

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

803 KAR 2:445. Confined spaces in construction.

RELATES TO: KRS 338.015, 29 C.F.R. 1926.1200-1926.1213

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 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) "Established federal standard" is defined by KRS 338.015(10).
- (5) "Secretary of Education and Labor" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (6) "Standard" means "occupational safety and health standard," which is defined by KRS 338.015(3).
- (7) "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 29 C.F.R. 1926, Subpart AA, Confined spaces in construction, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

(10 Ky.R. 330; 619; eff. 12-2-1983; 20 Ky.R. 638; 968; eff. 11-8-1993; 23 Ky.R. 1684; eff. 12-13-1996; 42 Ky.R. 110, 680; eff. 10-2-2015; Recodified from 803 KAR 2:200, 3-16-2021; 48 Ky.R. 2522; eff. 10-4-2022; TAm eff. 11-10-2022.)

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