

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 2:424. Diving~~[Construction industry diving standards].~~

RELATES TO: KRS 338.051, 338.061, 29 C.F.R. 1926.1071-1926.1091

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 ~~[adopt and]~~ 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. [necessary to accomplish the purposes of KRS Chapter 338. 29 C.F.R. 1926.1071-1926.1091 and Subpart S App. A establish federal requirements relating to commercial diving operations.] This administrative regulation establishes ~~[the]~~ diving standards ~~[to be]~~ enforced by the Department of Workplace Standards in construction ~~[Division of Occupational Safety and Health Compliance in the area of construction].~~

Section 1. Definitions. (1) "Act" means KRS Chapter 338.

(2) "Assistant Secretary of Labor" means Secretary, Labor Cabinet or Commissioner, Department of Workplace Standards, Labor Cabinet.

(3) "C.F.R." means Code of Federal Regulations.

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

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

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

Section 2. Except as established ~~[by the definitions]~~ in Section 1 of this administrative regulation, the construction industry shall comply with 29 C.F.R. 1926 Subpart Y, Diving, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration~~[The construction industry shall comply with the requirements of 29 C.F.R. 1926.1071 through 1926.1091, and Appendices, revised as of July 1, 2006].~~

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