

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 Part 3 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 which 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 amendment of chapter 12-136.1, Cranes, Derricks, Hoists, Elevators, and Conveyors. This amendment will only apply to hoisting machine operators utilizing equipment with a lifting capacity of more than five tons and which is being used for construction work.

Chapter 12-136.1, Cranes, Derricks, Hoists, Elevators, and Conveyors, is being amended to enable HIOSH to enforce the Hoisting Machine Operator certification that is required under Title 12, Subtitle 7, Chapter 48, Hoisting Machine Operators. Section 12-136.1-2, Definitions will be renamed, Certification. Current state laws require hoisting machine operators to possess certification as Hoisting Machine Operators in accordance with Chapter 12-48. However, there is no current legal authority to enforce that certification requirement. A new section 12-136.1-3 will be created for the definitions.

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 .20¢ for the copy and .58¢ 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, 2:00 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 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