

401 KAR 101:001. Definitions for 401 KAR Chapter 101.

RELATES TO: KRS 218A.1431, 219.011, 224.01-010, 224.01-410, 29 C.F.R. 1926.50-1926.66, EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 224.01-410(3), (6), EO 2008-507, 2008-531

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.01-410(3) and (6) requires the cabinet to promulgate administrative regulations for methamphetamine contaminated properties. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. This administrative regulation is necessary to define terms that are used throughout 401 KAR Chapter 101.

Section 1. Definitions.

(1) "Absorption" means:

- (a) For a person or an animal, the process of a substance getting into the body through the eyes, skin, stomach, intestines, or lungs; or
- (b) The process of taking in.

(2) "Acidic" means the condition of a media that contains a sufficient amount of acid substances to lower the pH below seven and zero tenths (7.0).

(3) "Acute effect" means an immediate response to a contaminant that may consist of shortness of breath; cough; chest pain; dizziness; lack of coordination; chemical irritation; burns to the skin, eyes, mouth, or nose; and in severe cases, death.

(4) "Adverse health effect" means a change in body functions or cell structure that may indicate or lead to disease or health problems.

(5) "Ambient air" means an unconfined portion of the atmosphere including open air or surrounding air.

(6) "Cabinet" is defined by KRS 224.01-010(9).

(7) "Certified contractor" means an entity or individual who completes the steps required by 401 KAR 101:010 to become recognized by the state and is authorized to conduct the decontamination services for contaminated properties following the protocols of the tiered response system.

(8) "Clandestine methamphetamine lab" is defined by KRS 224.01-410(2)(a).

(9) "Confined Space" means a space having the following characteristics:

- (a) Limited means for exit and entry; and
- (b) Ventilation of the space is lacking or inadequate, allowing for the potential accumulation of toxic air contaminants, flammable or explosive agents, or depletion of oxygen.

(10) "Constituent of concern" or "COC" means chemicals or compounds that include methamphetamine or related hazardous materials that may be present at inhabitable properties.

(11) "Contaminated property" is defined by KRS 224.01-410(2)(b).

(12) "Cook" means:

- (a) The process of manufacturing methamphetamine or other illegal substances; or
- (b) The person responsible for manufacturing methamphetamine or other illegal substances.

(13) "Decontamination standards" is defined by KRS 224.01-410(2)(c).

(14) "Encapsulation" means the act of surrounding, protecting, or sheathing a building material, by applying paint or other sealant.

(15) "Flame ionization detector" or "FID" means one (1) of several methods for detecting and quantifying primarily hydrocarbon gases. Flame ionization utilizes a hydrogen flame

to ionize and detect gases that are essentially flammable; however, the process is far less sensitive to oxygen containing compounds due to the reduced carbon atoms.

(16) "Hazardous waste" is defined by KRS 224.01-010(31)(b).

(17) "Hazardous Waste Operator (HAZWOPER) training" means a forty (40) hour course required by OSHA under the General Site Worker standard pursuant to 803 KAR 2:403 and 29 C.F.R. 1926.50 through 1926.66 for workers to enter and work within an area defined as a hazardous waste site or uncontrolled hazardous waste site.

(18) "HEPA" means High-Efficiency Particulate Air Filtration system.

(19) "Home owner" means the title holder of the inhabitable property where a notice of methamphetamine contamination has been posted.

(20) "Hotel" is defined by KRS 219.011(3).

(21) "HVAC" means heating, ventilation, and air conditioning system.

(22) "Inhabitable property" is defined by KRS 224.01-410(2)(d).

(23) "Land owner" means the deed holder of the land.

(24) "Manufacturer" means a person connected to or responsible for the "manufacture", as defined by KRS 218A.1431(1), of methamphetamine.

(25) "Methamphetamine" is defined by KRS 218A.1431(2).

(26) "NAZI cook" means a method of producing methamphetamine using anhydrous ammonia.

(27) "OSHA" means Occupational, Safety, and Health Administration.

(28) "Personal protective equipment" or "PPE" means equipment for the eyes, face, head, or extremities; protective clothing; respiratory devices; or protective shields or barriers, used and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.

(29) "Photoionization detection" or "PID" means a device used for the detection of certain VOCs, based on their ionization potential, which utilizes ultraviolet light to ionize gas molecules.

(30) "Precursor" means compounds or mixtures containing ephedrine or pseudoephedrine.

(31) "Property owner" means the home owner or land owner.

(32) "Red phosphorus" means ingredients that may be used in the manufacture of methamphetamines; the strike plate on a book of matches is a frequently used source of red phosphorus.

(33) "Related hazardous material or hazardous waste" is defined by KRS 224.10-410(2)(f).

(34) "Render unusable" means destruction of an item to a degree so that it cannot be used for its intended purpose.

(35) "Semi-volatile" means substances that slowly evaporate at normal temperatures or pressures.

(36) "Solvent" means a liquid capable of dissolving or dispersing another substance.

(37) "Surface material" is defined by KRS 224.01-410(2)(e).

(38) "Tiered response system" means a system to address the level of clean up services required for a contaminated property based upon the degree of methamphetamine production and the degree of potential contamination resulting from methamphetamine production as indicated by the results of assessment by responding state or local law enforcement.

(39) "Toxic agent" means a chemical or physical agent that, under certain circumstances of exposure, may cause adverse health effects.

(40) "Volatile" means evaporating readily at normal temperatures and pressures.

(41) "Volatile compounds" or "VC" means compounds that are in most cases organic in composition and evaporate readily into the air.
(401 KAR 101:001. 35 Ky.R. 1947; 2733; eff. 7-6-2009; Crt eff. 8-13-2018; Crt eff. 7-22-2025.)