

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

803 KAR 2:440. Cranes and derricks in construction.

RELATES TO: KRS 338.015, 29 C.F.R. 1926.1400-1926.1441

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. This administrative regulation establishes the standards that are enforced by the Department of Workplace Standards in construction.

Section 1. Definitions.

- (1) "C.F.R." means Code of Federal Regulations.
- (2) "Employee" is defined by KRS 338.015(2).
- (3) "Employer" is defined by KRS 338.015(1).
- (4) "Secretary of Labor" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (5) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).

Section 2. Except as modified by the definitions in Section 1 and the requirements in Section 3 of this administrative regulation, the construction industry shall comply with 29 C.F.R. 1926, Subpart CC, Cranes and Derricks in Construction published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

Section 3. Fall Protection.

- (1)
 - (a) The language in paragraph (b) of this subsection shall apply in lieu of 29 C.F.R. 1926.1423(e)(1)(iii).
 - (b) On horizontal lattice booms where the fall distance is ten (10) feet or more.
- (2)
 - (a) The language in paragraph (b) of this subsection shall apply in lieu of 29 C.F.R. 1926.1423(f).
 - (b) For assembly/disassembly work, the employer shall provide and ensure the use of fall protection equipment for any employee who is on a walking/working surface with an unprotected side or edge more than ten (10) feet above a lower level, except when the employee is at or near draw-works (when the equipment is running), in the cab, or on the deck.
- (3)
 - (a) The language in paragraph (b) of this subsection shall apply in lieu of 29 C.F.R. 1926.1423(h)(2).
 - (b) For erecting, climbing, and dismantling work, the employer shall provide and ensure the use of fall protection equipment for any employee who is on a walking/working surface with an unprotected side or edge more than ten (10) feet above a lower level.

(37 Ky.R. 1118; 1440; eff. 1-3-2011; 38 Ky.R. 120; 598; eff. 10-7-2011; 40 Ky.R. 2854; 41 Ky.R. 274; eff. 9-5-2014; 42 Ky.R. 124; 685; eff. 10-2-2015; 44 Ky.R. 1663; 2018; eff. 4-6-2018; 45 Ky.R. 2478; 2901; eff. 5-3-2019; Recodified from 803 KAR 2:505, 1-7-2021; 47 Ky.R. 2712; 48 Ky.R. 818; eff. 11-30-2021; TAm eff. 11-10-2022.)

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