

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 2:416. Concrete and masonry work [~~Adoption of 29 C.F.R. Part 1926.700-706~~].

RELATES TO: KRS Chapter 338.051, 338.061, 29 C.F.R. 1926.700-706

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,~~] 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. This [~~, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following~~] 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). [~~The Occupational Safety and Health Standards Board hereby adopts 29 C.F.R., Part 1926.700 - 1926.706, 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 the following additions, exceptions, and deletions:~~

(1) Revisions to 29 C.F.R. 1926, Subpart Q, "Concrete, Concrete Forms and Shoring," (now "Concrete and Masonry Construction"), as published in Federal Register, Volume 53, Number 116, June 16, 1988, are incorporated by reference.

(2) Revisions to 29 C.F.R. 1926.700, as published in the Federal Register, Volume 55, Number 202, October 18, 1990, are incorporated by reference.

(3) The revision to 29 C.F.R. 1926.701, "General Requirements", as published in the Federal Register, Volume 59, Number 152, August 9, 1994, is incorporated by reference.

(4) Revisions to Subpart Q of 1926.704(b), "Concrete and Masonry Construction Safety Standards," as published in Federal Register, Volume 54, Number 192, October 5, 1989, are incorporated by reference.

(5) Revisions to 29 C.F.R. 1926.705, as published in the Federal Register, Volume 55, Number 202, October 18, 1990, 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 Q, Concrete and Masonry Construction, 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, Ken-~~

tucky 40601.

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

CONTACT PERSON: Robin Maples, OSH Standards Specialist, Kentucky Department of Workplace Standards, 500 Mero Street, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email Robin.Maples@ky.gov.