

**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 2:319. Commercial diving operations.**

RELATES TO: KRS Chapter 338.051, 338.061 [~~KRS Chapter 338~~], 29 C.F.R. Part 1910.401-1910.440

STATUTORY AUTHORITY: KRS 338.051[~~(3)~~], 338.061

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 to reference federal standards without board approval if necessary to meet federal time requirements [~~necessary to accomplish the purposes of KRS Chapter 338~~]. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes commercial diving operations standards that are [to be] enforced by the Department of Workplace Standards in general industry [~~Office of Occupational Safety and Health in the area of general industry~~].

Section 1. Definitions. (1) "Assistant secretary [~~Secretary of Labor~~]" means the Secretary of Labor, Commonwealth of Kentucky or Commissioner, Department of Workplace Standards[~~of the Department of Labor, Commonwealth of Kentucky~~].

(2) "Employee" is defined by[in] KRS 338.015(2).

(3) "Employer" is defined by[in] KRS 338.015(1).

(4) "Standard" means "occupational safety and health standard" as defined by[is defined in] KRS 338.015(3).

Section 2. Except as modified by the definitions in Section 1 and the requirements in Section 3 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, [;] 29 C.F.R. 1910.401-1910.444, and Appendices[:

(1) 29 C.F.R. 1910.401-1910.440, and Appendices, revised July 1, 2011; and

(2) The amendments to 29 C.F.R. 1910.440 as published in the December 27, 2011 Federal Register, Volume 76, Number 248]. [

~~**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 such information to the Kentucky Labor Cabinet, 500 Mero Street, 3rd Floor]~~[~~U.S. Highway 127 South, Suite 4~~]~~[, Frankfort, Kentucky 40601.]~~

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