

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING, AND REGULATION
NOTICE OF PUBLIC HEARING
OCCUPATIONAL SAFETY AND HEALTH STANDARDS

South Carolina Department of Labor, Licensing and Regulation (LLR) does hereby give notice under Section 41-15-220, SC Code of Laws, 1976, as amended, that a public hearing will be held at **10:00 AM** on **February 5, 2019** at **121 Executive Center Drive, Suite 200, Columbia, SC 29211**. At this hearing, interested persons will be given the opportunity to appear and present their views on the occupational safety and health standards being considered for adoption.

The hearing is to determine if the Director of the South Carolina Department of LLR will promulgate, revoke, or modify rules and regulations pursuant to Section 41-15-210, South Carolina Code of Laws, 1976.

The parts of the occupational safety and health rules and regulations to be considered at the hearing are as follows:

- In Subarticle 6 (General Industry):
1910.1024, Beryllium

Federal OSHA recently confirmed the effective date of its direct final rule (DFR) adopting a number of clarifying amendments to the beryllium standard for general industry to address the application of the standard to materials containing trace amounts of beryllium. In the May 7, 2018, DFR, Federal OSHA stated that the DFR would become effective on July 6, 2018, unless one or more significant adverse comments were submitted by June 6, 2018. OSHA did not receive significant adverse comments on the DFR, therefore Federal OSHA confirmed that the DFR became effective July 6, 2018.

In a separate final rule, Federal OSHA extended the compliance date for certain ancillary requirements of the general industry beryllium standard to December 12, 2018. This standard protects workers from the hazards of beryllium exposure. Federal OSHA has determined that this final rule will maintain essential safety and health protections for workers while OSHA prepares a Notice of Proposed Rulemaking (NPRM) to clarify specific provisions of the beryllium standard in accordance with a settlement agreement entered into with stakeholders. The December 12, 2018, compliance date affects only certain ancillary provisions, *i.e.*, methods of compliance, beryllium work areas, regulated areas, personal protective clothing and equipment, hygiene areas and practices, housekeeping, communication of hazards, and recordkeeping.

For further information on these changes, please see the following links:

<https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-07-03.pdf>
<https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-08-09.pdf>

- In Subarticle 7 (Construction):
1926.1427, Operator qualification and certification;
1926.1430, Training

SC OSHA is updating the agency's standard for cranes and derricks in construction by clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluation. SC OSHA is also altering a provision

that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. Finally, this rule establishes minimum requirements for determining operator competency. This final rule will maintain safety and health protections for workers while reducing compliance burdens.

For further information on these changes, please see the following link:
<https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-11-09.pdf>

Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at the SC Department of LLR during normal business hours by contacting the South Carolina Occupational Health and Safety Administration office at 803-896-5811.

Each of these final rules will be effective in South Carolina upon formal adoption and publication in the State Register on February 22, 2019.

Persons desiring either to speak at the hearing or to have their views submitted on the record if they cannot appear must file with the Director of the SC Department of LLR either a notice of intention to appear or a summary of their views on the matter(s) no later than January 22, 2019.

Emily Farr, Director
SC Department of LLR
Post Office Box 11329
Columbia, SC 29211-1329

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING, AND REGULATION
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**NOTICE OF PUBLIC HEARING
OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

**February 5, 2019 at 10:00 AM
Synergy Business Park, Congaree Building, Suite 200
121 Executive Center Drive, Columbia, SC 29211**

AGENDA

CALL TO ORDER.....KRISTINA BAKER, DEPUTY DIRECTOR – OSHA

Public notice of this hearing was properly posted at the South Carolina Department of Labor, Licensing, and Regulation’s office of Occupational Safety and Health Administration, Synergy Business Park, 110 Centerview Drive (Kingstree Building) and 121 Executive Center Drive, Suite 230 (Congaree Building) in Columbia, South Carolina.

Pursuant to SC Code Ann. § 41-15-220, 1976, an amended notice of this public hearing was published in 3 newspapers, one of which has circulation in upper, lower, and middle South Carolina, once a week for three weeks. Public notice of this hearing has also been provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the 1976 South Carolina Code, as amended, relating to the Freedom of Information Act.

**PUBLIC HEARING PROCEDURE AND STATEMENT OF PURPOSEKRISTINA BAKER
DEPUTY DIRECTOR – OSHA**

PUBLIC COMMENTS AND OPINIONS

ADJOURNMENTKRISTINA BAKER, DEPUTY DIRECTOR – OSHA