

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

803 KAR 2:404. Personal protective and lifesaving equipment.

RELATES TO: KRS 338.051(3), 338.061, 29 C.F.R. 1926.95-1926.107

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 of the board 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. 1926.95 to 1926.107 establish the federal requirements relating to personal protective and lifesaving equipment. This administrative regulation establishes personal protective and lifesaving equipment standards enforced by the Department of Workplace Standards in the construction industry.

Section 1. Definitions.

- (1) "Assistant secretary" means Secretary, Kentucky Education and Labor Cabinet or Commissioner of the Department of Workplace Standards.
- (2) "C.F.R." means Code of Federal Regulations.
- (3) "Employee" is defined in KRS 338.015(2).
- (4) "Employer" is defined in KRS 338.015(1).
- (5) "OSHA" means the Occupational Safety and Health Administration or the Kentucky Division of Occupational Safety and Health.

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

- (1) 29 C.F.R. 1926.95 through 29 C.F.R. 1926.107; and
- (2) The amendments to 29 C.F.R. 1926.102 as published in the March 25, 2016 Federal Register, Volume 81, Number 58.
- (3) The amendments to 29 C.F.R. 1926.104 as published in the May 14, 2019 Federal Register, Volume 84, Number 93.

(16 Ky.R. 705; eff. 12-15-1989; 20 Ky.R. 2707; eff. 5-11-1994; 21 Ky.R. 2264; eff. 4-20-1995; 22 Ky.R. 1731; eff. 5-16-1996; 23 Ky.R. 3941; eff. 7-17-1997; 25 Ky.R. 1170; eff. 1-19-1999; TAm eff. 8-9-2007; 34 Ky.R. 2047; 2286; eff. 5-2-2008; TAm eff. 9-8-2011; 40 Ky.R. 155; eff. 10-4-2013; 2841; eff. 9-5-2014; 42 Ky.R. 2972; eff. 9-2-2016; 46 Ky.R. 2713; eff. 9-29-2020; TAm eff. 11-10-2022.)

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