

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

803 KAR 2:418. Underground construction, caissons, cofferdams, and compressed air.

RELATES TO: KRS 338.015(1), (2), (3), 338.051, 338.061, 29 C.F.R. 1926.800-1926.804, and 1926 Subpart S, Appendix A

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. 1926.800-1926.804 and 1926 Subpart S, Appendix A establish federal requirements relating to underground construction, caissons, cofferdams, and compressed air. This administrative regulation establishes the underground construction, caissons, cofferdams, and compressed air 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) "C.F.R." means Code of Federal Regulations.
- (3) "Employee" is defined by KRS 338.015(2).
- (4) "Employer" is defined by KRS 338.015(1).
- (5) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).

Section 2. Except as modified by the definitions established 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 Services, General Services Administration:

- (1) 29 C.F.R. 1926.800 - 1926.804, and 1926 Subpart S, Appendix A; and
 - (2) The amendments to 29 C.F.R. 1926.800 as published in the May 14, 2019 Federal Register, Volume 84, Number 93.
- (16 Ky.R. 716; eff. 12-15-89; 1700; eff. 4-12-90; 20 Ky.R. 2722; eff. 5-11-94; 25 Ky.R. 1173; eff. 1-19-99; 33 Ky.R. 3065; 3378; eff. 6-1-07; 37 Ky.R. 1071; 1438; eff. 1-3-2011; TAm eff. 9-8-2011; 39 Ky.R. 161; eff. 10-4-2013; 46 Ky.R. 2718; 47 Ky.R. 63; eff. 9-29-2020; TAm eff. 11-10-2022.)

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