

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

**803 KAR 2:317. Special industries.**

RELATES TO: KRS 338.015, 338.051(3), 338.061, 29 C.F.R. 1910.261-1910.272

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 and authorizes the chairman of the board to adopt established federal standards without board approval if necessary to meet federal time requirements. 29 C.F.R. 1910.261 to 1910.272 authorize the federal requirements relating to special industries. This administrative regulation establishes the special industries 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 in KRS 338.015(2).
- (4) "Employer" is defined by KRS 338.015(1).
- (5) "Standard" is defined by KRS 338.015(3).

Section 2. Except as modified by the definitions in Section 1 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. Subpart R, 1910.261-1910.272, effective July 1, 2016 and
- (2) The revisions to Subpart R, as published in the November 18, 2016 Federal Register, Volume 81, Number 223.

(16 Ky.R. 699; eff. 12-15-1989; 17 Ky.R. 1852; eff. 1-6-1991; 20 Ky.R. 2698; eff. 5-11-1994; 21 Ky.R. 113; eff. 9-12-1994; 2256; eff. 4-20-1995; 22 Ky.R. 1730; eff. 5-16-1996; 23 Ky.R. 1722; eff. 12-13-1996; 25 Ky.R. 1161; eff. 1-19-1999; 2450; eff. 6-16-1999; 30 Ky.R. 710; eff. 12-5-2003; 31 Ky.R. 1594; 1818; eff. 5-26-2005; 32 Ky.R. 550; 873; eff. 12-2-2005; 33 Ky.R. 1724; 2302; eff. 3-9-2007; 35 Ky.R. 1302; 1758; eff. 3-6-2009; 38 Ky.R. 2027; eff. 8-31-2012; 40 Ky.R. 2834; eff. 9-5-2014; 42 Ky.R. 117, 683; eff. 10-2-2015; 42 Ky.R. 2958; eff. 9-2-2016; 43 Ky.R. 1275, 1563; eff. 3-31-2017; TAm eff. 11-10-2022; Cert eff. 3-28-2024.)

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