

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

**803 KAR 2:403. Occupational health and environmental controls.**

RELATES TO: KRS 338.051, 338.061, 29 C.F.R. 1926.50-1926.66

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. 29 C.F.R. 1926.50 to 1926.66 establish the federal requirements relating to occupational health and environmental controls. This administrative regulation establishes the occupational health and environmental control standards enforced by the Department of Workplace Standards in the construction industry.

Section 1. Definitions.

- (1) "Assistant secretary" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (2) "Director" means Director, Division of Occupational Safety and Health Compliance, Kentucky Education and Labor Cabinet.
- (3) "U.S. Department of Labor" means Kentucky Education and Labor Cabinet, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, or U.S. Department of Labor.

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

- (1) 29 C.F.R. 1926.50 through 1926.66;
  - (2) The revisions to 29 C.F.R. 1926.55 as published in the January 9, 2017 Federal Register, Volume 81, Number 5; and
  - (3) The amendments to 29 C.F.R. 1926.50, 29 C.F.R. 1926.55, and 29 C.F.R. 1926.64 as published in the May 14, 2019 Federal Register, Volume 84, Number 93.
- (16 Ky.R. 704; eff. 12-15-1989; Am. 16 Ky.R. 2468; eff. 7-9-1990; 18 Ky.R. 184; eff. 9-6-1991; 1950; eff. 2-7-1992; 19 Ky.R. 1892; eff. 4-7-1993; 20 Ky.R. 645; eff. 11-8-1993; 2705; eff. 5-11-1994; 21 Ky.R. 119; eff. 9-12-1994; 2261; eff. 4-20-1995; 22 Ky.R. 1149; 1473; eff. 2-12-1996; 23 Ky.R. 1734; eff. 12-13-1996; 3939; eff. 7-17-1997; 24 Ky.R. 1156; eff. 1-12-1998; 25 Ky.R. 1168; eff. 1-19-1999; 2458; eff. 6-16-1999; 32 Ky.R. 559; 877; eff. 12-2-2005; 33 Ky.R. 1132; 1529; eff. 1-5-2007; 3062; eff. 6-1-2007; 36 Ky.R. 177; 593; eff. 10-2-2009; 38 Ky.R. 112; eff. 10-7-2011; 38 Ky.R. 2037; eff. 8-31-2012; 40 Ky.R. 154; eff. 10-4-2013; 42 Ky.R. 2970; eff. 9-2-2016; 43 Ky.R. 1681; eff. 6-2-2017; 46 Ky.R. 2711; eff. 9-29-2020; TAm eff. 11-10-2022.)

FILED WITH LRC: November 10, 2022