

803 KAR 2:062. Employer responsibility for an employee exposed to toxic substances or harmful physical agents.

RELATES TO: KRS Chapter 338

STATUTORY AUTHORITY: KRS 338.051, 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. This administrative regulation establishes employer responsibility for an employee exposed to toxic substances or harmful physical agents.

Section 1. Definitions.

- (1) "Board" is defined by KRS 338.015(6).
- (2) "Employee" is defined by KRS 338.015(2).
- (3) "Employer" is defined by KRS 338.015(1).
- (4) "Occupational safety and health standard" is defined by KRS 338.015(3).

Section 2. General Requirements.

- (1) Employers shall monitor areas where employees are exposed to potentially toxic substances or harmful physical agents that are required to be monitored or measured pursuant to standards adopted by the board pursuant to KRS Chapter 338.
 - (2) Employers shall provide employees or their representatives an opportunity to observe monitoring or measuring.
 - (3)
 - (a) Each employer shall promptly notify every employee who was or is exposed to toxic materials or harmful physical agents in concentrations or levels that exceed those established by applicable standards adopted by the board pursuant to KRS Chapter 338.
 - (b) If it is required that exposure to certain toxic substances or agents is limited or prohibited, each employer shall:
 - (4) Notify employees who are subject to exposure;
 - (5) Inform employees of the corrective action required, if any; and
 - (6) Notify employees when action will be, or was, taken.
 - (7)
 - (a) Each employer shall make and maintain records of all monitoring activity required by this administrative regulation and make appropriate provisions whereby each employee, former employee, or a representative of either, has access to records that indicate the levels the employee or former employee was exposed.
 - (b) Each employee, former employee, or representative of either, shall be allowed to copy records pertaining to her or his exposure levels or the exposure levels of the employee or former employee she or he is representing.
- (3 Ky.R. 276; eff. 10-6-1976; 47 Ky.R. 2658; 48 Ky.R. 803; eff. 11-30-2021.)