

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

803 KAR 2:314. Machinery and machine guarding.

RELATES TO: KRS Chapter 338, 29 C.F.R. Part 1910.211-219

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 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 administrative regulation establishes standards that are enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions.

- (1) "Assistant Secretary of Labor" means Secretary, Education and Labor Cabinet, Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (2) "C.F.R." means Code of Federal Regulations.
- (3) "Employee" is defined in KRS 338.015(2).
- (4) "Employer" of defined by KRS 338.015(1).
- (5) "National consensus standard" is defined in KRS 338.015(9).
- (6) "Occupational safety and health standard" or "Standard" is defined by KRS 338.015(3).
- (7) "U.S. Department of Labor" means U.S. Department of Labor or Kentucky Education and Labor Cabinet, Mayo-Underwood Building, 3rd Floor, 500 Mero Street, Frankfort, Kentucky 40601.

Section 2. Except as modified by the definitions in Section 1 and requirements in Section 3 of this administrative regulation, general industry shall comply with 29 C.F.R. 1910 Subpart O, Machinery and Machine Guarding published by the Office of the Federal Register, National Archives and Records Administration.

Section 3. Reporting Requirement. An employer required by this administrative regulation to report information to the United States Department of Labor, or any subsidiary thereof, shall instead report the information to the Kentucky Education and Labor Cabinet.

(16 Ky.R. 696; eff. 12-15-1989; 23 Ky.R. 1716; eff. 12-13-1996; 31 Ky.R. 1591; 1817; eff. 5-26-2005; TAm eff. 9-8-2011; 40 Ky.R. 144; 544; eff. 10-4-2013; 2832; eff. 9-5-2014; 47 Ky.R. 1478, 2375; eff. 8-3-2021; TAm eff. 11-10-2022.)

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