

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Amendment)

803 KAR 2:300. General.

RELATES TO: KRS 338.015, 29 C.F.R. 1910.3-1910.7, 1910.9

STATUTORY AUTHORITY: KRS 338.051(3), 338.061

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman of the board to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. 29 C.F.R. 1910.3-1910.7 and 1910.9 establish occupational safety and health standards found to be national consensus standards or established federal standards. This administrative regulation establishes the general standards enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions.

- (1) "Act" means KRS Chapter 338.
- (2) "Assistant secretary" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (3) "C.F.R." means Code of Federal Regulations.
- (4) "Employee" is defined by KRS 338.015(2).
- (5) "Employer" is defined by KRS 338.015(1).
- (6) "Established federal standard" is defined by KRS 338.015(10).
- (7) "National consensus standard" is defined by KRS 338.015(9).
- (8) "Secretary of Labor" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (9) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).
- (10) "U.S. Department of Labor" means U.S. Department of Labor or Kentucky Education and Labor Cabinet, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601.

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation, general industry shall comply with the federal requirements published by the Office of the Federal Register, National Archives and Records Administration 29 C.F.R. 1910.3-1910.7 and 1910.9.

(803 KAR 002:300. 16 Ky.R. 683; eff. 12-15-1989; Am. 2684; eff. 5-11-1994; 23 Ky.R. 1687; eff. 12-13-1996; 26 Ky.R. 643; 1004; eff. 11-15-1999; 33 Ky.R. 1712; 2299; eff. 3-9-2007; 3499; 34 Ky.R. 28; eff. 8-6-2007; 35 Ky.R. 1287; 1753; eff. 3-6-2009; 36 Ky.R. 160; 586; eff. 10-2-2009; 1529; 2064-M; eff. 4-2-2010, 37 Ky.R. 144; 721; eff. 10-1-2010; 38 Ky.R. 2016; eff. 8-31-2012; 40 Ky.R. 138; eff. 10-4-2013; 2823; eff. 9-5-2014; 42 Ky.R. 2953; eff. 9-2-2016; 43 Ky.R. 1265; eff. 3-31-2017; 46 Ky.R. 2702; eff. 9-29-2020; TAM eff. 11-10-2022; 51 Ky.R. 1320; eff. 7-1-2025.)

JAMIE LINK, Secretary

APPROVED BY AGENCY: December 12, 2024

FILED WITH LRC: December 12, 2024 at 1:14 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held February 21, 2024 at 10:00 AM EST via Zoom. Public access to the meeting is available at: <https://us06web.zoom.us/j/86096997465?pwd=RauFkIhaJX7JIV39FZ0hz1cc63LD7k.1> or by telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email robin.maples@ky.gov.