

902 KAR 47:010. Definitions.

RELATES TO: KRS 217.650-217.710

STATUTORY AUTHORITY: KRS 194.050, 211.180, 211.090, 217.690

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.690 authorizes the Cabinet for Human Resources to adopt administrative regulations to regulate the control of hazardous substances in Kentucky. The purpose of this administrative regulation is to provide definitions that are applicable to all other Cabinet for Human Resources administrative regulations relating to hazardous substances, and to designate as hazardous substances any substance or mixture of substances which is a "strong sensitizer."

Section 1. Definitions. In addition to the definitions set forth in KRS 217.660, the following terms are defined as follows:

- (1) "Combustible" means a substance which has a flash point of 100 to 150 degrees Fahrenheit.
- (2) "Extremely flammable" means a substance which has a flash point of twenty (20) degrees Fahrenheit or less.
- (3) "Extremely flammable contents of self-pressurized container" means contents of a self-pressurized container that a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening and the flash point is less than twenty (20) degrees Fahrenheit.
- (4) "Extremely flammable solid" means a solid substance that ignites and burns at an ambient temperature of eighty (80) degrees Fahrenheit or less if subjected to friction, percussion, or electrical spark.
- (5) "Federal Act" means PL 86-613 74 Stat. 372; 15 USC, Sec. 1261, et seq., including the amendments thereto.
- (6) "Flammable contents of self-pressurized container" means contents of a self-pressurized container that a flame projection exceeding eighteen (18) inches is obtained at full valve opening or a flashback (a flame extending back to the dispenser) is obtained at a degree of valve opening.
- (7) "Flammable solid" means a solid substance that ignites and burns with a self-sustained flame at a rate greater than one-tenth (1/10) inch per second along its major axis.
- (8) "Flammable" applies to substances having a flashpoint above twenty (20) degrees Fahrenheit and below 100 degrees Fahrenheit.
- (9) "Principal display panel" means the portion of the immediate container, and an outer container or wrapping, which bears the labeling designed to be most prominently displayed, shown, presented, or examined under conditions of retail sale.
- (10) "General home and household use" means a hazardous substance, whether or not packaged, that under a customary or reasonably foreseeable condition of purchase, storage, or use, may be brought into or around a house, apartment, or other place where people dwell, or in or around a related building or shed including a garage, carport, barn, or storage shed. The term includes articles, such as polishes or cleaners, designed primarily for professional use but which are available in retail stores, such as hobby shops, for nonprofessional use. Also included are items such as antifreeze and radiator cleaners that, although principally for car use, may be stored in or around dwelling places. The term does not include industrial supplies that might be taken into the home by a serviceman. An article labeled as, and marketed solely for, industrial use does not become subject to these administrative regulations because of the possibility that an industrial worker may take a supply for his own use. Size of unit or container is not the only index of whether the article is suitable for use in or around the household. The test is whether, under a reasonably foreseeable condition of purchase, storage, or use, the article may be found in or around a dwelling.

(11) "Highly toxic" means a substance which falls within any the following categories:

(a) Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of fifty (50) milligrams or less per kilogram of body weight, if orally administered;

(b) Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more laboratory white rats each weighing between 200 and 300 grams, if inhaled continuously for a period of one (1) hour or less at an atmospheric concentration of 200 parts per million per liter by volume or less of gas or vapor or two (2) milligrams per liter by volume or less of mist or dust, provided the concentration is likely to be encountered by man if the substance is used in a reasonably foreseeable manner; or

(c) Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, if administered by continuous contact with bare skin for twenty-four (24) hours or less.

Section 2. Strong Sensitizer. KRS 217.660(4)(d) directs the Secretary for Human Resources to designate as hazardous substances any substance or mixture of substances which is a "strong sensitizer." On the basis of frequency of occurrence and severity of reaction information, the cabinet finds that the following substances have a significant potential for causing hypersensitivity and, therefore, meet the definition for "strong sensitizer" in KRS 217.660(4)(d):

(1) Paraphenylenediamine and products containing it;

(2) Powdered orris root and products containing it;

(3) Epoxy resins systems containing in any concentration ethylenediamine, diethylenetriamine, and diglycidyl ethers of molecular weight of less than 200;

(4) Formaldehyde and products containing one (1) percent or more formaldehyde; and

(5) Oil of bergamot and products containing two (2) percent or more of oil of bergamot. (3 Ky.R. 736; eff. 6-1-1977; 15 Ky.R. 2453; eff. 8-5-1989; 20 Ky.R. 2213; eff. 3-14-1994; Crt eff. 3-22-2019.)