

803 KAR 2:314. Machinery and machine guarding.

RELATES TO: KRS Chapter 338, 29 C.F.R. Part 1910

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

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. KRS 338.061(2) authorizes the board to incorporate by reference established federal standards and national consensus standards. This administrative regulation establishes machinery and machine guarding standards to be enforced by the Division of Occupational Safety and Health Compliance in general industry.

Section 1. Definitions. (1) "Assistant Secretary of Labor" means the Secretary of Labor, Commonwealth of Kentucky.

(2) "Employee" is defined in KRS 338.015(2).

(3) "Employer" of defined in KRS 338.015(1).

(4) "National consensus standard" is defined in KRS 338.015(9).

(5) "Standard" is defined in KRS 338.015(3).

Section 2. Except as modified by the definitions in Section 1 and requirements of Sections 3 and 4 of this administrative regulation, general industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Administration:

(1) 29 C.F.R. 1910.211 through 1910.219, revised as of July 1, 2013; and

(2) The revisions to 29 C.F.R. 1910.217 as published in the November 20, 2013 Federal Register, Volume 78, Number 224 and confirmed in the April 18, 2014 Federal Register, Volume 79, Number 75.

Section 3. Reporting Requirement. An employer required by this administrative regulation to report information to the United States Department of Labor, or any subsidiary thereof, shall instead report the information to the Kentucky Labor Cabinet, U.S. Highway 127 South, Suite 4, Frankfort, Kentucky 40601.

Section 4. Clutch/Brake Control. (1) The language in subsection (2) of this section shall apply in lieu of 29 C.F.R. 1910.217(b)(7)(xii).

(2) The clutch/brake control shall incorporate an automatic means to prevent initiation or continued activation of the single stroke or continuous functions unless the press drive motor is energized and in the forward direction. This provision shall not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the "inch" position. (16 Ky.R. 696; eff. 12-15-89; Am. 23 Ky.R. 1716; eff. 12-13-96; 31 Ky.R. 1591; 1817; eff. 5-26-05; TAm eff. 9-8-2011; 40 Ky.R. 144; 544; eff. 10-4-2013; 2832; eff. 9-5-2014.)