

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, 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 (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 Provisions and Definitions, General Industry Standards, 12-77.1, Logging and Wood Processing, 12-83.1, Powered Platforms, Manlifts and Vehicle-Mounted Work Platforms, 12-89.1, Electrical, Shipyard Standard 12-170, Occupational Safety and Health Standards for Shipyard Employment, and Health Standards 12-202, Toxic Materials and Harmful Physical Agents.

The proposed amendments are:

1. Chapter 12-50, General Provisions and Definitions, Section 12-50-9, Incorporation of federal standard, is being amended to correct the addresses of the American National Standards Institute (ANSI) and the National Fire Protection Association (NFPA) for purchase of their materials.
2. Chapter 12-77.1, Logging and Wood Processing, Section 12-77.1-1, Incorporation of federal standard, is being amended to correct the incorporation date that was placed in the wrong section.
3. Chapter 12-83.1, Powered Platforms, Manlifts and Vehicle-Mounted Work Platforms, is being amended to update the references to the NFPA to reflect the current changes being made to Chapter 12-89.1, Electrical, in paragraph 4 below.
4. Chapter 12-89.1, Electrical, is being amended to reflect the most current practice and technology in the industry and to respond to stakeholder requests that OSHA revise the standard to reflect the most recent editions of NFPA 70E and the National Electric Code (NEC). The changes are based on Part I of the 2000 edition of the NFPA 70E and the 2002 edition of the NEC. The changes will revise and update the electrical installation standard to be consistent with most of the NFPA 70E recommendations developed in 2000, which are based on the 1999 NEC, and to update requirements for new electrical installations.

5. Chapter 12-170, Occupational Safety and Health Standards for Shipyard Employment, is being amended to correct the incorporation date that appeared in the original standard.
6. Chapter 12-202, Toxic Materials and Harmful Physical Agents, is being amended to correct minor grammatical and technical errors.

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 \$ 1.55 for the copy and \$ 1.82 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	August 10, 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: July 10, 2007

NELSON B. BEFITEL
Director
Department of Labor and
Industrial Relations