

**EDUCATION AND LABOR CABINET**  
**Department of Workplace Standards**  
**Division of Occupational Safety and Health Compliance**  
**Division of Occupational Safety and Health Education and Training**  
**(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

CERTIFICATION STATEMENT:

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. Except as modified in Section 1 of this administrative regulation, the construction industry shall comply with 29 C.F.R. 1926, Subpart E, Personal Protective and Life Saving Equipment, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

(803 KAR 002:404. 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; 52 Ky.R. 113; eff. 12-30-2025.) COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

*JAMIE LINK, Secretary*

APPROVED BY AGENCY: June 11, 2025

FILED WITH LRC: June 12, 2025 at 2:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held August 21, 2025, at 10:00 a.m. EDST via Zoom. Public access to the meeting is available at: <https://us06web.zoom.us/j/85365100652>. Individuals interested in being heard at this hearing shall notify this agency in writing by

five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email [robin.maples@ky.gov](mailto:robin.maples@ky.gov).