

Technical Amendment
November 10, 2022
EDUCATION AND LABOR CABINET
(Technical Amendment)

803 KAR 2:422. Rollover protective structures; overhead protection.

RELATES TO: KRS 338.051, 338.061, 29 C.F.R. 1926.1000 -1003

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 of the board 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 enforced by the Department of Workplace Standards in the construction industry relating to rollover protective structures and overhead protection.

Section 1. Definitions.

- (1) "Act" means KRS Chapter 338.
- (2) "Assistant secretary" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (3) "C.F.R." means Code of Federal Regulations.
- (4) "Director" means Director, Division of Occupational Safety and Health Compliance, Kentucky Education and Labor Cabinet.
- (5) "Employee" is defined in KRS 338.015(2).
- (6) "Established federal standard" is defined by KRS 338.015(10).
- (7) "National Consensus Standard" is defined by KRS 338.015(9).
- (8) "Secretary of Education and Labor" means Secretary, Education and Labor Cabinet, or Commissioner, Department of Workplace Standards, Education and Labor Cabinet.
- (9) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).
- (10) "U.S. Department of Labor" means Kentucky Education and Labor Cabinet, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, or U.S. Department of Labor.

Section 2. The construction industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Services, General Services Administration, except as modified by the definitions in Section 1 of this administrative regulation:

- (1) 29 C.F.R. 1926.1000 through 29 C.F.R. 1926.1003, and Appendix; and
 - (2) The amendments to 29 C.F.R.1926 Subpart W published in the May 14, 2019 Federal Register, Volume 83, Number 93.
- (16 Ky.R. 1105; eff. 12-15-89; 23 Ky.R. 1744; eff. 12-13-96; 33 Ky.R. 1136; 1530; eff. 1-5-2007; 34 Ky.R. 631; eff. 12-7-2007; TAm eff. 9-8-2011; 46 Ky.R. 2720; eff. 9-29-2020; TAm eff. 11-10-2022.)

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