

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(New Administrative Regulation)

803 KAR 2:321. Occupational health and environmental control.

RELATES TO: KRS Chapter 338, 29 C.F.R. 1910.6, 1910.94-1910.98

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 the occupational health and environmental control standards that are enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions.

(1) "Act" means KRS Chapter 338.

(2) "Assistant Secretary" means Secretary, Labor Cabinet, or Commissioner, Department of Workplace Standards, Labor Cabinet.

(3) "C.F.R." means Code of Federal Regulations.

(4) "Standard" is defined by KRS 338.015(3).

(5) "U.S. Department of Labor" means Kentucky Labor Cabinet, Mayo-Underwood Building, 3rd Floor, Frankfort, Kentucky 40601, or the U.S. Department of Labor.

Section 2. Except as modified by the definitions in Section 1, general industry shall comply with 29 C.F.R. 1910, Subpart G, Occupational Health and Environmental Control published by the Office of the Federal Register, National Archives and the Records Services, General Services Administration.

(48 Ky.R. 2141; eff. 7-5-2022.)

JAMIE LINK, Secretary of Labor

APPROVED BY AGENCY: November 22, 2021

FILED WITH LRC: November 23, 2021 at 11:15 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 21, 2022, at 10:00 am ET. The hearing will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8)(b) (2020) and the continuing state of emergency. Public access to the meeting will be available at <https://us06web.zoom.us/j/86990674099?pwd=WWs1MEV5UTE0N1VBbmFVSVE3eDhWUT09>, passcode 609938; or by telephone at (713) 353-0212, or (888) 822-7517 toll free, conference code 194378. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 for this 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 until February 28, 2022.

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, 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.