

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 Parts 2, 3, 5, and 8 of Title 12, Subtitle 8, Hawaii Administrative Rules (HAR), pursuant to the Hawaii Occupational Safety and Health Law, Section 396-4, Hawaii Revised Statutes (HRS), and the Hawaii Administrative Procedure Act, Chapter 91, HRS.

The purpose of these rules is to promulgate safety and health standards that meet or exceed Federal Occupational Safety and Health Administration standards in providing safe and healthful work places for Hawaii's workers.

The public hearing will consider the amendments to the General Industry Standards, 12-64.1, Personal Protective Equipment, 12-73.1, Materials Handling and Storage, Construction Standards, 12-145.1, Asbestos, 12-146, 4,4-Methylenedianiline, 12-147, Cadmium, 12-148, Lead, Occupational Safety and Health Standards for Shipyard Employment 12-170, Health Standards, 12-202, Toxic Materials and Harmful Physical Agents, and 12-206, Asbestos.

The proposed amendments:

1. Chapter 12-73.1, Materials Handling and Storage, is being amended to reinstate the technical requirements that were in the standards in 1996 for roll-over protective structures. In 1996, OSHA adopted references to national consensus standards and later discovered that the differences between the national consensus standards and the original technical requirements were substantive. Hence, OSHA has decided to repeal the references to the national consensus standards and re-instate the original technical requirements for roll-over protective structures.
2. Chapter 12-170, Occupational Safety and Health Standards for Shipyard Employment, is being amended to incorporate the most recent versions of the National Fire Protection Association standards.
3. Section 12-202-3.1, Access to employee exposure and medical records, is being amended to correct a reference in 29 CFR 1910.1020(f)(4)(v) from "paragraph (f)(9)" to "paragraph (f)(7)."
4. Section 12-202-42, Chromium (VI), is being amended to reflect a settlement agreement entered into between OSHA and the Surface Finishing Industry Council (SFIC), Public Citizen Health Research Group, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, on October 25, 2006. The settlement agreement applies only to facilities that are members of SFIC, or the facilities are surface-finishing or metal-finishing job shops that sell plating or anodizing

services to other companies and fall under the jurisdiction of Federal OSHA. HIOSH is adopting the amendment in case there should be a facility under State jurisdiction that desires to be included in the same agreement.

5. The respirator requirements found in 12-64.1, Personal Protective Equipment, 12-145.1, Asbestos, 12-146, 4,4-Methylenedianiline, 12-147, Cadmium, 12-148, Lead, 12-170, Occupational Safety and Health Standards for Shipyard Employment, 12-202, Toxic Materials and Harmful Physical Agents, and 12-206, Asbestos, are being amended to add definitions and requirements for Assigned Protection Factors and Maximum Use Concentration. These requirements will provide employers with information to assist them in the selection of respirators for employees exposed to atmospheric contaminants.

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 Bulletin, The Honolulu 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 1:00 p.m. - 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813; 2264 Aupuni Street, Wailuku, Hawaii 96793; 75 Aupuni Street, Hilo, Hawaii 96720; and 3060 Eiwa Street, Lihue, Hawaii 96766. A copy of the proposed rules may be viewed at our website at <http://hawaii.gov/labor>, or obtained by submitting a request with a prepaid fee of \$0.60 for the copy and \$0.87 postage to 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813 or by calling (808) 586-9086.

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

HONOLULU, OAHU	March 28, 2007 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 unable to attend the public hearing, may submit written data, views, arguments, comments, and objections concerning the proposals to the Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813. All submissions for the record must be received at or prior to the scheduled public hearing.

Auxiliary aids and services are available upon request by calling the Administration and Technical Support Branch at (808) 586-9086 (voice), (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

Dated: February 26, 2007

NELSON B. BEFITEL  
Director  
Department of Labor and  
Industrial Relations