

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 2:415. Excavations [~~Adoption of 29 C.F.R. Part 1926.650-653~~].

RELATES TO: KRS Chapter 338.051, 338.061, 29 C.F.R. 1926.650-653.pag

STATUTORY AUTHORITY: KRS 338.051, 338.061

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 and]~~ 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. ~~[, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board.]~~ This ~~[The following]~~ administrative regulation establishes ~~[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]~~ 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~~in KRS 338.015(2).

(3) "Employer" is defined ~~by~~in KRS 338.015(1)~~[The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1926.650 - 1926.653 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, as amended April 13, 1990, with following additions, exceptions, and deletions:~~

(1) Revisions to 29 C.F.R. 1926, Subpart P, "Excavations," as published in Federal Register, Volume 54, Number 209, October 31, 1989, are incorporated by reference.

(2) The revisions to 29 C.F.R. 1926.651(1), "Specific Excavation Requirements", as published in Federal Register, Volume 59, Number 152, August 9, 1994, are incorporated by reference].

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 P, Excavations, 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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