

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, April 13, 2021)

803 KAR 2:408. Tools - hand and power.

RELATES TO: KRS Chapter 338, 29 C.F.R. 1926.301-307

STATUTORY AUTHORITY: KRS 338.051(3), 338.061[~~, 29 C.F.R. 1926]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires ~~[authorizes]~~ 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. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards~~[(2) authorizes the board to incorporate by reference established federal standards and national consensus standards].~~ This administrative regulation establishes ~~[hand and power tool]~~ standards ~~[to be]~~ that are enforced by the Department of Workplace Standards in construction ~~[Division of Occupational Safety and Health Compliance in the construction industry].~~

Section 1. Definitions. (1) "C.F.R." means Code of Federal Regulations.

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

~~(3)~~ ~~[(2)]~~ "Employer" is defined by[in] KRS 338.015(1).

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

Section 2. Except as **established[modified by the definitions]** in Section 1 of this administrative regulation, the construction industry shall comply with 29 C.F.R. 1926, Subpart I, Tools-Hand and Power, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration ~~[General industry shall follow the federal regulations incorporated by reference in Section 3 of this administrative regulation as modified by the definitions in Section 1 of this administrative regulation. Section 3.~~

~~Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) 29 C.F.R. 1926.300-1926.307 revised as of July 1, 2004; and~~

~~(b) The revision to 29 C.F.R. 1910.268, as published in the June 8, 2004, Federal Register, Volume 69, Number 110.~~

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~~(3) This material may also be obtained from the Office of the Federal Register, National Archives and Records Service, General Services Administration.]~~

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