

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(As Amended at ARRS, July 13, 2020)

803 KAR 2:312. Compressed gas and compressed air equipment.

RELATES TO: KRS 338.051, 338.061, 29 C.F.R. 1910.169

STATUTORY AUTHORITY: KRS 338.051(3), 338.061~~[, 29 C.F.R. 1910]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires ~~[and 338.061 authorize]~~ the Kentucky Occupational Safety and Health Standards Board to ~~[adopt and]~~ promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. ~~[Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board.]~~ KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This [The following] administrative regulation establishes compressed gas and compressed air equipment [contains these] standards that are [to be] enforced by the Department of Workplace Standards in [Division of Occupational Safety and Health Compliance in the area of] general industry.

Section 1. Definitions ~~[Applicable to this Part].~~

(1) "Act" means KRS Chapter 338.

(2) "Assistant secretary ~~[Secretary of Labor]~~" means the Secretary of Labor, Commonwealth of Kentucky or Commissioner, Department of Workplace Standards, Labor Cabinet.

(3) "Employee" is defined **by/in** KRS 338.015(2). ~~[means any person employed except those employees excluded in KRS 338.021.]~~

(4) "Employer" is defined **by/in** KRS 338.015(1). ~~[means any entity for whom a person is employed except those employers excluded in KRS 338.021.]~~

(5) "Established federal standard" means any operative occupational safety and health standard established by an agency of the United States Government.

(6) "National consensus standard" is defined **by/in** KRS 338.015(9). ~~[means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.]~~

(7) "Standard" **means "occupational safety and health standard" as defined **by/is defined in** KRS 338.015(3).** ~~[means a standard which requires conditions or the adoption or use of one (1) or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule".~~

(8) ~~An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, 500 Mero Street, 3rd Floor [U.S. 127 South], Frankfort, Kentucky 40601.~~

Section 2. Except as modified by the definitions in Section 1 and the requirements of Section 3 of this administrative regulation, general industry shall comply with the federal requirements published by the Office of the Federal Register, National Archives and Records Services, General Services Administration; 29 C.F.R. 1910 Subpart M, Compressed Gas and

Compressed Air Equipment. [~~Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) The material in 29 C.F.R. 1910, Subpart M, "Compressed Gas and Compressed Air Equipment", published by the Office of the Federal Register, National Archives and Records Services, General Services Administration, revised as of July 1, 1995, is incorporated by reference.~~

~~(b) The revisions to 29 C.F.R. 1910.169, "Air Receivers", as published in the Federal Register, Volume 61, Number 46, March 7, 1996, are incorporated by reference.~~

~~(c) The removal of 29 C.F.R. 1910.170, "Sources of Standards", as published in the Federal Register, Volume 61, Number 46, March 7, 1996, are incorporated by reference.~~

~~(d) The removal of 29 C.F.R. 1910.171, "Standards Organizations", as published in the Federal Register, Volume 61, Number 46, March 7, 1996, are incorporated by reference.~~

~~(2) This material may be inspected, obtained, and copied at: Kentucky Labor Cabinet, Division of Occupational Safety and Health Education and Training, U.S. 127 South, Frankfort, Kentucky 40601. Office hours are 8 a.m. - 4:30 p.m. (ET), Monday through Friday.] [~~

~~Section 3. An employer required to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, 500 Mero Street, 3rd Floor [U.S. 127 South], Frankfort, Kentucky 40601.]~~

CONTACT PERSON: Robin Maples, OSH Standards Specialist, Kentucky Department of Workplace Standards, 500 Mero Street, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email Robin.Maples@ky.gov.