

Technical Amendment
November 10, 2022
EDUCATION AND LABOR CABINET
(Technical Amendment)

803 KAR 2:307. Hazardous materials.

RELATES TO: KRS Chapter 338, 29 C.F.R. 1910.101-1910.126

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 necessary to accomplish the purposes of KRS Chapter 338. 29 C.F.R. 1910.101-1910.126 establishes federal requirements relating to hazardous materials. This administrative regulation establishes hazardous materials standards to be enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions.

- (1) "Assistant secretary" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (2) "C.F.R." means Code of Federal Regulations.
- (3) "Employee" is defined by KRS 338.015(2).
- (4) "Employer" is defined by KRS 338.015(1).
- (5) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation and the requirements established in Section 3 of this administrative regulation, general industry shall comply with the following federal requirements published by the Office of the Federal Register, National Archives and Records Services, General Services Administration:

- (1) 29 C.F.R. 1910.101-1910.126, revised July 1, 2015; and
- (2) The revisions to 29 C.F.R. 1910.106 as published in the March 1, 2016, Federal Register, Volume 81, Number 40.

Section 3. Automotive Service Station.

(1) The language in subsection (2) of this section shall apply in lieu of 29 C.F.R. 1910.106(a)(3).

(2) Automotive service station, or service station, shall include that portion of property where flammable or combustible liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles and shall include any facilities available for the sale and service of tires, batteries, or accessories, and for minor automotive maintenance work, and shall also include private stations not accessible or open to the public such as those used by commercial, industrial, or governmental establishments. This section shall not apply to agriculture.

(16 Ky.R. 689; eff. 12-15-1989; 17 Ky.R. 1847; eff. 1-6-1991; 18 Ky.R. 1944; eff. 2-7-1992; 3528; eff. 7-23-1992; 19 Ky.R. 2734; eff. 8-6-1993; 20 Ky.R. 2689; eff. 5-11-1994; 21 Ky.R. 2252; eff. 4-20-1995; 23 Ky.R. 1702; eff. 12-13-1996; 25 Ky.R. 1153; eff. 1-19-1999; 2441; eff. 6-16-1999; 26 Ky.R. 649; 1006; eff. 11-15-1999; 30 Ky.R. 708; eff. 12-5-2003; 31 Ky.R. 1587; 1816; eff. 5-26-2005; 33 Ky.R. 1714; 2299; eff. 3-9-2007; 35 Ky.R. 1294; 1756; eff. 3-6-2009; 36 Ky.R. 1531; 2065-M; eff. 4-2-2010; 38 Ky.R. 2018; eff. 8-31-2012; 40 Ky.R. 140; 544; eff. 10-4-2013; 42 Ky.R. 2955; 43 Ky.R. 209; eff. 9-2-2016; TAm eff. 11-10-2022; Crt eff. 8-31-2023.)

FILED WITH LRC: November 10, 2022