803 KAR 2:309. General environmental controls.

RELATES TO: KRS 338.051(3), 338.061, 29 C.F.R. 1910.141-1910.147
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. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes standards that are enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions.
(1) "C.F.R." means Code of Federal Regulations.
(2) "Employee" is defined by KRS 338.015(2).
(3) "Employer" is defined by KRS 338.015(1).
(4) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).

Section 2. Except as established by Section 3 of this administrative regulation, general industry shall comply with 29 C.F.R. 1910, Subpart J, General Environmental Controls, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

Section 3.
(1)
(a) Lockout. The requirements in paragraph (b) of this subsection shall apply in lieu of 29 C.F.R. 1910.147(c)(2)(ii).
(b) If an energy isolating device is capable of being locked out, the employer's energy control program under 29 C.F.R. 1910.147(c)(1) shall utilize lockout.
(2)
(a) Full employee protection. The requirements in paragraphs (b) and (c) of this subsection shall apply in lieu of 29 C.F.R. 1910.147(c)(3)(i).
(b) If a tagout device is used on an energy isolating device that is incapable of being locked out, the tagout device shall be attached at the same location that the lockout device would have been attached and the employer shall demonstrate that the tagout program shall provide a level of safety equivalent to that obtained by using a lockout program.
(c) If a tagout device is used with an energy isolating device that is incapable of being locked out, the tagout device shall be fastened at the same point at which the lock would have been attached.

(16 Ky.R. 692; eff. 12-15-1989; Am. 1698; 2138; eff. 4-12-1990; 17 Ky.R. 3509; eff. 8-2-91; 20 Ky.R. 640; eff. 11-8-93; 2693; eff. 5-11-94; 21 Ky.R. 112; eff. 9-12-94; 23 Ky.R. 1708; eff. 12-13-96; 25 Ky.R. 2443; eff. 6-16-99; 26 Ky.R. 651; 1007; eff. 11-15-99; 32 KAR 546; 871; eff. 12-2-2005; 33 Ky.R. 1717; 2300; eff. 3-9-07; 35 Ky.R. 1296; 1756; eff. 3-6-09; 38 Ky.R. 99; 597; eff. 10-7-11; 38 Ky.R. 2021; eff. 8-31-2012; 40 Ky.R. 2830; eff. 9-5-2014; 47 Ky.R. 1626, 2374; eff. 8-3-2021.)