

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 2:120. Citations.

RELATES TO: KRS Chapter 338

STATUTORY AUTHORITY: KRS 338.051, 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 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 occupational safety and health citation procedures followed by the Department of Workplace Standards.

Section 1. Definitions.

- (1) "Commissioner" is defined by KRS 338.015.
- (2) "Compliance safety and health officer" means a person authorized by the commissioner to conduct occupational safety and health inspections.
- (3) "Employee" is defined by KRS 338.015(2).
- (4) "Employer" is defined by KRS 338.015(1).
- (5) "Occupational safety and health standard" is defined by KRS 338.015(3).
- (6) "Review commission" is defined by KRS 338.015(8).
- (7) "Working days" means Monday through Friday and does not include Saturday, Sunday, federal or state holidays, or the day of receipt of notice.

Section 2. Citations.

- (1) If the commissioner has reason to believe that an employer violated a requirement of KRS Chapter 338, or any occupational safety and health standard, rule, or order promulgated pursuant KRS Chapter 338, the commissioner shall issue, with delivery or receipt confirmation, the employer a citation indicating the violation.
- (2) An appropriate citation shall be issued even if after being informed of an alleged violation by the compliance safety and health officer, the employer immediately abates, or initiates steps to abate, the alleged violation.
- (3) A citation shall not be issued more than six (6) months after the occurrence of any alleged violation.

Section 3. Content of Citation.

- (1) Each citation shall describe with particularity the alleged violation, including a reference to the provision or provisions of KRS Chapter 338, standard, rule, or administrative regulation alleged to have been violated.
- (2) Each citation shall establish a reasonable date for the elimination of the alleged violation.
- (3) Each citation may propose a civil penalty.

Section 4. Citations Issued for Requested Inspections. If a citation is issued for a violation alleged in request for inspection pursuant KRS 338.121, a copy of the citation shall be sent, with delivery or receipt confirmation, to the employee or representative of employees who made the request or notification.

Section 5. Final Order Statement. Each citation shall state the citation shall be deemed a final order of the review commission and not be subject to review by any court or agency if an employer, employee, or representative of the employees fails to notify the commissioner within fifteen (15) working days from the receipt of the citation that he or she intends to contest the citation.

(803 KAR 002:120. OSH 111; 1 Ky.R. 161; eff. 12-11-1974; Am. 3 Ky.R. 250; eff. 10-6-1976; TAm eff. 8-9-2007; TAm eff., 9-8-2011; 47 Ky.R. 1624, 2373; eff. 8-3-2021; 52 Ky.R. 508; eff. 3-3-2026.)

JAMIE LINK, Secretary

APPROVED BY AGENCY: July 19, 2025

FILED WITH LRC: July 22, 2025 at 9:22 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held October 27th, 2025 at 10:00 a.m. EDST via Zoom. Public access to the meeting is available at: <https://us06web.zoom.us/j/88214349682?pwd=KAOa4E964NOSDsT3yq7ybdycWGXCfG.1>, Passcode 210397, or telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378. 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 October 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.