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Emily B Caudill REGULATIONS COMPILER

STATEMENT OF EMERGENCY

803 KAR 2:241E

It is necessary to promulgate this emergency regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.7(a), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1956.2(a), 29 CFR 1956.10(d)(1), and 29 CFR 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements.



ANDY BESHEAR, Governor

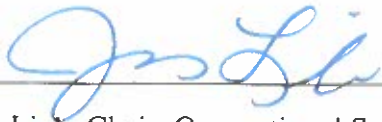


JAMIE LINK, Chair

Occupational Safety and Health Standards Board

1 EDUCATION AND LABOR CABINET
2 Department of Workplace Standards
3 Division of Occupational Safety and Health Compliance
4 Division of Occupational Safety and Health Education and Training
5 (Repealer)
6 803 KAR 2:241 E. Repeal of 803 KAR 2:240
7 RELATES TO: KRS 338.121(3)(b)
8 STATUTORY AUTHORITY: KRS 338.051, 338.061
9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky
10 Occupational Safety and Health Standards Board to promulgate occupational safety and health
11 administrative regulations and authorizes the chairman to reference federal standards without board
12 approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to
13 establish, modify, or repeal standards and reference federal standards. This administrative
14 regulation repeals 803 KAR 2:240.
15 Section 1. 803 KAR 2:0240, Time for filing discrimination complaint is hereby repealed.

As approved by



Jamie Link, Chair, Occupational Safety and Health Standards Board



Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this emergency administrative regulation shall be held August 21, 2025, at 3:00 pm EDT. The meeting will be conducted by live videoconference (ZOOM). Public access to the meeting will be available at:

<https://us06web.zoom.us/j/84374411820>, 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 five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed emergency administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed emergency administrative regulation. Written comments shall be accepted through August 31, 2025. 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, Occupational Safety and Health ("OSH") Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Telephone: (502) 564-4107, Facsimile: (502) 779-8326, Email: Robin.Maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 803 KAR 2:241E

Contact person: Robin Maples

Phone: (502) 564-4107

Email: Robin.Maples@ky.gov

Facsimile: (502) 564-4769

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 of this administrative regulation repeals 803 KAR 2:240 related to the time allowed to file an occupational safety and health discrimination complaint.

(b) The necessity of this administrative regulation: This emergency regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute (KRS) 338.121, effective June 27, 2025.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation repeals 803 KAR 2:240.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Not applicable.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable; this is not an amendment.

(b) The necessity of the amendment to this administrative regulation: Not applicable; this is not an amendment.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable; this is not an amendment.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable; this is not an amendment.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This repeal affects all employers engaged in the Commonwealth covered by KRS Chapter 338.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take

to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this repeal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There are no compliance requirements associated with this repeal.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There is no cost to the OSH Program to implement this repeal.

(b) On a continuing basis: There are no new costs associated with this repeal.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this repeal.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This repeal neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

803 KAR 2:241E

Contact Person: Robin Maples

Phone: (502) 564-4107

Email: robin.maples@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This repeal affects any unit, part, or division of state or local government covered by KRS Chapter 338.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This repeal affects any unit, part, or division of state or local government covered by KRS Chapter 338.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: This repeal imposes no new direct cost burden on employers and does not require them to take any action to comply.

(b) Methodology and resources used to reach this conclusion: Not applicable.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This repeal will not have a “major economic impact” as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

Regulation Number: 803 KAR 2:241E

Agency Contact: Robin Maples

Phone: (502) 564-4107

Email: robin.maples@ky.gov

Facsimile: (502) 564-4769

1. Federal statute or regulation constituting the federal mandate. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
2. State compliance standards. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
3. Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.5(a)(2), 29 CFR 1956.2(a), 29 CFR 1956.10(d)(1), and 29 CFR 1977.3.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements: This repeal of this regulation does not impose stricter requirements.

EMERGENCY REGULATION DOCUMENTATION

It is necessary to promulgate this emergency regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.7(a), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1956.2(a), 29 CFR 1956.10(d)(1), and 29 CFR 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements.