

**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 2:409. Welding and cutting~~[Adoption of 29 C.F.R. Part 1926.350-354].~~**

RELATES TO: KRS Chapter 338, 29 C.F.R. 1926.350-354

STATUTORY AUTHORITY: KRS 338.051(3), 338.061~~[KRS Chapter 13A]~~

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 ~~[rules, administrative]~~ regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements ~~[, and standards].~~ KRS 338.061 authorizes the board to establish, modify, or repeal federal standards and reference federal standards. ~~[Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following]~~ This administrative regulation establishes ~~[contains these]~~ standards that are ~~[to be]~~ enforced by the Department of Workplace Standards in construction~~[Division of Occupational Safety and Health Compliance in the area of construction. The standards are arranged in numerical order in order to facilitate reference to 29 C.F.R. 1926].~~

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

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

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

(4) "Standard" means "occupational safety and health standard" as defined by~~[is defined in]~~ KRS 338.015(3).~~[The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1926.350-.354 of the Code of Federal Regulations, revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:~~

~~(1) Revisions to 29 C.F.R. 1926.350, "Gas Welding and Cutting", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.~~

~~(2) Revision to 29 C.F.R. 1926.351(d)(5), as published in the Federal Register, Volume 51, Number 133, July 11, 1986 is incorporated by reference.~~

~~(3) Revisions to 29 C.F.R. 1926.353, "Ventilation and Protection in Welding and Cutting", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.]~~

Section 2. Except as established in~~[modified by]~~ Section 1 of this administrative regulation, the construction industry shall comply with 29 C.F.R. 1926, Subpart J, Welding and Cutting, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration~~[Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Occupational Safety and Health Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.~~

~~(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday].~~

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