

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 1, 2, 3, 5, 6, and 7 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 (OSHA) standards in providing safe and healthful work places for Hawaii's workers.

The public hearing will consider the amendments to the General, Legal, and Administrative Provisions Standard 12-50, General Industry Standards, 12-64.1, 12-67.2, 12-69.1, 12-74.1, 12-78.2, 12-79.1, 12-83.1, Construction Standard 12-114.2, Shipyard Standard 12-170, Marine Terminals Standard 12-180, and Longshoring Standard 12-190.

The proposed amendments are:

1. Chapters 12-64.1 and 12-114.2, Personal Protective Equipment, as well as the sections within chapters 12-170, 12-180, and 12-190 that address personal protective equipment. The general industry, construction, shipyard, marine terminals, and longshoring standards that address personal protective equipment are being amended to adopt the OSHA requirement that employers pay for personal protective equipment that they require their employees to use, except for some enumerated exceptions. [72 FR 64341-64430 (11/15/07)] This amendment should not have any impact on Hawaii employers as HIOSH has had a similar requirement for employers to pay for employee personal protective equipment since 1998.
2. Chapters 12-50, General Provisions and Definitions; 12-67.2, General Environmental Controls; 12-69.1, Ventilation; 12-74.1, Hazardous Materials; 12-78.2, Welding, Cutting, and Brazing; 12-79.1, Hand and Portable Powered Tools and Other Hand-Held Equipment; and 12-83.1, Powered Platforms, Manlifts and Vehicle-Mounted Work Platforms, are being amended to remove several references to consensus standards that have requirements that duplicate or are comparable to other OSHA rules. These amendments are a continuation of OSHA's ongoing efforts to update references to consensus and industry standards.

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; 81-990 Halekii Street, Room 2087, Kealahou, Hawaii 96750; 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 \$ .35 for the copy and \$ .75 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	April 11, 2008, 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: March 10, 2008

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DARWIN L.D. CHING  
Director  
Department of Labor and  
Industrial Relations