



KENTUCKY OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

December 18, 2024

Public Meeting Minutes

The Kentucky Occupational Safety and Health (OSH) Standards Board, hereinafter referred to as Board, met Wednesday, December 18, 2024 via Zoom.

Education and Labor Cabinet (ELC) Secretary and OSH Standards Board Chairman Jamie Link called the meeting to order at 11:01 am EST. Chairman Link welcomed everyone and requested confirmation of the public meeting notice. Chuck Stribling, Deputy Commissioner, Department of Workplace Standards (DWS), confirmed that pursuant to Kentucky Revised Statute 61.823, the media advisory was issued Friday, December 6 at 2:27 EST and posted the same day on the ELC website. Also, pursuant to 803 Kentucky Administrative Regulation (KAR) 2:010 public notice was posted on the ELC website ten (10) days prior to the board meeting.

Ms. Amy Pennington, Executive Staff Advisor, called the roll. Members attending were Ms. Angela Bednark, Dr. Traci Byrd, Mr. William Carey, Mr. Keith Murt, Mr. Robert “Mac” Stone, and Mr. John Stovall. Mr. John Holbrook, Mr. Kenneth Nichter and Mr. Charles “Steve” Sparrow were not present. A quorum was established.

Chairman Link wished everyone happy holidays and provided an ELC update. Chairman Link spoke about the upcoming 2025 legislative session and his anticipation of possible workforce issues, some of which may be OSH related. He advised ELC will monitor the session closely. Chairman Link introduced new ELC staff, Ms. Cali Arnold, Director of Legislative Services, and Mr. Jason Hernandez, DWS General Counsel.

Chairman Link requested a motion to approve the December 19, 2023 meeting minutes. A motion was made by Mr. Keith Murt and seconded by Mr. John Stovall; motion passed unanimously.

Chairman Link opened the floor for Old Business. There being no discussion, Chairman Link moved to New Business.

Chairman Link asked Ms. Robin Maples, OSH Standards Specialist, to provide a regulatory update. Ms. Maples advised two (2) OSH program regulations, 803 KAR 2:110E and 803 KAR 2:110, Employer and employee representatives, were not subject to board approval, however, DWS wanted to update the board. Ms. Maples advised the Occupational Safety and Health Administration (OSHA) amended the regulation and published the final rule on April 1, 2024. The intent was to clarify that representatives authorized by employees may be an employee of the employer or a third party. The clarifications aid workplace inspections by better enabling employees to select a representative(s) of their choice to accompany the compliance safety and health officer during a physical workplace inspection. The amendment clarified that a third party



may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace, or similar workplaces, or language, or communication skills. 803 KAR 2:300, General, was amended and filed to reflect the update to 803 KAR 2:110.

Ms. Maples advised another regulation, 803 KAR 2:320E and 803 KAR 2:320, Toxic and hazardous substances, was amended and approved by the Chair on behalf of the board to ensure Kentucky met its six (6) month federal mandate. The final rule was published May 20, 2024. The final rule amended OSHA's Hazard Communication standard to conform to the United Nations' Globally Harmonized system of Classification and Labelling of Chemicals. The amendment addressed issues that arose during the implementation of the 2012 Hazard Communication final rule. OSHA's May 20, 2024 amendment better aligns the Hazard Communication standard with other U.S. agencies and international trading partners, while enhancing the efficacy of the standard. The updates enhance the effectiveness of the Hazard Communication standard by ensuring employees are appropriately apprised of the chemical hazards to which they may be exposed, ultimately reducing the incidence of chemical-related occupational injuries and illnesses. This rule primarily affects manufacturers and importers.

Ms. Maples asked if there were any questions. Being none, she thanked the board for their time and recognized Mr. Stribling for an update on 803 KAR 2:404, Personal protective and lifesaving equipment.

Mr. Stribling advised OSHA published a December 12, 2024, final rule that amended the construction industry personal protective equipment (PPE) standard. The amendment simply requires construction industry PPE to properly fits each affected employee. The amendment also aligns the construction PPE standard with the corresponding language in the general industry and shipyards PPE standards. Mr. Stribling advised the fate of the rule is unknown as there will be a transition at OSHA next year and it remains to be seen if the amendment will survive in the next administration. Mr. Stribling advised it is premature for the board to take action at this time without knowing the fate of the amendment. Mr. Stribling advised DWS will closely monitor the rule, as well as action taken by the next administration, and proceed accordingly when appropriate.

Chairman Link inquired if any board members had questions regarding the information presented. Hearing none, Chairman Link opened the floor to any comments from the public. Seeing no hands raised and hearing no comments, Chairman Link thanked the Board and asked for a motion to adjourn. Motion made by Mr. Keith Murt and seconded by Dr. Traci Byrd; motion passed unanimously.

The meeting adjourned at 11:13 am EST.