

803 KAR 2:445. Confined spaces in construction.

RELATES TO: KRS 338.015, 29 C.F.R. 1926.1200-1926.1213

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 promulgate occupational safety and health administrative regulations. 29 C.F.R. 1926.1200 to 1926.1213 establish federal safety and health requirements related to confined spaces in construction. This administrative regulation establishes general safety and health standards to be enforced by the Department of Workplace Standards 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) "Established federal standard" is defined by KRS 338.015(10).

(7) "National consensus standard" is defined by KRS 338.015(9).

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

(9) "Standard" means "occupational safety and health standard," which is defined by KRS 338.015(3).

(10) "U.S. Department of Labor" means U.S. Department of Labor or Kentucky Labor Cabinet, U.S. 127 South, Frankfort, Kentucky 40601.

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation, the construction industry shall comply with the federal requirements published by the Office of the Federal Register, National Archives and Records Services, General Services Administration: 29 C.F.R. Part 1926, Subpart AA, Confined Spaces in Construction, published in the May 4, 2015 Federal Register, Volume 80, Number 85.

(10 Ky.R. 330; Am. 619; eff. 12-2-1983; 20 Ky.R. 638; 968; eff. 11-8-1993; 23 Ky.R. 1684; eff. 12-13-1996; 42 Ky.R. 110, 680; eff. 10-2-2015; Recodified from 803 KAR 2:200, 3-16-2021; Cert. filed, filing deadline 2-26-2024.)