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

803 KAR 2:407. Materials Handling, Storage, Use, and Disposal.

RELATES TO: KRS Chapter 338, 29 C.F.R. 1926.250-1926.252
STATUTORY AUTHORITY: KRS 338.051, 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 enforced by the Department of Workplace Standards in the construction industry.

Section 1. Definitions.
(1) "Act" means KRS Chapter 338.
(2) "Assistant secretary" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
(3) "C.F.R." means Code of Federal Regulations.
(4) "Employee" is defined by KRS 338.015(2).
(5) "Employer" is defined by KRS 338.015(1).
(6) "Established federal standard" is defined by KRS 338.015(10).
(7) "National consensus standard" is defined by KRS 338.015(9).
(8) "Secretary of Labor" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
(9) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).
(10) "U.S. Department of Labor" means U.S. Department of Labor or Kentucky Education and Labor Cabinet, 500 Mero Street, 3rd Floor Frankfort, Kentucky 40601.

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation, the construction industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Administration:
(1) 29 C.F.R. 1926.250 through 29 C.F.R. 1926.252; and
(2) The amendment to 29 C.F.R. 1926.250 as published in the May 14, 2019 Federal Register, Volume 84, Number 93.

(16 Ky.R. 1100; eff. 12-15-89; 20 Ky.R. 2714; eff. 5-11-94; 21 Ky.R. 2268; eff. 4-20-95; TAm eff. 8-9-2007; TAm eff. 9-8-2011; 38 Ky.R. 114; eff. 10-7-11; 38 Ky.R. 2042; 39 Ky.R. 217; eff. 8-31-2012; 40 Ky.R. 157; 545; eff. 10-4-2013; 46 Ky.R. 2717; eff. 9-29-2020; TAm eff. 11-10-2022.)
FILED WITH LRC: November 10, 2022