# Part 1: General, Legal & Administrative Provisions

# 12-50 GENERAL PROVISIONS AND DEFINITIONS

- §12-50-1 Application
- §12-50-2 Definitions
- §12-50-3 Use of existing equipment
- §12-50-4 Sufficiency of safeguards
- §12-50-5 Minimum standards
- §12-50-6 Computation of time
- §12-50-7 Repealed
- §12-50-8 Repealed
- §12-50-9 Incorporation of federal standard
  - §1910.6 Incorporation by reference

### 12-51 INSPECTIONS, CITATIONS, AND PROPOSED PENALTIES

- §12-51-1 Purpose and scope
- §12-51-2 Posting of notice
- §12-51-3 Authority for inspection
- §12-51-4 Objection to inspection
- §12-51-5 Entry not a waiver
- §12-51-6 Advance notice of inspections
- §12-51-7 Conduct of inspections
- §12-51-8 Representatives of employers and employees
- §12-51-9 Trade secrets
- §12-51-10 Consultation with employees
- §12-51-11 Complaints by employees
- §12-51-12 Inspection or Investigation not warranted; informal review
- §12-51-13 Imminent danger
- §12-51-14 Citations
- §12-51-15 Proposed penalties
- §12-51-16 Posting of citations
- §12-51-17 Modification of correction period
- §12-51-18 Employee contests of correction period
- §12-51-19 Employer contests of citation, proposed penalty or both
- §12-51-20 Failure to correct a violation
- §12-51-21 Informal conferences
- §12-51-22 Abatement verification

Appendix A to Section 12-51-22--Sample Abatement-Certification Letter (Non-mandatory)

Appendix B to Section 12-51-22--Sample Abatement Plan or Progress Report (Non-mandatory)

Appendix C to §12-51-22-Sample Warning Tag

# §12-52 RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

§12-52.1-1 State amendments to 29 CFR 1904 [Changes have been compiled.]

§12-52.1-2 Incorporation to federal standard

SUBPART A -- PURPOSE

§1904.0 Purpose

SUBPART B -- SCOPE

§1904.1 Partial exemption for employers with 10 or fewer employees

§1904.2 Partial exemption for establishments in certain industries

§1904.3 Keeping records for more than one agency

Non-Mandatory Appendix A to Subpart B -

Partially Exempt Industries

SUBPART C -- RECORDKEEPING FORMS AND RECORDING CRITERIA

§1904.4 Recording criteria

§1904.5 Determination of work-relatedness

1904.6 Determination of new cases

§1904.7 General recording criteria

§1904.8 Recording criteria for needlestick and sharps injuries

§1904.9 Recording criteria for cases involving medical removal under OSHA Standards

§1904.10 Recording criteria for cases involving occupational hearing loss

§1904.11 Recording criteria for work-related tuberculosis cases

§1904.12 [Removed]

§1904.13 - §1904.28 [Reserved]

§1904.29 Forms

# SUBPART D -- OTHER OSHA INJURY AND ILLNESS RECORDKEEPING REQUIREMENTS

§1904.30 Multiple business establishments

§1904.31 Covered employees

§1904.32 Annual summary

§1904.33 Retention and updating

§1904.34 Change in business ownership

§1904.35 Employee involvement

§1904.36 Prohibition against discrimination

§1904.37 State record keeping regulations

§1904.38 Variances from the record keeping rule

SUBPART E -- REPORTING FATALITY, INJURY AND ILLNESS INFORMATION TO THE GOVERNMENT

§1904.39 Reporting fatalities and multiple hospitalization incidents to OSHA

§1904.40 Providing records to government representatives

- §1904.41 Annual OSHA injury and illness survey of ten or more employers
- §1904.42 Requests from the Bureau of Labor Statistics for data SUBPART F -- TRANSITION FROM THE FORMER RULE
- §1904.43 Summary and posting of the 2001 data
- §1904.44 Retention and updating of old forms
- §1904.45 OMB control numbers under the Paperwork Reduction Act
- §1904.46 Definitions

## 12-53 RULES OF PRACTICE FOR VARIANCES

### SUBCHAPTER 1-GENERAL

- §12-53-1 Purpose and scope
- §12-53-2 Effect of variances
- §12-53-3 Public notice of a granted variance
- §12-53-4 Form of documents
- §12-53-5 Repealed

### SUBCHAPTER 2-APPLICATION FOR VARIANCES AND OTHER RELIEF

- §12-53-6 Variance and other relief for inability to comply
- §12-53-7 Variances and other relief for use of alternate safety practices, etc.
- §12-53-8 Modification, revocation, and renewal of rules and orders
- §12-53-9 Action on applications
- §12-53-10 Requests for hearing on applications
- §12-53-11 Consolidation of proceedings

#### SUBCHAPTER 3-HEARINGS

- §12-53-12 Notice of hearing
- §12-53-13 Manner of service
- §12-53-14 Hearing examiners; powers and duties
- §12-53-15 Prehearing conferences
- §12-53-16 Consent findings and rules or orders
- §12-53-17 Discovery
- §12-53-18 Hearings
- §12-53-19 Decisions of hearing examiners
- §12-53-20 Appeals
- §12-53-21 Transmission of record
- §12-53-22 Decision of the director

### SUBCHAPTER 4-SUMMARY DECISIONS

- §12-53-23 Motion for summary decision
- §12-53-24 Summary decision

#### SUBCHAPTER 5-EFFECT OF INITIAL DECISIONS

- §12-53-25 Appeal of a hearing examiner's decision
- §12-53-26 Finality for appeals board review

# 12-54 ADOPTION, AMENDMENTS, OR REPEAL OF RULES AND STANDARDS

- §12-54-1 Purpose and scope
- §12-54-2 Petition
- §12-54-3 Additional or alternative procedural requirements
- §12-54-4 Procedure for rulemaking
- §12-54-5 Nature of hearings
- §12-54-6 Decision
- §12-54-7 Emergency rules
- §12-54-8 Effective date of action on rules
- §12-54-9 Construction of chapter

# 12-55 RULES OF DOSH PRACTICE AND PROCEDURE CONCERNING DOSH ACCESS TO EMPLOYEE MEDICAL RECORDS

- §12-55-1 General policy
- §12-55-2 Scope and application
- §12-55-3 Director
- §12-55-4 DOSH medical records officer
- §12-55-5 Principal DOSH investigator
- §12-55-6 Requirement for written access order
- §12-55-7 Approval criteria for written access order
- §12-55-8 Content of written access order
- §12-55-9 Special situations concerning written access order
- §12-55-10 Presentation of written access order and notice to employees
- §12-55-11 Objections concerning a written access order
- §12-55-12 Removal of direct personal identifiers
- §12-55-13 Internal agency use of personal identifiable employee medical information
- §12-55-14 Security procedures
- §12-55-15 Retention and destruction of records
- §12-55-16 Agency analysis using personal identifiable employee medical information
- §12-55-17 Annual report
- §12-55-18 Inter-agency transfer and public disclosure

#### 12-56 PROGRAM FEES AND LIBRARY POLICIES

- §12-56-1 Purpose and scope
- §12-56-2 Safety and health professionals
- §12-56-3 Public notice for variances
- §12-56-4 Explosives
- §12-56-5 Training materials
- §12-56-6 Library

# 12-57 DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER CHAPTER 396, HAWAII REVISED STATUTES

SUBCHAPTER 1-GENERAL

§12-57-1 General requirements of section 396-8(e), HRS

§12-57-2 Persons prohibited from discriminating

§12-57-3 Unprotected activities distinguished SUBCHAPTER 2-SPECIFIC PROTECTIONS

§12-57-4 Complaints under or related to section 396-8(e), HRS

§12-57-5 Proceedings under or related to section 396-8(e), HRS

§12-57-6 Testimony

§12-57-7 Exercise of any right afforded by section 396-8(e), HRS SUBCHAPTER 3-PROCEDURES

§12-57-8 Filing of complaint for discrimination

§12-57-9 Notification of director's determination

§12-57-10 Withdrawal of complaint

§12-57-11 Arbitration or other agency proceedings SUBCHAPTER 4-SPECIFIC SUBJECTS

§12-57-12 Employee refusal to comply with safety rules

### 12-58 PERMITS AND CERTIFICATES

§12-58-1 Certificates of fitness for explosives

§12-58-2 Safety and health professional