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**OFFICE OF THE LIEUTENANT GOVERNOR
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MEMORANDUM

TO: Tally Teal
Department of Labor & Workforce Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: May 22, 2018

RE: Filed Permanent Regulations: Department of Labor & Workforce Development

Department of Labor and Workforce Development regulations re: addition of beryllium as a substance subject to occupational safety and health (OSH) standards, and correction of outdated citations in OSH regulations (8 AAC 61.1010(b); 8 AAC 61.1020(b)(8); 8 AAC 61.1030; 8 AAC 61.1110(g)(1); 8 AAC 62.020(a)(9))

Attorney General File:	2018200115
Regulation Filed:	5/22/2018
Effective Date:	6/21/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

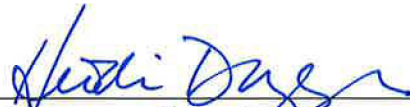
The attached 3 pages of regulations, dealing with Occupational Safety and Health, adding Beryllium as an OSH standard and correcting outdated citations, are adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 05.52.010 and AS 18.60.020 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 5/16/18



Heidi Drygas, Commissioner
Department of Labor and Workforce Development

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on May 22, 2018, at 855a m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: June 21, 2018
Register: 226, July 2018

Register 226, July 2018 LABOR AND WORKFORCE DEV.

8 AAC 61.1010(b) is amended to read:

(b) Under AS 18.60.030, 29 C.F.R. 1910.5(c) and (d), 1910.6, 1910.7, 1910.12, 1910.19 – 1910.1018, 1910.1020, and 1910.1024 – 1910.1450 [1910.1025 – 1910.1450], as amended, are

occupational safety and health standards in this state, as revised in this section and except as provided in 8 AAC 61.1020 – 8 AAC 61.1110. (Eff. 12/6/95, Register 136; am 3/27/96, Register

137; am 10/4/97, Register 144; am 2/15/2001, Register 157; am 10/6/2002, Register 164; am

11/29/2017, Register 224; am 6/21/2018, Register 226)

Authority: AS 18.60.020 AS 18.60.030 AS 18.60.075

8 AAC 61.1020(b)(8) is amended to read:

(8) after the blast, and before any employees or equipment enter the blast site, the flood light complexes must be repositioned to illuminate the site as specified by the blaster; the blaster shall examine the area for misfires, loose explosives, or other hazards; handheld battery-powered lamps, approved by a nationally recognized testing laboratory as defined in 29 C.F.R. 1910.7 [29 C.F.R. 19] for use in hazardous locations, may be used to supplement the flood light complexes during this examination; an employee may not enter the area until the blaster gives clearance to do so.

(Eff. 12/6/95, Register 136; am 6/21/2018, Register 226)

Authority: AS 18.60.020 AS 18.60.030 AS 18.60.075

The introductory language of 8 AAC 61.1030 is amended to read:

Register 226, July 2018 LABOR AND WORKFORCE DEV.

8 AAC 61.1030. Additional respiratory protection standards. In addition to the requirements set out in **29 C.F.R. 1910.134(i)(5)** [29 C.F.R. 1910.134(d)(2)(ii)], as amended, the employer shall either:

(Eff. 12/6/95, Register 136; am 6/21/2018, Register 226)

Authority: AS 18.60.020 AS 18.60.030 AS 18.60.075

*Publisher: Bold, underline,
italicize,
and
super-
script
the
trade-
mark ("®")
symbols.*

8 AAC 61.1110(g)(1) is amended to read:

(1) "physical agent" means heat stress, cold stress, hand-arm (segmental) vibration, ionizing radiation, lasers, noise, radio frequency and microwave radiation, or ultraviolet radiation which exceeds the threshold established in the **2018** [1995-1996] edition of

TLVs and BEIs, [THRESHOLD LIMIT VALUES FOR CHEMICAL SUBSTANCES AND PHYSICAL AGENTS AND BIOLOGICAL EXPOSURE INDICES IN THE WORK ENVIRONMENT] published by the American Conference of Governmental Industrial Hygienists (ACGIH);

(Eff. 12/6/95, Register 136; am 11/29/2017, Register 224; am 6/21/2018, Register 226)

Authority: AS 18.60.020 AS 18.60.030 AS 18.60.075

(Add)

8 AAC 62.020(a)(9) is amended to read:

(9) whether the applicant is under indictment for or has been convicted of a crime as described in 18 U.S.C. 842(i)(1) or **8 AAC 62.030(6)** [8 AAC 62.030(a)(6)];

Register 226, July 2018 LABOR AND WORKFORCE DEV.

(Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am 9/27/2008, Register 187; am 2/23/2011, Register 197; am 6/21/2018, Register 226)

Authority: AS 08.52.010 AS 08.52.030 AS 08.52.035