

LEGAL NOTICE
Notice of Proposed Rulemaking
Public Hearing

Notice is hereby given of proposed rulemaking and public hearing by the Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (HIOSH), to Title 12, Subtitle 8, Parts 1, 2, 3, 5, 6, 7 and 8 of the Hawaii Administrative Rules (HAR), pursuant to the Hawaii Occupational Safety and Health Law, Section 396-4 of the Hawaii Revised Statutes (HRS), and the Hawaii Administrative Procedure Act, Chapter 91, HRS.

The proposed amendments bring the HIOSH standards into conformity with the federal Occupational Safety and Health Administration's (OSHA's) standards. The Occupational Safety and Health Act of 1970 permits states to operate their own occupational safety and health programs as long as the development and enforcement of safety and health standards are "...at least as effective in providing safe and healthful employment or places of employment..." as the OSHA standards. Therefore, HIOSH must adopt the OSHA standards.

Specifically, the public hearing will consider amendments to HAR Chapter 12-50, General provisions and definitions, HAR Chapter 12-52.1, Recording and reporting occupational injuries and illnesses, HAR Chapter 12-56, Program fees and library policies, HAR Chapter 12-60, General industry standards, HAR Chapter 12-110, Construction standards, HAR Chapter 12-170, Shipyards, HAR Chapter 12-180, Marine Terminals, and HAR Chapter 12-190, Longshoring.

The proposed amendments are as follows:

1. HAR § 12-50-2 – clarifies the definition of “Appeals board” to mean the Hawaii labor relations board.
2. HAR § 12-52.1-2 – updates HIOSH’s incorporation of the 2016 published edition of Title 29, Part 1904 of the Code of Federal Regulations (CFR) to the 2017 edition of Title 29, Part 1904 of the CFR. This incorporation is being updated to reflect all of OSHA’s updates to Title 29, Part 1904 of the CFR between 2016 and 2017.
3. HAR § 12-56-2, HAR § 12-56-4, HAR § 12-56-5 – increases fees.
4. HAR § 12-60-2(a)(3) – lowers the exception number of employees an employer has to have for a required written Safety and Health Program from twenty-five (25) to ten (10).
5. HAR § 12-60-50(a) – updates HIOSH’s incorporation of the 2012 published edition of Title 29, Part 1910 of the CFR to the 2017 edition of Title 29, Part 1910 of the CFR. This incorporation is being updated to reflect all of OSHA’s updates to Title 29, Part 1910 of the CFR between 2012 and 2017.
6. Exhibits A and B in HAR § 12-60-50 – Updates air contaminant limits for beryllium and beryllium compounds and updates CFR references for talc and tremolite.
7. HAR § 12-110-2(b) – lowers the exception number of employees an employer must have for a required written Safety and Health Program from twenty-five (25) to ten (10).

8. HAR § 12-110-3(c) – adds an exception from having written records of the daily safety and health inspections is added for projects employing three (3) or less persons.
9. HAR § 12-110-50(a) – updates HIOSH’s incorporation of the 2012 published edition of Title 29, Part 1926 of the CFR to the 2017 edition of Title 29, Part 1926 of the CFR. This incorporation is being updated to reflect all updates to Title 29, Part 1926 of the CFR between 2012 and 2017. 29 CFR 1926.6 – Incorporation by reference was amended by OSHA to reflect all the reference updates OSHA is incorporating into its standards.
10. HAR § 12-170-1 – updates HIOSH’s incorporation of the 2012 published edition of Title 29, Part 1915 of the CFR to the 2017 edition of Title 29, Part 1915 of the CFR. This incorporation is being updated to reflect all updates to Title 29, Part 1915 of the CFR between 2012 and 2017.
11. HAR § 12-180-1 – updates HIOSH’s incorporation of the 2012 published edition of Title 29, Part 1917 of the CFR to the 2017 edition of Title 29, Part 1917 of the CFR. This incorporation is being updated to reflect all updates to Title 29, Part 1917 of the CFR between 2012 and 2017.
12. HAR § 12-190-1 – updates HIOSH’s incorporation of the 2012 published edition of Title 29, Part 1918 of the CFR to the 2017 edition of Title 29, Part 1918 of the CFR. This incorporation is being updated to reflect all updates to Title 29, Part 1918 of the CFR between 2012 and 2017.
13. HAR § 12-208-1 – updates HIOSH’s incorporation of the 2012 published edition of Title 29, Part 1928 of the CFR to the 2017 edition of Title 29, Part 1928 of the

CFR. This incorporation is being updated to reflect all updates to Title 29, Part 1918 of the CFR between 2012 and 2017.

14. HAR § 12-50-1, HAR § 12-50-2, HAR § 12-50-3, HAR § 12-50-5, HAR § 12-50-6, HAR § 12-50-7, HAR § 12-50-10, HAR § 12-52.1-1, HAR § 12-56-1, HAR § 12-56-2, HAR § 12-56-3, HAR § 12-56-4, HAR § 12-56-5, HAR § 12-60-1, HAR § 12-60-2, HAR § 12-60-3, HAR § 12-60-4, HAR § 12-60-5, HAR § 12-60-6, HAR § 12-60-7, HAR § 12-60-8, Table G-16 in § 12-60-50, Exhibits A and B in § 12-60-50, HAR § 12-60-50, HAR § 12-110-2, HAR § 12-110-3, HAR § 12-110-4, HAR § 12-110-8, HAR § 12-110-9, HAR § 12-110-50 – makes technical, non-substantive amendments for clarity and consistency.

A copy of the proposed rule changes will be made available for public viewing from the first working day that the legal notice appears in the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island, through the day the public hearing is held, from Monday – Friday, between the hours of 2:00 p.m. – 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 423, Honolulu, Hawaii 96813; 75 Aupuni Street, Hilo, Hawaii 96720; 2264 Aupuni Street, Wailuku, Hawaii 96793; and 3060 Eiwa Street, Lihue, Hawaii 96766.

Interested persons may request a copy of the proposed rules from HIOSH by written request mailed to 830 Punchbowl Street, Room 423, Honolulu, Hawaii 96813, by electronic mail at dlir.hiosh@hawaii.gov, or by telephone at (808) 586-9116. A copy of the proposed rules will be mailed to any interested person who requests a copy and pays

ten cents per page plus postage. The proposed rules may be viewed at our website at <http://labor.hawaii.gov/hiosh/proposed-rules/>.

Interested persons may present at the public hearing any written or oral data, views, arguments, comments, and objections concerning the proposals on:

May 18, 2018
1:00 p.m.
Keelikolani Building
830 Punchbowl Street, Room 427
Honolulu, Hawaii 96813

The public hearing will be continued, if necessary, to a time, date, and place announced at the scheduled hearing.

Interested persons may submit written data, views, arguments, comments, and objections concerning the proposals to HIOSH, 830 Punchbowl Street, Room 423, Honolulu, Hawaii 96813, or by electronic mail at dhir.hiosh@hawaii.gov. All submissions for the record must be received at or prior to the scheduled public hearing.

Auxiliary aids and services are available upon request. Call HIOSH at (808) 586-9116 (voice), or dial 711 and then ask for (808) 586-9116. A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

Dated:

LEONARD HOSHIJO
Director
Department of Labor and
Industrial Relations

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8866