

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Amendments to Chapters 12-50, 12-63.1, 12-64.1, 12-69.1, 12-73.1, 12-89.1, 12-133.2, 21-145.1, 12-146, 12-147, 12-148.1, 12-157, 12-170, 12-180, 12-190, 12-200.1, 12-202, 12-205.1, and 12-206

Hawaii Administrative Rules

Date

1. Chapter 12-50, Hawaii Administrative Rules, is amended by adding a new section 12-50-10 to read as follows:

**"§12-50-10 Compliance duties owed to each employee. (a) Personal protective equipment. Standards in this part requiring the employer to provide personal protective equipment (PPE), including respirators and other types of PPE, because of hazards to employees impose a separate compliance duty with respect to each employee covered by the requirement. The employer must provide PPE to each employee required to use the PPE, and each failure to provide PPE to an employee may be considered a separate violation.**

**(b) Training. Standards in this part requiring training on hazards and related matters, such as standards requiring that employees receive training or that the employer train employees, provide training to employees, or institute or implement a training program, impose a separate compliance duty with respect to each employee covered by the requirement. The employer must train each affected employee in the manner required by the standard, and each failure to train an employee may be considered a separate violation.** [Eff \_\_\_\_\_] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

2. Section 12-63.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-63.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Part 1910, Subpart L, entitled "Fire Protection", published by the Office of the Federal Register, National Archives and Records Administration, on September 12, 1980 and the amendments published on May 1, 1981; April 30, 1984; September 29, 1986; April 12, 1988; June 30, 1993; February 13, 1996; March 7, 1996; January 1, 1998; June 18, 1998; [and] November 7, 2002[,]; and December 12, 2008, are made a part of this chapter, except as provided in section 12-63.1-2." [Eff 3/29/99; am 5/21/04; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

3. Section 12-64.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-64.1-1 Incorporation by reference.**

Title 29, Code of Federal Regulations, Part 1910, Subpart I, entitled "Personal Protective Equipment", published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on October 24, 1978; February 10, 1984; April 6, 1984; June 30, 1993; January 31, 1994; April 6, 1994; June 30, 1994; July 1, 1994; March 7, 1996; May 2, 1996; May 9, 1996; January 8, 1998; April 23, 1998; August 4, 2004; April 3, 2006; August 24, 2006; [and] November 15, 2007[,]; and December 12, 2008, are made a part of this chapter." [Eff 9/30/94; am 8/10/95; am 11/16/96; am 2/8/97; am 7/6/98; am 3/29/99; 05/05/05; am 9/01/05; am 12/21/06; am 4/19/07; am 5/02/08; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

4. Section 12-69.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-69.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, §1910.94, entitled "Ventilation", published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974, and the amendments published on January 8, 1998; March 23, 1999; and December 14, 2007, are made a part of this chapter, except as provided in section 12-69.1-2."

[Eff 7/6/98; am 12/29/00; am 5/02/08;  
am ] (Auth: HRS §396-4)

5. Section 12-73.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-73.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Part 1928 entitled "Occupational Safety and Health Standards For Agriculture", Subpart C, entitled "Roll-Over Protective Structures" published by the Office of the Federal Register, National Archives and Records Administration, on April 25, 1975; and the amendments published on March 7, 1996; April 9, 2004; December 29, 2005; and July 20, 2006, are made a part of this chapter." [Eff 12/29/01; am 4/29/02;

am 12/21/06; am 4/19/07; am ]  
(Auth: HRS §396-4)(Imp: HRS §396-4)

6. Section 12-89.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-89.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Part 1910, Subpart S, entitled "Electrical", published by the Office of the Federal Register, National Archives and Records Administration, on January 16, 1981; and the amendments published on August 7, 1981; January 16, 1982; April 12, 1988; August 6, 1990; November 1, 1990; January 31, 1994; [and] February 14, 2007[,]; and October 29, 2008, are made a

part of this chapter, except as provided in section 12-89.1-2." [Eff 2/14/00; 12/29/00; am 8/26/07; am ] (Auth: HRS §396-4) (Imp: HRS §396-4)

7. Section 12-133.2-13, Hawaii Administrative Rules, is amended by amending subsection (b) to read as follows:

"(b) [Fall hazard training. The employer shall provide a training program for all employees exposed to fall hazards. The program shall include training and instruction in the following areas:] Fall hazard training. The employer shall train each employee exposed to a fall hazard in accordance with the requirements of this section. The employer shall institute a training program and ensure employee participation in the program.

- (1) The recognition and identification of fall hazards in the work area;
- (2) The use and operation of the fall protection systems to be used by the employer and in the systems that may be encountered on the jobsite; e.g., guardrail systems (including perimeter safety cable systems), personal fall arrest systems, positioning device systems, fall restraint systems, safety net systems, and other protection to be used;
- (3) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;
- (4) The procedures to be followed to prevent falls to lower levels and through or into holes and openings in walking/working surfaces and walls; and
- (5) The fall protection requirements of this chapter." [Eff 1/10/03; am ] (Auth: HRS §396-4) (Imp: HRS §396-4)

8. Section 12-145.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-145.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, section 1926.58, entitled "Asbestos, tremolite, anthophyllite, and actinolite", published by the Office of the Federal Register, National Archives and Records Administration, on June 20, 1986; and the amendments published on October 17, 1986; April 30, 1987; May 12, 1987; July 20, 1988; September 14, 1988; June 7, 1989; July 21, 1989; December 20, 1989; February 5, 1990; August 24, 1990; December 10, 1990; June 8, 1992; June 30, 1992; August 10, 1994 (redesignated as section 1926.1101); February 21, 1995; March 1, 1995; June 28, 1995; June 29, 1995; July 13, 1995; September 29, 1995; August 23, 1996; January 8, 1998; April 3, 1998; June 29, 1998; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this chapter, except as provided in section 12-145.1-2." [Eff 8/10/95; am 1/26/96; am 11/16/96; am 2/8/97; am 7/6/98; am 3/29/99; am 3/31/06; am 12/21/06; am 4/19/07; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

9. Section 12-146-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-146-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, chapter 1926.60, entitled "Methylenedianiline", published by the Office of the Federal Register, National Archives and Records Administration, on August 10, 1992; and the amendments published on June 20, 1996; January 8, 1998; December 6, 2004; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this chapter, except as provided in section 12-146-2."



12. Section 12-157-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-157-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Part 1926, Subpart Z, entitled "Chromium (VI)", published by the Office of the Federal Register, National Archives and Records Administration, on February 28, 2006[, is]; and December 12, 2008, are made a part of this chapter." [Eff 12/21/06; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

13. Section 12-170-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-170-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Part 1915, entitled "Occupational Safety and Health Standards for Shipyard Employment", published by the Office of the Federal Register, National Archives and Records Administration, on April 20, 1982; and the amendments published on April 30, 1984; July 7, 1986; September 29, 1986; August 24, 1987; April 27, 1988; February 15, 1989; June 7, 1989; September 14, 1992; October 30, 1992; April 23, 1993; January 3, 1994; February 9, 1994; July 19, 1994; July 25, 1994; August 10, 1994; December 22, 1994; February 21, 1995; March 16, 1995; June 8, 1995; June 29, 1995; July 13, 1995; September 29, 1995; February 13, 1996; March 7, 1996; May 24, 1996; June 13, 1996; June 20, 1996; August 23, 1996; November 4, 1996; January 10, 1997; June 20, 1997; March 19, 1998; June 29, 1998; December 1, 1998; March 1, 1999; July 3, 2002; September 15, 2004; January 5, 2005; March 21, 2005; February 28, 2006; April 3, 2006; October 17, 2006; [and] November 15, 2007[,]; and December 12, 2008, are made a part of this chapter." [Eff 3/23/01; am 1/10/03; am 9/01/05; am 3/31/06; am 12/21/06; am 4/19/07; am 8/26/07; am 5/02/08; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

14. Section 12-180-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-180-1 Incorporation of federal standard.**  
Title 29, Code of Federal Regulations. Part 1917,  
entitled "Marine Terminals", published by the Office  
of the Federal Register, National Archives and Records  
Administration, on July 5, 1983; and the amendments  
published on July 13, 1984; August 24, 1987;  
September 25, 1987; December 4, 1987;  
December 31, 1987; April 27, 1988; June 7, 1989;  
February 9, 1994; July 19, 1994; December 22, 1994;  
February 13, 1996; July 25, 1997; December 1, 1998;  
August 27, 1999; November 12, 1999; June 30, 2000;  
February 28, 2006; [and] November 15, 2007[,];  
December 10, 2008; and December 12, 2008, are made a  
part of this chapter." [Eff 03/23/01; am 12/21/06;  
am 5/02/08; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

15. Section 12-190-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-190-1 Incorporation of federal standard.**  
Title 29, Code of Federal Regulations[.], Part 1918,  
entitled "Safety and Health Regulations for  
Longshoring", published by the Office of the Federal  
Register, National Archives and Records  
Administration, on July 9, 1974; and the amendments  
published on July 22, 1977; August 24, 1987;  
February 9, 1994; July 19, 1994; December 22, 1994;  
February 13, 1996; July 25, 1997; December 1, 1998;  
August 27, 1999; November 12, 1999; June 30, 2000;  
February 28, 2006; [and] November 15, 2007[,];  
December 10, 2008; and December 12, 2008, are made  
part of this chapter." [Eff 03/23/01; am; 12/21/06;  
am 5/02/08; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

16. Section 12-200.1-2, Hawaii Administrative Rules, is amended to read as follows:

**"§12-200.1-2 Incorporation of federal standard.**  
Title 29, Code of Federal Regulations, section 1910.95, entitled "Occupational Noise Exposure", published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on January 16, 1981; December 29, 1981; March 8, 1983; June 28, 1983; June 7, 1989; March 7, 1996; [and] April 3, 2006[,]; and December 12, 2008, are made a part of this chapter, except as provided in section 12-200.1-1." [Eff 12/29/01; am 12/21/06; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

17. Section 12-202-14.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-14.1 13 Carcinogens (4- Nitrobiphenyl, etc).** (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1003, entitled "13 Carcinogens (4-Nitrobiphenyl, etc)", published by the Office of the Federal Register, National Archives and Records Administration, on March 7, 1996, and the amendments published on June 20, 1996; January 8, 1998; April 23, 1998; January 5, 2005; [and] April 3, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1003 and applied to this section:

"§1910.20" means section 12-202-3.

"§1910.134" means section 12-64.1-2.

"§1910.141" means chapter 12-67.

"OSHA Area Director" means the director of the department of labor and industrial relations or the director's designee." [Eff 11/16/96; am 2/8/97; am 7/6/98; am 3/31/06; am 12/21/06; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

18. Section 12-202-28.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-28.1 Vinyl Chloride.** (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1017, entitled "Vinyl Chloride", published by the Office of the Federal Register, National Archives and Records Administration, on October 4, 1974; and the amendments published on December 3, 1974; March 25, 1975; Redesignated May 28, 1975; Amendments October 24, 1975; May 23, 1980; June 7, 1989; June 30, 1993; February 13, 1996; January 8, 1998; June 18, 1998; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1017 and applied to this section: "§1910.20" means section 1910.1020 in section 12-202-3.1." [Eff 7/6/98; am 3/29/1999; am 3/31/06; am 12/21/06; am 4/19/07; am ] (Auth: HRS §396-4) (Imp: HRS §396-4)

19. Section 12-202-29.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-29.1 1,2-Dibromo-3-Chloropropane.** (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1044, entitled "1,2-Dibromo-3-Chloropropane", published by the Office of the Federal Register, National Archives and Records Administration, on March 17, 1978 and the amendments published on May 23, 1980; April 30, 1984; June 7, 1989; June 30, 1993; February 13, 1996; January 8, 1998; January 5, 2005; [and] April 3, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1044 and applied to this section:

"§1910.20" means section 1910.20 in section 12-202-3.

"§1910.134" means section 1910.134 in section 12-64.1-1.

"§1910.141" means section 1910.141 in Chapter 12-67." [Eff 7/6/98; am 3/31/06; am 2/21/06; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

20. Section 12-202-30.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-30.1 Acrylonitrile.** (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1045, entitled "Acrylonitrile", published by the Office of the Federal Register, National Archives and Records Administration, on October 3, 1978; and the amendments published on May 23, 1980; June 7, 1989; June 30, 1993; February 13, 1996; January 8, 1998; April 23, 1998; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1045 and applied to this section:

"§1910.20" means section 1910.1020 in section 12-202-3.1.

"§1910.132" means section 1910.132 in section 12-64.1-1.

"§1910.133" means section 1910.133 in section 12-64.1-1.

"§1910.141" means section 1910.141 in chapter 12-67." [Eff 7/6/98; am 3/29/99; am 3/31/06; am 12/21/06; am 4/19/07; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

21. Section 12-202-31.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-31.1 Inorganic arsenic. (a)**

Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1018, entitled "Inorganic Arsenic", published by the office of the Federal Register[.], National Archives and Records Administration, on May 5, 1978; and the amendments published on June 30, 1978; May 23, 1980; June 2, 1989; June 30, 1993; February 13, 1996; March 2, 1996; January 8, 1998; June 18, 1998; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1018 and applied to this section:

"§1910.20" means section 1910.1020 in section 12-202-3.1.

"§1910.133" means section 1910.133 in section 12-64.1-1.

"§1910.134" means section 1910.134 in section 12-64.1-1.

"§1910.141" means section 1910.141 in chapter 12-67." [Eff 7/6/98; am 3/29/99; am 3/31/06; am 12/21/06; am 4/19/07; am ] (Auth: HRS §396-4) (Imp: HRS §396-4)

22. Section 12-202-32.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-32.1 Cotton dust. (a)**

Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1043, entitled "Cotton dust", published by the Office of the Federal Register, National Archives and Records Administration, on June 23, 1978; and the amendments published on June 30, 1978; August 8, 1978; December 5, 1978; February 26, 1980; May 23, 1980; October 10, 1980; December 13, 1985; July 3, 1986; June 7, 1989; February 13, 1996; January 8, 1998; December 7, 2000; January 5, 2005; April 3, 2006 [and] August 24, 2006[,]; and December 12, 2008, are made a

part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1043 and applied to this section:

"§1910.20" means section 1910.1020 in section 12-202-3.1." [Eff 7/6/98; am 12/29/01; am 3/31/06; am 12/21/06; am 4/19/07; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

23. Section 12-202-33.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-33.1 Lead.** (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1025, entitled "Lead", published by the Office of the Federal Register, National Archives and Records Administration, on November 14, 1978; and the amendments published on October 23, 1979; November 30, 1979; November 12, 1982; March 8, 1983; April 30, 1984; May 31, 1991; October 11, 1995; January 8, 1998; April 23, 1998; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1025 and applied to this section:

"§1910.133" means section 1910.133 in chapter 12-64.1.

"§1910.141" means chapter 12-67.

"29 CFR 1910.134" means section 12-64.1-2.

"29 CFR 1910.20" means section 1910.1020 in 12-202-3.1.

"Assistant Secretary" means the director, department of labor and industrial relations, or the director's designee.

"OSHA" means occupational safety and health division, State of Hawaii." [Eff 9/21/96; am 2/8/97; am 7/6/98; am 3/29/99; am 3/31/06, am 12/21/06; am 4/19/07; am ]

(Auth: HRS §396-4) (Imp: HRS §396-4)

24. Section 12-202-35.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-35.1 Ethylene oxide. (a)** Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1047, entitled "Ethylene Oxide", published by the Office of the Federal Register, National Archives and Records Administration, on June 22, 1984; and the amendments published on March 12, 1985; October 11, 1985; July 10, 1986; April 5, 1988; July 26, 1988; June 7, 1989; February 13, 1996; January 8, 1998; November 7, 2002; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

**(b) Definitions.** As used in 29 CFR section 1910.1047 and applied to this section:

"§1910.20" means section 1910.1020 in section 12-202-3.1.

"§1910.132" means section 1910.132 in section 12-64.1-1.

"§1910.134" means section 1910.134 in section 12-64.1-1." [Eff 7/6/98; am 5/21/04; am 3/31/06; am 12/21/06; am 4/19/07; am ]

(Auth: HRS §396-4) (Imp: HRS §396-4)

25. Section 12-202.36.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-36.1 Benzene. (a)** Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1028, entitled "Benzene", published by the Office of the Federal Register, National Archives and Records Administration, on September 11, 1987; and the amendments published on June 7, 1989; December 13, 1996; January 8, 1998; April 23, 1998; January 5, 2005; April 3, 2006 [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

**(b) Definitions.** As used in 29 CFR section 1910.1028 and applied to this section:

"§1910.20" means section 1910.1020 in section 12-202-3.1.

"§1910.133" means section 1910.133 in section 12-64.1-1.

"§1910.134" means section 1910.134 in section 12-64.1-1.

"§1910.1200" means section 1910.1200 in chapter 12-203.1." [Eff 7/6/98; am 3/31/06; am 12/21/06; am 4/19/07; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

26. Section 12-202-37.1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-37.1 Formaldehyde.** (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1048, entitled "Formaldehyde", published by the Office of the Federal Register, National Archives and Records Administration, on December 4, 1987; and the amendments published on March 2, 1988; November 8, 1988; December 13, 1988; June 7, 1989; July 13, 1989; August 1, 1989; June 13, 1990; May 27, 1992; June 10, 1992; February 13, 1996; January 8, 1998; April 23, 1998; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR section 1910.1048 and applied to this section:

"§1910.20" means section 1910.1020 in section 12-202-3.1.

"§1910.132" means section 1910.132 in section 12-64.1-1.

"§1910.133" means section 1910.133 in section 12-64.1-1

"§1910.134" means section 1910.134 in section 12-64.1-1.

"§1910.1200" means section 1910.1200 in chapter 12-203.1." [Eff 7/6/98; am 3/31/06; am 12/21/06; am 4/19/07; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

27. Section 12-202-38, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-38 4,4-Methylenedianiline.**

(a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1050, entitled "Methylenedianiline", published by the Office of the Federal Register, National Archives and Records Administration, on August 10, 1992, and the amendments published on January 8, 1998; April 23, 1998; November 7, 2002; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR 1910.1050 and applied to this section:

"Act" means chapter 396, Hawaii Revised Statutes.

"Assistant Secretary" means the director of the department of labor and industrial relations, State of Hawaii.

"OSHA" means occupational safety and health division, State of Hawaii.

"Startup dates" means six months following the dates listed in paragraph (r) of 29 CFR 1910.1050.

"29 CFR 1910.12(b)" means section 12-50-2.

"29 CFR 1910.20" means section 1910.1020 in 12-202-3.1.

"29 CFR 1910.38" means chapter 12-71.1.

"29 CFR 1910.133" means section 1910.133 in chapter 12-64.1.

"29 CFR 1910.134" means section 1910.134 in chapter 12-64.1.

"29 CFR 1910.141" means chapter 12-67.2

"29 CFR 1910.1200" means chapter 12-203.1."  
[Eff 2/26/93; am 9/21/96; am 7/6/98; am 5/21/04;  
am 12/21/06; am 4/19/07; am ]

(Auth: HRS §396-4) (Imp: HRS §396-4)

28. Section 12-202-39, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-39 Cadmium.** (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1027, entitled "Cadmium", published by the Office of the Federal Register,

National Archives and Records Administration, on September 14, 1992, and the amendments published [by the Office of the Federal Register, National Archives and Records Administration,] on April 23, 1993, January 8, 1998; January 5, 2005; April 3, 2006 [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR 1910.1027 and applied to this chapter:

"Assistant Secretary" means the director of the department of labor and industrial relations, State of Hawaii.

"Effective date" means March 14, 1993.

"OSHA" means occupational safety and health division, State of Hawaii.

"OSH Act" means chapter 396, Hawaii Revised Statutes.

"Startup dates" means six months following the dates listed in paragraph (p) of 29 CFR 1910.1027.

"29 CFR 1910.20" means section 1910.1020 in section 12-202-3.1.

"29 CFR 1910.133" means section 1910.133 in chapter 12-64.1.

"29 CFR 1910.134" means section 1910.134 in chapter 12-64.1.

"29 CFR 1910.141" means chapter 12-67.

"29 CFR 1910.1200" means chapter 12-203.1." [Eff 2/26/93; am 11/5/93; am 9/21/96; am 7/6/98; am 3/31/06; am 12/21/06; am 4/19/07; am ] (Auth: HRS §396-4) (Imp: HRS §396-4)

29. Section 12-202-40, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-40 1,3-Butadiene.** (a) Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1051, entitled "1,3-Butadiene", published by the Office of the Federal Register, National Archives and Records Administration, on November 4, 1996, and the amendments published [by the Office of the Federal Register, National Archives and Records Administration,] on January 8, 1998; November 7, 2002; January 5, 2005; [and] April 3, 2006[,]; and December 12, 2008, are made a part of this section,

except as provided in subsection (b).

(b) Definitions. As used in 29 CFR 1910.1051 and applied to this section:

"29 CFR 1910.20" means section 12-202-3.

"29 CFR 1910.38" means chapter 12-71.1.

"29 CFR 1910.106" means chapter 12-74.1.

"29 CFR 1910.120" means chapter 12-74.1.

"29 CFR 1910.133" means section 1910.133 in chapter 12-64.1.

"29 CFR 1910.134" means section 1910.134 in chapter 12-64.1.

"29 CFR 1910.1200" means section 1910.1200 in chapter 12-203.1.

"29 CFR 1926.59" means section 1910.1200 in chapter 12-203.1.

"Assistant Secretary" means the director of the department of labor." [Eff 5/2/97; am 7/6/98; am 5/21/04; am 3/31/06; am 12/21/06; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

30. Section 12-202-41, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-41 Methylene Chloride. (a)**

Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1052, entitled "Methylene Chloride", published by the Office of the Federal Register, National Archives and Records Administration, on January 10, 1997; and the amendments published on August 8, 1997; September 15, 1997; October 20, 1997; December 18, 1997; January 8, 1998; April 23, 1998; September 22, 1998; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this section, except as provided in subsection (b).

(b) Definitions. As used in 29 CFR 1910.1052 and applied to this section:

"29 CFR 1910.120" means chapter 12-99.1.

"29 CFR 1910.133" means section 1910.133 in chapter 12-64.1.

"29 CFR 1910.134" means section 1910.134 in chapter 12-64.1.

"29 CFR 1910.307" means section 12-89.1-1.

"29 CFR 1910.141" means chapter 12-67.

"29 CFR 1910.1000" means section 12-202-4.02.

"29 CFR 1910.1020" means section 1910.1020 in section 12-202-3.1.

"29 CFR 1910.1200" means section 1910.1200 in chapter 12-203.1.

"29 CFR 1926.59" means section 1910.1200 in chapter 12-203.1.

"Assistant Secretary" means the director of the department of labor." [Eff 7/10/97; am 4/11/98; am 7/6/98; am 12/21/06; am 4/19/07;

am ] (Auth: HRS §396-4)

(Imp: HRS §396-4)

31. Section 12-202-42, Hawaii Administrative Rules, is amended to read as follows:

**"§12-202-42 Chromium (VI).** Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.1026, entitled "Chromium (VI)", published by the Office of the Federal Register, National Archives and Records Administration, on February 28, 2006; [and] October 30, 2006[,]; and December 12, 2008, are made

part of this chapter." [Eff 12/21/06; am 4/19/07;

am ] (Auth: HRS §396-4)

(Imp: HRS §396-4)

32. Section 12-205.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-205.1-1 Incorporation of federal standard.** Title 29, Code of Federal Regulations, section 1910.1030, entitled "Bloodborne pathogens", published by the Office of the Federal Register, National Archives and Records Administration, on December 6, 1991; and the amendments published on April 13, 1992; July 1, 1992; February 13, 1996; January 18, 2001; [and] April 3, 2006[,]; and

December 12, 2008, are made a part of this chapter, except as provided in section 12-205.1-2."  
[Eff 12/29/00; am 8/9/01; am 12/21/06;  
am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

33. Section 12-206-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-206-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, section 1910.1001, entitled "Asbestos", published by the Office of the Federal Register, National Archives and Records Administration, on June 20, 1986; and the amendments published on October 17, 1986; May 12, 1987; September 14, 1988; June 7, 1989; July 13, 1989; December 20, 1989; February 5, 1990; August 24, 1990; June 8, 1992; August 10, 1994; February 21, 1995; March 1, 1995; June 28, 1995; June 29, 1995; August 23, 1996; January 8, 1998; January 5, 2005; April 3, 2006; [and] August 24, 2006[,]; and December 12, 2008, are made a part of this chapter, except as provided in section 12-206-2." [Eff 8/10/95; am 1/26/96; am 2/8/97; am 7/6/98; am 3/31/06; am 12/21/06; am 4/19/07; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

34. Material, except source notes, to be repealed is bracketed. New material is underscored.

35. Additions to update source notes to reflect these amendments are not underscored.

36. These amendments to chapters 12-50, 12-63.1, 12-64.1, 12-69.1, 12-73.1, 12-89.1, 12-133.2, 21-145.1, 12-146, 12-147, 12-148.1, 12-157, 12-170, 12-180, 12-190, 12-200.1, 12-202, 12-205.1, and 12-206, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on \_\_\_\_\_, and filed with the Office of the Lieutenant Governor.

\_\_\_\_\_  
DARWIN L.D. CHING, DIRECTOR  
Department of Labor and  
Industrial Relations

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Attorney General