created by such options.)

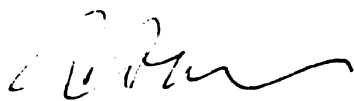
Painters Shop - Safety Data Sheets for the Hazardous products used by the employees in the work area were not readily accessible to the employees during the work shifts.

Date By Which Violation Must be Abated:

October 25, 2024

Proposed Penalty:

\$0.00



Bronson Luis, Manager
Occupational Safety Branch

STATE OF HAWAII - KA MOKU'ĀINA O HAWAI'I

Department of Labor and Industrial Relations - Ka 'oihana Pono Limahana

HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION

830 PUNCHBOWL STREET ROOM 425

Honolulu, HI 96813

PHONE: (808) 586-9110 FAX: (808) 586-9104



SUMMARY OF PENALTIES

Company Name: County of Maui-Environmental Management, Wastewater Reclamation Division
Central Maintenance**Inspection Site:** 480 E. Welakahao Rd, Kihei, HI 96753**Issuance Date:** 10/07/2024**Summary of Penalties for Inspection Number: 1768939**

| | |
|--|-------------|
| Citation 1 Item 1, Serious | \$ 5,485.00 |
| Citation 1 Item 2, Serious | 5,485.00 |
| Citation 1 Item 3a, Serious | 11,292.00 |
| Citation 1 Item 3b, Serious | 0.00 |
| Citation 1 Item 3c, Serious | 0.00 |
| Citation 1 Item 4, Serious | 5,485.00 |
| Citation 1 Item 5, Serious | 5,485.00 |
| Citation 1 Item 6, Serious | 6,857.00 |
| Citation 2 Item 1, Other-than-Serious | 0.00 |
| Citation 2 Item 2, Other-than-Serious | 0.00 |
| Citation 2 Item 3, Other-than-Serious | 0.00 |
| Citation 2 Item 4, Other-than-Serious | 0.00 |
| Citation 2 Item 5, Other-than-Serious | 0.00 |
| Citation 2 Item 6, Other-than-Serious | 0.00 |
| Citation 2 Item 7, Other-than-Serious | 0.00 |
| Citation 2 Item 8, Other-than-Serious | 0.00 |
| Citation 2 Item 9, Other-than-Serious | 0.00 |
| Citation 2 Item 10, Other-than-Serious | 0.00 |
| Citation 2 Item 11, Other-than-Serious | 0.00 |
| Citation 2 Item 12, Other-than-Serious | 0.00 |

TOTAL PROPOSED PENALTIES: **\$40,089.00**

Make check or money order payable to the “**Director of Budget and Finance.**” Please indicate the **inspection number and dba, if company name is different, on the remittance.** A fee of \$25.00 will be charged for any returned check.

Alleged violations above may have been grouped (e.g., 1a, 1b, & 1c) because they have similar or related hazards that may increase the potential for illness and injury.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

ALAN K. YAMAMOTO
ACTING ADMINISTRATOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HAWAII 96813
www.labor.hawaii.gov/hiosh
Phone (808) 586-9116 / Fax: (808) 586-9104
Email dlir_hiosh@hawaii.gov

October 7, 2024

County of Maui-Environmental Management,
Wastewater Reclamation Division Central Maintenance
480 E Welakahao Rd
Kihei, HI 96753

Dear Employer,

The recent inspection of your workplace revealed no incidents of repeated, willful, or failure-to-abate violations, and no high-gravity serious violations. Additionally, it has been reported that you have a good understanding of the actions necessary to correct the violations that were cited, and that you are willing to make those corrections by the date(s) specified in the citation.

These factors, along with the good faith you have exhibited, make your firm eligible for an Expedited Informal Settlement Agreement (EISA). Under this program, an employer and the Hawaii Occupational Safety and Health Division (HIOSH) can enter into an informal settlement agreement without going through the procedure of meeting in the HIOSH office.

If you decide to enter into the EISA, you should be aware that you relinquish your right to contest the citations and penalties.

The EISA can be used only where the sole issue of dispute is the dollar amount of proposed penalties. If you wish to discuss, change, or object to any other aspect of the inspection or citations - including abatement dates, validity of violations, classification of violations - then the EISA cannot be used. Under those circumstances, you may request an informal conference and/or exercise your contest rights as explained in the enclosed document, HIOSH-10 Employers Rights and Responsibilities as Discussed in the Closing Conference.

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-9116.

The EISA calls for HIOSH and the employer to agree to a 30 percent (30%) reduction in the total penalty amount proposed. The employer must agree to correct the violations by the abatement date(s) set forth in the citation(s), provide evidence for corrective actions taken, and provide written certification that all items have been abated at the time of final abatement. If the employer elects to participate in an informal conference, rather than signing the EISA, the penalties assessed on the citations will be the starting point for any penalty negotiations.

Please note that failure to comply with any of the terms agreed to by HIOSH and the employer will result in both the unpaid amended penalties and an additional penalty equal to fifty percent (50%) of the total amended penalties becoming immediately due and owing (as written in the EISA).

If you choose to hand deliver the signed agreement to HIOSH, a check for the full amount of the reduced penalty must be delivered prior to the expiration of the contest period. Checks shall be made payable to the **"Director of Budget and Finance"**. The contest period expires 20 calendar days after the employer receives the citations. If you choose to mail the signed agreement, the envelope must be postmarked no later than the day that the 20-calendar-day contest period ends. A check for the full amount of the reduced penalty must be included with the signed agreement.

If you have any questions regarding the EISA, please contact this office at (808) 586-9110.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bronson Luis', with a stylized flourish at the end.

Bronson Luis, Manager
Occupational Safety Branch

Enclosures

Important Information About Penalty Reductions Under Expedited Informal Settlement Agreement

WHAT IS AN EXPEDITED INFORMAL SETTLEMENT AGREEMENT (EISA)?

An EISA is a way to cut HIOSH penalties by 30 percent (30%), but not less than required annual minimum per serious violation, and to obtain quicker abatement of hazards to remove employees from exposure and to reduce the employer's time and resources spent in an informal conference.

WHY IS THIS OFFER BEING MADE?

HIOSH is committed to ensuring employers understand their obligations regarding the Hawaii Revised Statutes § 396 and the applicable rules under Hawaii Administrative Rules Chapter 12. A key part of understanding this obligation is to put forth efforts to correct and prevent future occurrences of hazardous conditions through a Safety and Health Management System (SHMS). The EISA is offered because the recent inspection of your workplace uncovered no repeated, willful, or failure-to-abate violations and no high-gravity serious violations of HIOSH standards, and you are willing to correct the violations that were found no later than the dates shown on the citations. In addition, this was not an accident, fatality, or catastrophe inspection, nor are you currently delinquent with penalty payments.

WHAT DO I HAVE TO DO?

Correct the Hazards: You must agree to correct all the violations BY THE DATES shown on the citations and provide evidence of the corrections. Additionally, you **MUST** prepare a written Abatement Certification (page 4 of the Citation and Notification of Penalty) that all the violations have been corrected. A copy of the certification must be posted for employees to see, and a copy must be mailed, emailed, faxed or dropped off to the HIOSH office.

STEP-BY-STEP, HOW WOULD I PROCEED?

1. Read and understand the EISA available to you.
2. If the terms are agreeable, sign the EISA and return it to HIOSH with a check for the full reduced penalty amount. The agreement **MUST** be signed by you **AND POSTMARKED** no later than the end of the 20-calendar-day contest period (20 calendar days after the employer receives the citations). HIOSH will then sign the EISA and send a copy back to you for your records.
3. Correct the violations. Corrections **MUST** be made **BY THE DATES** on the citations and post marked no later than the 20-calendar-day contest period.
4. Send evidence of the corrections made (e.g., photographs, purchase orders, etc.) where the citation noted that documentation of abatement is required. If you want, you can hold your evidence of corrections until everything has been corrected and then send it along with the Abatement Certification form by the last abatement date shown on the citations.
5. Fill out and sign the Abatement Certification form certifying that all of the violations have been corrected. Post one copy for your employees to see and send one copy to this HIOSH office. Abatement Certification can be found on page 4 of the Citation and Notification of Penalty.

WHAT IF I RUN INTO PROBLEMS AND CANNOT CORRECT ALL OF THE VIOLATIONS BY THE DATES INDICATED ON THE CITATION?

Contact HIOSH as soon as you determine that you will not be able to correct the violations by the dates on the citation. If you can show a good reason for the delay, a new abatement date can be agreed to.

WHAT HAPPENS IF I DO NOT FULLFILL ALL OBLIGATIONS UNDER THIS AGREEMENT?

In the event the employer fails to remit payment per the agreement, both the unpaid amended penalties and an additional penalty equal to fifty percent (50%) of the total amended penalties shall become immediately due and owing (as written in the EISA).

STATE OF HAWAII
Department of Labor & Industrial Relations
Hawaii Occupational Safety & Health Division (HIOSH)

**EMPLOYERS RIGHTS AND RESPONSIBILITIES
AS DISCUSSED IN THE CLOSING CONFERENCE**

At the conclusion of an inspection, HIOSH procedures require that a closing conference be held with the employer or employer representative. During the conference, apparent violations of the Occupational Safety and Health (OSH) Standards, time needed to correct the hazards, suggested abatement methods and arguments or facts relevant to the inspection will be discussed.

It is important that you clearly understand your responsibilities and rights under the law. You may ask any questions during the conference and you are free to discuss the inspection details at any time. However, your rights to contest or to take other action may be denied if you fail to take the appropriate action within mandated deadlines.

This inspection may result in a citation for alleged violations of the OSH Standards. Certain categories of violations, such as recordkeeping, posting, serious hazards, willful, repeat or failure-to-abate carry mandatory penalties. These are "first-instance" penalties, in that even if hazards were corrected immediately, a penalty must be issued. Penalties can range from \$6,913 to \$16,131 per item, up to \$161,323 for a willful or repeat item, and up to \$16,131 per day per item not corrected within the abatement period indicated on the citation.

It is very important that you take notes during this closing conference and read carefully all of the correspondence you receive from the HIOSH office. If you have any questions following this closing conference, you may call the HIOSH office between 7:45 a.m. to 4:30 p.m. at 586-9110 or 586-9090.

A citation for alleged violations may be issued. It will be mailed to the employer via **Certified Mail**. If the citation is unclaimed, HIOSH will use the 2nd notice date indicated by the United States Postal Service (USPS) to determine the 20-day period to request an informal conference meeting and the final date to contest the citation. If a citation is returned by the USPS because they have categorized it as "Undeliverable", HIOSH will verify the accuracy of the address. If the address is correct, the 20-day period starts on the day HIOSH receives the returned citation.

AFTER THE INSPECTION

- A citation for alleged violations may be issued. By law, penalties may be assessed even if the hazard was corrected immediately.
- Each citation must be posted in a conspicuous place at or near the place where each violation occurred, or at an employee bulletin board or other area where workers congregate for three (3) days or until the violation is abated whichever is longer.
- Violations must be corrected by the abatement dates listed on the citation. Within five calendar days after the abatement date write to HIOSH stating what was done to correct each violation and the date it was corrected. If your company was cited for willful or repeat violations or serious violations for which HIOSH has indicated in the citation that abatement documentation is required, you must also include documents demonstrating that abatement has been completed for those violations. Your abatement certification letter must include a statement that the information submitted is accurate and that affected employees and their representatives have been informed of the abatement (please see HAR 12-51-22 for details). Failure to comply with this requirement may result in the issuance of further citations and proposed penalties.
- Within twenty calendar days of receipt of the citation(s), pay any penalties assessed.
- Abatement extensions may be requested. The request must be in writing and should include why the extension is necessary, how much additional time is needed to correct the hazard and what is being done to protect the employees from the hazard until it can be corrected. The request must be sent to HIOSH before the close of the next business day following the abatement date. The request must be posted for at least 10 days with the original citation.
- HIOSH does follow-up inspections. Any hazard listed on the citation that is found uncorrected during a follow-up inspection will result in a "failure-to-correct" citation and increased monetary penalties for each day not corrected.
- An informal conference may be requested to discuss any questions or misunderstandings relative to the inspection, citation, and/or penalty. The informal conference will NOT extend or stay the 20-day period to file a notice of contest. If you request an informal conference, it must be held prior to you notifying the Administrator in writing of contest.
- You may contest the citation, penalty or both by notifying the Administrator in writing within 20 calendar days after receiving the citation. If not contested, the citation and penalty becomes final and uncontestable after 20 days.
- The OSH law provides penalties for discriminating against any employee who chooses to exercise his/her right under the law.
- There is a free, confidential service provided to employers to help them to comply with the HIOSH standards. To reach the Consultation and Training Branch, please call 586-9100.

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
OCCUPATIONAL SAFETY & HEALTH DIVISION

In the Matter of: County of Maui-Environmental Management,
Wastewater Reclamation Division Central Maintenance
Inspection No. 1768939
Inspection Site: 480 E Welakahao Rd
Kikei, HI 96753

EXPEDITED INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the Director of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (Director), in settlement of the Citation and Notification of Penalty issued on October 7, 2024, which is incorporated by reference and made a part of this Settlement Agreement (Agreement), and attached as Exhibit 1, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the included Citation and Notification of Penalty.
2. The Employer agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the Employer agrees to provide written certification (and documentation where required by the citation) to the Branch Manager or Supervisor that all the violations have been corrected. The Employer agrees to post a copy of the written certification for a period of three (3) working days.

4. The Citation is amended as follows:

| | | |
|-----------------------------|-----------------------|-------------------|
| Citation 1, Item 1 | 30% Penalty Reduction | \$ 3,839.50 |
| Citation 1, Item 2 | 30% Penalty Reduction | 3,839.50 |
| Citation 1, Item 3a | 30% Penalty Reduction | 7,904.40 |
| Citation 1, Item 3b | | 0.00 |
| Citation 1, Item 3c | | 0.00 |
| Citation 1, Item 4 | 30% Penalty Reduction | 3,839.50 |
| Citation 1, Item 5 | 30% Penalty Reduction | 3,839.50 |
| Citation 1, Item 6 | 30% Penalty Reduction | 4,799.90 |
| Citation 2, Items 1 thru 12 | | 0.00 |
| TOTAL AMENDED PENALTIES | | <hr/> \$28,062.30 |

5. Except for the stipulated amendments described in paragraph 4, the Citation is confirmed in all other respects.
6. The amended penalties as described in paragraph 4 shall be paid in full within twenty (20) days of the date of this Agreement.
7. All penalty payment checks shall be made payable to the "**Director of Budget and Finance.**" The inspection number must be written on the remittance to ensure that payment is properly credited. Payments shall be mailed or delivered to the following address:

State of Hawaii
Dept. of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division
830 Punchbowl Street, Rm. 425
Honolulu, Hawaii 96813

8. If the Employer fails to pay the total amended penalties as described in paragraph 4 within twenty (20) days of the date of this Agreement, fails to meet the abatement dates for citations, and/or fails to submit abatement verification information required by § 12-51-22 HAR an additional penalty equal to fifty percent (50%) of the total amended penalties shall be added onto any unpaid amended penalties. Both the unpaid amended penalties and the additional 50% penalty shall become immediately due and owing. This additional penalty shall not affect the finality of this Agreement.
9. The Employer agrees to pay all fees and costs incurred, including reasonable attorney's fees, to collect any unpaid penalties and the additional penalty stated in paragraph 8.
10. Any payments made by the Employer shall be credited to the Employer and retained by the Director.
11. The Employer, by signing this Agreement, waives its rights to contest this Agreement and the Citation, as amended.
12. The Employer understands and agrees that this Agreement and the Citation, as amended, may be offered, used, or admitted into evidence in any proceeding, litigation, or action brought by the Director for enforcement or review under the Hawaii Occupational Safety and Health Law. The Director may use this Agreement as a basis to cite a repeat or willful violation in the future.
13. The Employer agrees to immediately post a copy of this Agreement in a prominent place at or near the location of the violation(s) referred to above. This Agreement must remain posted until the violations cited have been corrected, or for three (3) working days (excluding weekends and State holidays), whichever is longer.

14. The Employer agrees to continue to comply with the Hawaii Occupational Safety and Health Law and the Hawaii Administrative Rules adopted pursuant to the Hawaii Occupational Safety and Health Law.
15. This signed Agreement and the Citation, as amended, is a final order of the Director.
16. If any term of this Agreement is held invalid, illegal, or unenforceable, such term shall be excluded to the extent of such invalidity, illegality, or unenforceability. All other terms shall continue to be valid, legal, and enforceable.

[Employer Signature]

Bronson Luis, Manager
Occupational Safety Branch

[Employer Printed Name]

Date: _____

[Employer Signer Title]

Date: _____

NOTICE TO EMPLOYERS

Signed and dated EISAs shall be mailed and delivered to:

State of Hawaii DLIR - HIOSH
830 Punchbowl Street, Rm 425
Honolulu, HI 96813
Phone: (808) 586-9116
Fax: (808) 586-9104