

902 KAR 47:030. Exemptions.

RELATES TO: KRS 217.650-217.710, 16 C.F.R. Part 1500.83

STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.180, 217.690

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.650 to 217.710 authorizes the Cabinet for Human Resources to regulate the control of hazardous substances in Kentucky. KRS 217.670(2) authorizes the Secretary for Human Resources to provide minimum information which shall appear on the labels for small packages. The purpose of this administrative regulation is to provide label exemption requirements for specified small packages, minor hazards, and special circumstances; to coordinate federal-state action if an article is banned and deemed to be dangerous to the public health; to assure uniformity for variance between the regulations adopted under the state and federal acts; and to assure uniformity of test procedures.

Section 1. Exemptions. Exemptions for small packages, minor hazards and special circumstances, set forth in regulations promulgated under 15 USC Sec. 1261-1276, shall be exempted in Kentucky.

Section 2. Banned Hazardous Substances Dangerous to Public Health. If a hazardous substance is banned pursuant to federal law by the U.S. Consumer Product Safety Commission, the Cabinet may, if it deems the article to be dangerous to public health, quarantine the article pursuant to KRS 217.700.

Section 3. Variance between State and Federal Regulations. If a variance exists between the regulations adopted under KRS 217.650 to 217.710 and those adopted under 15 USC Sec. 1261-1276, compliance with the federal regulations shall be deemed compliance with the provisions of the administrative regulations adopted under KRS 217.650 to 217.710.

Section 4. Test Procedures for Hazardous Substances. The test procedures prescribed under 15 USC Sec. 1261-1276 and federal regulations shall be applicable to all administrative regulations adopted by the cabinet relating to hazardous substances.

(902 KAR 047:030. 3 Ky.R. 739; eff. 6-1-1977; 20 Ky.R. 2218; eff. 3-14-1994; Crt eff. 3-22-2019; Crt eff. 10-13-2025.)