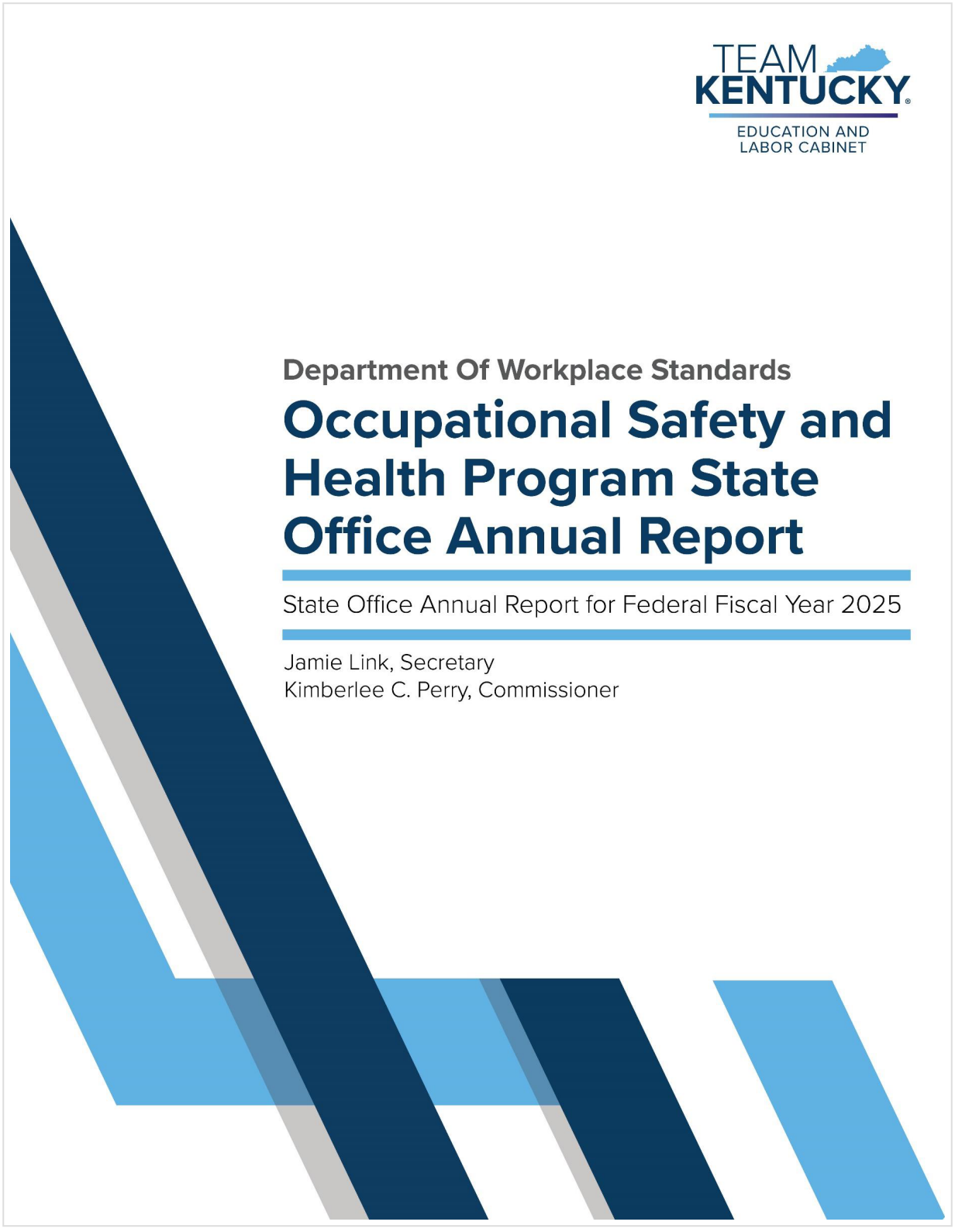
Department Of Workplace Standards



Cover page for the Department of Workplace Standards Occupational Safety and Health Program State Office Annual Report for Federal Fiscal Year 2025, authored by Jamie Link, Secretary, and Kimberlee C. Perry, Commissioner. The Team Kentucky Education and Labor Cabinet logo appears in the upper right, with decorative blue and gray diagonal chevron shapes along the left and bottom edges.

Occupational Safety and Health Program State Office Annual Report

State Office Annual Report for Federal Fiscal Year 2025

Jamie Link, Secretary
Kimberlee C. Perry, Commissioner

Introduction

The Kentucky Education and Labor Cabinet is fully committed to promoting the safety, health and general welfare of the Commonwealth of Kentucky by preventing any detriment to the safety and health of all public and private employees arising out of exposure to harmful conditions and workplace practices. In addition, the cabinet is involved in preserving our human resources by providing education and training, inspection of workplaces, consultation services, research, reports, statistics and other means of advancing progress in occupational safety and health.

The Kentucky Occupational and Health (OSH) Program was established by the Kentucky General Assembly in 1972. In July 1973, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) approved Kentucky's first state plan.

On November 17, 2021, Governor Andy Beshear and Kentucky Labor Cabinet Secretary Jamie Link announced the Education and Workforce Development Cabinet would merge with the Labor Cabinet to form the Kentucky Education and Labor Cabinet. Senate Bill 180 was introduced on February 16, 2022, passed April 14, 2022, and signed by Governor Beshear on April 20, 2022. The merger took effect July 1, 2022. The Department of Workplace Standards and the Kentucky OSH Program continued operating without major changes to its structure and statutory obligations.

House Bill (HB) 398 was introduced February 6, 2025, and passed on March 13, 2025. Governor Beshear vetoed the bill on March 24, 2025; however, the General Assembly overrode the veto on March 27, 2025. The legislation, which makes Kentuckians less safe in the workplace, became effective on June 27, 2025.

Impacts of HB 398

- The legislation prohibits enforcement of established state-specific OSH regulations in private sector. It allows the Franklin County Circuit Court upon appeal of a citation to award actual expenses incurred, including court costs and attorney's fees, against the Department of Workplace Standards.
- The legislation requires the Department of Workplace Standards to promulgate administrative regulations that comply with the Equal Access to Justice Act, 28 U.S.C. sec. 2412. Further, it establishes that an appeal of a citation is a stay of the Kentucky OSH Review Commission.

- The bill requires employer representatives be given the opportunity to be present during the physical inspections and allows a compliance officer to consult with employees concerning matters related to OSH when there is no representative authorized by the employees available during physical inspection.
- A complaint must include the date the OSH violation is alleged to have occurred. By signed request, an employee or authorized representative of employees can call for an inspection in their workplace. The citation must include the violation date and require notification of the employee representative.
- The legislation requires evidence of a violation or danger in the workplace for a complaint inspection to be initiated. It also reduces the time limit to file an OSH discrimination complaint from 120 days to 30 days and requires a discrimination citation to be issued within six months of the violation.
- It eliminates the OSH Review Commission's authority to order all appropriate discrimination relief other than rehiring and reinstatement with back pay to an employee that suffered discrimination. The secretary's authority to order reinstatement of an employee discharged due to discrimination also is eliminated.
- An OSH citation or notice for a de minimus violation must be issued promptly after an inspection and no more than six months after the violation.
- The citation must describe in detail the alleged violation including reference to the provision of the act, standard, rule or administrative regulation violated. A reasonable date must be set by which the alleged violation must be corrected. A citation cannot be classified as a repeat violation when issued more than three consecutive years from the final order date of the previous citation. The time for correction of cited violation(s) must be tolled until conclusion of contest.

Pursuant to the Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health Act of 1970, and several regulations established in 29 Code of Federal Regulations, the Kentucky OSH Program is required to be to be "at least as effective as" ("ALEA") OSHA protecting workers and preventing work-related injuries, illnesses and deaths. At the time of report submission, OSHA is conducting an ALEA evaluation.

The Kentucky OSH Program encompasses all areas, issues, and responsibilities that are covered by OSHA except for private sector maritime activities. Non-OSH related discrimination, temporary labor camps and field sanitation, federal employers and employees, private contractors on property ceded to the federal government (including Job Corps Centers and federal correctional institutions), Tennessee Valley Authority facilities, and federal military bases. Kentucky's jurisdiction also extends to all state and local public employers and employees. The state's effort, except state and local government, does not include enforcement in any area where OSHA does not exercise jurisdiction.

Kentucky's OSH statutes, Kentucky Revised Statute (KRS) Chapter 338, include definitions of employers and employees that do not exclude public employers and public employees. The exclusions to KRS 338 cover only employees of the United States government and places of employment over which federal agencies other than OSHA exercises statutory authority. In addition, written opinions of the Kentucky Attorney General's Office support the cabinet's position that public employees are included in the OSH Program jurisdiction, which holds Kentucky's public employers and employees to the same requirements, sanctions and benefits as private-sector employers and employees. Kentucky statutes, regulations and policies make no distinction between the public and private sectors.

The Division of OSH Education and Training, also known as KYSAFE, and the Division of OSH Compliance have an effective and comprehensive program to promote the safety, health, and general welfare of the people of the commonwealth. This effort focuses on preventing hazardous working conditions and workplace practices. The Kentucky OSH Program provides voluntary compliance services, education and training, enforcement through inspections of workplaces, onsite consultation services, research, statistics and other functions that meet the mandate of Title XXVII - Labor and Human Rights, KRS Chapter 338, Occupational Safety and Health of Employees.

The staffing benchmark for the Division of OSH Compliance is 23 Compliance Safety and Health Officers (CSHO) and 14 industrial hygienists (IH). Another two positions are devoted to investigating cases of alleged OSH discrimination. KYSAFE has three main operational branches that include safety, health and partnership. In FFY 2025, there were six consultants in the safety branch and six industrial hygienists in the health branch. The Partnership Branch maintains a staff of five safety consultants and industrial hygienists as well as a Voluntary Protection Partnership (VPP) administrator, a Safety and Health Achievement Recognition Program (SHARP) administrator and a Construction Partnership Program (CPP) administrator.

The Kentucky OSH Program implemented a five-year strategic plan for 2021-2025 that utilizes a combination of resources to address workplace hazards, including enforcement strategies, consultations, training and education, partnership programs, technical assistance and standards development. The synergistic effect of these combined resources enables the OSH Program to impact worker safety and health significantly in the Commonwealth of Kentucky.

The remainder of this report is presented in three sections. Section I addresses Kentucky's success in achieving FFY 2025 Performance Plan goals. Section II addresses FFY 2025 mandated activities. Section III addresses noteworthy accomplishments achieved by the Kentucky OSH Program during FFY 2025.

Information presented in this document reflects accurate data for the period sampled. Some enforcement case files have matured since preparation of this report while others are still developing. It is important to note that at the time of report preparation, there were 389 open FFY 2025 enforcement inspections. Therefore, some data presented in this report is not fully mature and will vary if re-sampled. Some data presented in this report relates to inspection activity that was initiated in FFY 2024 and matured in FFY 2025.

Section I

Success Achieving Performance Goals

The first strategic goal of the 2021-2025 Strategic Plan is to improve workplace safety and health for all workers, particularly in high-risk industries, as evidenced by reduced exposures and fewer hazards, fatalities, injuries and illnesses.

Performance Goal 1.1

Performance Goal 1.1 addresses the Strategic Plan goal. Performance Goal 1.1 is to reduce total fatalities in general industry and construction.

In the FFY 2021 baseline year, 155 fatalities were reported to the Division of OSH Compliance, and 95 inspections were conducted. In FFY 2025, 78 fatalities were reported to the Division of OSH Compliance, and 32 inspections were conducted.

In the FFY 2021 baseline year, 80 fatality inspections were conducted in general industry resulting in 56 serious violations, 58 other than serious violations, three willful serious violations and two repeat serious violations with penalties totaling $692,500. Thirteen construction industry fatality inspections were conducted resulting in 10 serious violations, and 11 other than serious violations with penalties totaling $63,125. In FFY 2025, 24 fatality inspections were conducted in general industry resulting in one repeat violation, 32 serious violations and 10 other than serious violations with penalties totaling $252,350. In FFY 2025, eight construction industry fatality inspections were conducted resulting in 10 serious violations with penalties totaling $48,000.

Kentucky met the goal.

Performance Goal 1.2

Performance Goal 1.2 is to reduce the number of hazards associated with hospitalizations, amputations, injuries and illnesses.

In the FFY 2021 baseline year, 457 hospitalizations were reported to the Division of OSH Compliance, and 167 inspections were conducted with four repeat serious violations, 81 serious violations and 66 other than serious violations. Total penalties were $519,210. Eighty-six amputations were reported to the Division of OSH Compliance. Seventy-four inspections were conducted with one willful serious violation, eight repeat serious violations, 59 serious violations and 31 other than serious violations. Total penalties were $574,900. No eye loss injuries were reported to the Division of OSH Compliance in the FFY 2021 baseline year.

In FFY 2025, 427 hospitalizations, 84 amputations and no loss of eye injuries were reported to the Division of OSH Compliance. In FFY 2025, 245 inspections were conducted related to hospitalizations with five repeat serious violations, 180 serious violations and 80 other than serious violations with penalties totaling $1,265,100. Of the 245 inspections related to hospitalizations, 210 were found to be a true hospitalization. In FFY, 2025, 97 inspections were conducted related to amputations with three repeat serious violations, 105 serious violations and 56 other than serious violations with penalties totaling $802,475. In FFY 2025, one inspection was conducted related to a loss of eye injury that was not reported to the Division of

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Total penalties for violations related to amputation and hospitalization injuries in FFY 2025 were $1,651,225.

The number of hospitalizations reported to the Division of OSH Compliance increased 12.7% from FFY 2024 and a 6.6% decrease from the FFY 2021 baseline. The hospitalization inspection rate in FFY 2025 increased 57.4% from the FFY 2021 hospitalization inspection rate of 36.5%. There were two fewer amputations reported to the Division of OSH Compliance in FFY 2025 compared to FFY 2024 as well as FFY 2021 representing a 2.4% decrease.

Performance Goal 1.3

Performance Goal 1.3 addresses hazards identified through a multi-pronged strategy that incorporates efforts for both the Division of OSH Compliance and KYSAFE.

The Division of OSH Compliance's portion of this goal consists of the number of inspections in construction and general industry. In the FFY 2021 baseline year, the Division of OSH Compliance conducted 864 inspections, 685 in general industry, 179 in construction and none in maritime. In FFY 2025, the Division of OSH Compliance conducted 853 inspections, 584 in general industry, 269 in construction and none in maritime.

The Division of OSH Education and Training's portion of this goal consists of surveys and training contact hours conducted in high-hazard industries, as well as the total number of training courses, contact hours, surveys and technical assistance visits in all industries. Kentucky's injury and illness data are also an indicator for this goal.

During the FFY 2021 baseline year, KYSAFE conducted 98 health surveys; all were considered high hazard. The division's safety branch conducted 96 surveys; all were considered high hazard. Two safety and health technical assistance visits and 10 face-to-face training sessions were conducted that impacted 277 persons. Two of the face-to-face training courses were in response to employer-specific requests and reached 59 attendees. Twelve training courses were conducted on virtual platforms, impacting 1,028 persons. In FFY 2025, KYSAFE conducted 235 health surveys and 203 safety surveys; all were considered high hazard. Four safety and health technical assistance visits and 64 face-to-face training sessions were conducted that impacted 1,553 persons.

Kentucky met the goal.

Performance Goal 1.4

Performance Goal 1.4 strives to ensure that employers are adhering to settlement provisions for fatality investigations through follow-up inspections.

In the FFY 2021 baseline year, the Division of OSH Compliance conducted six follow-up inspections. However, there were no settlements that met Performance Goal 1.4 criteria in FFY 2021; therefore, no follow-up inspections were conducted to verify adherence to settlement provisions of fatality investigations. The Division of OSH Compliance conducted two follow-up inspections in FFY 2025 related to complaint inspections. There were nine acceptable fatality investigation settlement outliers in FFY 2025 that did not have a follow-up inspection. A brief description for each is provided below.

- The settlement agreement for DDWF1, LLC required KYSAFE online trainings focused on recordkeeping. Since certificates of completion were received as well as all abatements and penalty payment, follow-up inspection was unnecessary.
- The settlement agreement for Carroll County Board of Education (BOE) required completion of six KYSAFE recordkeeping modules. Since certificates of completion were received as well as all abatements and penalty payment; follow-up inspection was unnecessary.
- The settlement agreement for YS Precision Stamping Inc. required the employer engage a Certified Safety Professional (CSP) to complete a Personal Protective Equipment (PPE) assessment. A copy of the assessment was received as well as all abatements and penalty payment; follow-up inspection was unnecessary.
- The settlement agreement for Earth Works LLC required the employer provide abatement and penalty payment; both were received. Since the excavation site was no longer active, a follow-up inspection could not be conducted.
- The settlement agreement for Same Day HVAC, LLC dba Bruno's Same Day HVAC required the employer engage a CSP to develop an action plan and attend KYSAFE PPE and fall protection training. A copy of the CSP developed action plan and certificates of training completion were received as well as all abatements and penalty payment. The site was no longer active; follow-up inspection could not be conducted.
- The settlement agreement for Wood Group USA Inc. only required penalty payment since the violation was abated during the inspection. Penalty payment was made; therefore, follow-up inspection was unnecessary.

- The settlement agreement for Kentucky Department of Corrections, Kentucky State Reformatory only required penalty payment since the violation was abated during the inspection. Penalty payment was made; therefore, a follow-up inspection was unnecessary.
- The settlement agreement for Allwaste Onsite, LLC dba Onsite Environmental required abatement and penalty payment, and both were completed. The company is an out-of-state waste hauler; follow-up inspection was not possible.
- The settlement agreement for John Vogler Drilling, Inc. required abatement and penalty payment, and both were completed. The site was no longer active; follow-up inspection could not be conducted.

Kentucky met the goal.

Performance Goal 1.5

Performance Goal 1.5 aims to reduce construction industry injuries caused by falls, struck-by, and crushed-by incidents through a five-part strategy that combines efforts by the Division of OSH Compliance and the Division of OSH Education and Training. In addition to the information presented immediately below, Performance Goals 1.2, 1.3, 1.8 and 1.9 also relate to this goal.

In the FFY 2021 baseline year, 179 compliance inspections were conducted in the construction industry and 14 other construction sites were enrolled in the CPP. KYSAFE conducted 22 surveys, no technical assistance visits and presented three training courses totaling 336 contact hours in the construction industry. In FFY 2025, 269 compliance inspections were conducted in the construction industry and 31 other construction sites were enrolled in CPP. KYSAFE conducted 21 surveys and presented 12 training courses totaling 944 contact hours in the construction industry.

FFY 2021 baseline year data collected by the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illness in cooperation with the OSH Program's Statistical Services Branch, established the following Kentucky and national incident rates for 2020. This baseline data represents nonfatal occupational injuries and illnesses involving days away from work per 10,000 full-time workers in the construction industry (private industry).

2020 Kentucky and National Incident Rates for Nonfatal Occupational Injuries and Illnesses in the Construction Industry (private industry), per 10,000 full-time workers

	Falls	Struck-by	Crushed
2020		Struck-by	Crushed
Kentucky	11.7	10.2	5.0
National	15.7	19.9	3.9

BLS now employs a multi-year estimation methodology and transitioned to a biennial case and demographic estimates publication. Kentucky is unable to provide equitable lateral FFY 2025 data due to new BLS methodology, demographic estimates and coding.

Performance Goal 1.6

Performance Goal 1.6 aims to initiate all inspections of work-related fatalities and hospitalizations of three or more employees within one working day of notification. Kentucky conducted 32 fatality inspections in FFY 2025, and there were two acceptable outliers. A summary for each outlier is provided.

- On Wednesday, March 26, 2025, the Division of OSH Compliance received a late reporting of a Thursday, January 30, 2025, fatality. The fatality was reported by the next of kin (NOK) and the employer was reported to be a trucking company. The NOK was unable to provide employer contact information other than city location. An enforcement supervisor contacted the local coroner Thursday, March 27 (next day), obtained the coroner's report and learned the cause of death was natural causes. The Division of OSH Compliance was unable to contact and open an inspection with the employer due to the employer's nature of business and extremely small size. Although the division was unable to open an inspection with the employer within one working day of notification, the division-initiated inspection activity within one day of notification and determined the death was due to natural causes: thus, not subject to division jurisdiction.
- A fatality was reported May 13, 2025. On May 14, the Division of OSH Compliance opened an inspection onsite with the general contractor. The deceased was employed by a contractor that was not onsite May 14. On May 15, the Division of OSH Compliance opened an inspection with the contractor. Although the division was unable to open an inspection with the employer of the deceased within one working day of notification, the division-initiated inspection activity within one day of notification.

Kentucky met the goal.

Performance Goal 1.7

Performance Goal 1.7 aims to initiate Division of OSH Compliance inspections of all imminent danger reports within one working day of notification. The Division of OSH Compliance conducted 115 imminent danger inspections in FFY 2025, and there was one acceptable outlier. A summary is provided.

On Wednesday, December 4, 2024, the Division of OSH Compliance received an imminent danger referral at approximately 4:00 pm EST. The division contacted the referring party and determined the worksite would be inactive by the time a CSHO could be onsite. On Thursday, December 5, the worksite was inactive due to severe weather. On Friday, December 6, the division opened an inspection onsite. Although the division was unable to open an inspection within one working day of notification due to site inactivity, the inspection activity was initiated within one day of notification.

Kentucky met the goal.

Performance Goal 1.8

Performance Goal 1.8 strives to reduce Kentucky's total case incident rate for injuries and illnesses. The rate is based on the number of recordable injury and illness cases occurring among 100 full-time equivalent employees over one year. This performance goal combines efforts for both the Division of OSH Compliance and KYSAFE.

The Kentucky FFY 2021 baseline total case rate for injuries and illness, established from calendar year (CY) 2020 BLS data, was 3.3. The FFY 2025 total case rate for injuries and illness, established from CY 2024 BLS data, was 2.5. Kentucky's 2.5 rate is a milestone for two reasons. First, it is the lowest rate in Kentucky since BLS began recording the data. Second, Kentucky's rate is below the national rate for the first time.

Kentucky met the goal.

Performance Goal 1.9

Performance Goal 1.9 aims to reduce the lost time case rate for injuries and illnesses. The rate measures injuries and illnesses that cause an employee to miss work among 100 full-time equivalent employees over one year. This performance goal combines efforts for the Division of OSH Compliance and the Division of OSH Education and Training.

The Kentucky FFY 2021 baseline lost-time case rate for injuries and illnesses, established from CY 2020 BLS data, was 2.0. The FFY 2025 lost-time case rate for injuries and illnesses, established from CY 2024 BLS data, was 1.3. The rate is another milestone. 1.3 is the lowest rate in Kentucky since BLS began recording the data; and it is below the national rate for the first time.

Kentucky met the goal.

Performance Goal 1.10

Performance Goal 1.10 aims to reduce the total case rate in one of the top 10 industries, identified by North American Industry Classification System (NAICS), in Kentucky with the highest injury and illness total case incident rates. The effort, known as Safety Tops Our Priority (S.T.O.P) combines efforts for the Division of OSH Compliance and KYSAFE.

In FFY 2025, KYSAFE continued focused outreach in NAICS code 92 for public administration (local government). The NAICS code 92 S.T.O.P. initiative launched in FFY 2023 resulted in 100+ requests from Kentucky counties and 63 requests from Kentucky cities. These requests led to additional visits due to the various entities in county and city governments. As a result, KYSAFE continued the initiative in FFY 2025.

Another FFY 2025 KYSAFE outreach initiative included participating in the Warehousing and Distribution Center Operations national emphasis program. KYSAFE sent letters to 63 establishments in NAICS codes identified in the emphasis program. The targeted industries in NAICS codes 492110, 493110 and 493120 had the highest total case rates, all were above 6.4. The outreach initiative continues.

KYSAFE initiated Silica Exposures in Countertop Manufacturers outreach in FFY 2025. KYSAFE sent letters to 68 establishments in NAICS codes 327991 and 238340, and the outreach initiative continues.

Twenty-four KYSAFE training sessions were presented at four Population (POP) Center training seminars in FFY 2025; 414 participants attended the training. The training addressed subjects relevant to the targeted NAICS such as basic electrical safety, excavation and trenching, silica, walking/working surfaces, hazard communication, personal protective equipment, fall protection and confined space entry.

KYSAFE remains committed to working with employers and continues its focus on industries and employers with the highest injury and illness rates. The Division of OSH Compliance continues its programmed inspection focus on industries with high injury and illness total case incident rates. The Division of OSH Compliance conducted 106 program planned inspections in FFY 2025.

Performance Goal 1.11

Performance Goal 1.11 is to identify and assist industries with a total case incident rate three times above the average Kentucky total case incident rate. Industries that met the criteria were unsuitable for KYSAFE outreach. KYSAFE conducted extensive outreach in NAICS code 92, 327991 and 238340 as noted above.

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Performance Goal 1.12

Performance Goal 1.12 is to conduct a defined ratio of programmed planned safety inspections and programmed planned health inspections.

On May 12, 2023, Kentucky agreed with OSHA to a negotiated programmed planned inspection rate of 10% for safety inspections and 5% for health inspections. Though this was not applicable in the FFY 2021 baseline, safety conducted 30 programmed planned inspections in FFY 2021, which represents 5.5% of total safety inspections. In FFY 2021, health conducted six programmed planned inspections in FFY 2021, which represents 1.9% of total health inspections. In FFY 2025, safety conducted 74 programmed planned inspections, which represents 13% of total safety inspections. In FFY 2025, health conducted 32 programmed planned inspections, which represents 11.4% of total health inspections.

Kentucky met the goal.

The second goal of Kentucky's 2021-2025 Strategic Plan is to change workplace culture to increase employer and employee awareness of commitment to and involvement in occupational safety and health.

Performance Goal 2.1

Performance Goal 2.1 addresses formal settlement agreements for a citation with a penalty more than $14,000 or for citations with a combined penalty totaling more than $14,000, which provide a reduction of 35% or more must include documented employer implementation of OSHA's 2016 "Recommended Practices for Safety & Health Programs" if general industry; or OSHA's 2016 "Recommended Practices for Safety & Health Programs in Construction" if construction; or the ANSI/ASSE Z10-2012 (R2017) "Occupational Health and Safety Management Systems" or engage the services of an outside Board of Certified Safety Professionals or American Board of Industrial Hygiene certified consultant.

During FFY 2025, the Division of OSH Compliance authorized 56 settlement agreements. Penalties were reduced in nine settlement agreements for a citation with a penalty totaling more than $14,000 or for citations with a combined penalty totaling more than $14,000. Five of the settlements did not meet Performance Goal 2.1 criteria; a summary for each is provided.

- The penalty for Azteca Milling LP was reduced from $23,250 to $7,250 in exchange for abatement enhancements and violation grouping.
- The penalty for Dippin' Dots LLC was reduced from $24,200 to $6,080 in exchange for abatement enhancements and dismissal of three violations.
- The penalty for Fayette Heating & Air Conditioning Inc. was reduced from $20,625 to $5,750 in exchange for abatement enhancements and dismissal of three violations.
- The penalty for Redlee Construction and Development Inc. was reduced from $23,450 to $13,800 in exchange for abatement enhancement and violation grouping.
- The penalty for John Vogler Drilling, Inc. was reduced from $21,000 to $12,000 in exchange for retention of citation classifications.

Performance Goal 2.2

Performance Goal 2.2 is to ensure Division of OSH Compliance informal conference penalty reductions adhere to Chapter IV of the Kentucky Field Operations Manual (FOM). In FFY 2025, all Division of OSH Compliance informal conference penalty reductions adhered to Chapter IV of the FOM.

Kentucky met the goal.

Performance Goal 2.3

Performance Goal 2.3 is to incorporate evaluation of safety and health management systems in 100% of the full-service comprehensive surveys. All FFY 2025 KYSAFE comprehensive consultative surveys incorporated an evaluation of safety and health management systems.

Kentucky met the goal.

Performance Goal 2.4

Performance Goal 2.4 seeks to utilize the Safety and Health Program Assessment Worksheet in all full-service general industry consultation surveys. All FFY 2025 KYSAFE comprehensive general industry consultative surveys utilized the Safety and Health Program Assessment Worksheet.

Kentucky met the goal.

Performance Goal 2.5

Performance Goal 2.5 aims to provide safety and health program management training. KYSAFE provides employers and employees with a cost-free online eLearning safety and health program management training module on the KYSAFE eLearning website kysafe.ky.gov (https://kysafe.ky.gov). The module was viewed 38 times in FFY 2025. KYSAFE offered safety and health program management training at one POP Center event in FFY 2025, and 24 participants attended. KYSAFE also conducted 11 VPP Auditor Training classes for 125 people as well as six stakeholder meetings for 41 people addressing safety and health program management training.

Kentucky met the goal.

Performance Goal 2.6

Performance Goal 2.6 addresses the evaluations of worksites on a timely basis to certify and re-certify VPP sites, develop CPP agreements, and add new employers to the SHARP, as well as the maintenance and re-certification of current SHARP sites. The Partnership Program was very active in FFY 2025, with 178 VPP, CPP and SHARP visits. The Partnership Branch continued reaching out in FFY 2025 looking for new VPP, SHARP and CPP participants.

There were 31 active CPP sites in FFY 2025 with a total project cost of approximately $10.9 billion. The Partnership Branch had 118 contacts/visits with CPP sites in FFY 2025; 80 were site visits affecting 4,912 employees. Thirty-eight contacts were communications with CPP partners. The largest CPP project in FFY 2025 continued to be the $5.8 billion BlueOval SK Battery Park in Glendale until its completion. Also of note were the Envision battery plant in Bowling Green, more than $800 million projects, and the $614 million University of Kentucky Cancer Treatment Center new construction project.

VPP continues to be successful and sets the standard for program and participant quality. The Partnership Branch worked diligently with four facilities in their quest to become VPP certified while concluding FFY 2025 with 19 very strong, successful VPP sites. Unfortunately, in FFY 2025, the Partnership Program removed a site from VPP that no longer met the high standards required to participate.

SHARP concluded the year with 13 active sites in FFY 2025 and continues to solicit new participants. Unfortunately, in FFY 2025, the Partnership Program removed a site from SHARP that no longer met the high standards required to participate.

In FFY 2025, the Partnership Branch had 264 significant contacts with participating sites. Of those contacts, 178 were site visits affecting 21,862 employees that identified 1,506 hazards; 829 hazards were serious, and 677 hazards were other than serious. Eighty-five contacts were communication with partners.

Kentucky met the goal.

Performance Goal 2.7

Performance Goal 2.7 addresses the implementation of a targeted outreach plan for 100 percent of new Kentucky OSH standards. Eight regulations were amended in FFY 2025. All the amendments except 803 KAR 2:320 and 803 KAR 2:240 were amended in response to HB 398. The amended regulations were:

- 803 KAR 2:320E, Toxic and Hazardous Substances, effective November 19, 2024, and subsequently replaced by 803 KAR 2:320, effective July 1, 2025;
- 803 KAR 2:404E, Personal Protective and Lifesaving Equipment, effective June 12, 2025;
- 803 KAR 2:120E, Citations, effective July 22, 2025;
- 803 KAR 2:181E, Recordkeeping and Reporting Occupational Injuries and Illnesses, effective July 1, 2025;
- 803 KAR 2:241E, Repeal of 803 KAR 2:240, effective July 1, 2025;
- 803 KAR 2:250E, Discrimination, effective July 1, 2025;
- 803 KAR 2:260E, Appeal Procedure, effective July 1, 2025; and
- 803 KAR 2:310E, Medical Services and First Aid, effective July 1, 2025.

Another regulation, 803 KAR 2:110E, Employer and Employee Representatives, was amended the final day of FFY 2024 on September 30, 2024, and subsequently replaced by 803 KAR 2:110, effective in FFY 2025 on May 6, 2025.

KYSAFE updated all impacted eLearning webinars, modules and POP Center outreach to reflect changes pursuant to the amendments.

Kentucky met the goal.

KYSAFE continues to offer free POP Center outreach training for employers and employees across the commonwealth that addresses Kentucky OSH standards. The Kentucky OSH Program also posts updated and accurate information on the cabinet's website. KYSAFE offers a universal serial bus (USB) with all state OSH regulations, federal OSH standards, Kentucky safety and health manuals, posters, conference information and other resource links. KYSAFE provides USB free of charge.

The third goal of Kentucky's 2021-2025 Strategic Plan is to maximize the efficient and effective use of human and technological resources.

Performance Goal 3.1

Performance Goal 3.1 is to maintain a reliable data repository. The Kentucky OSH Program deployed comprehensive data management software in 2013 for both the Division of OSH Compliance and KYSAFE that replaced OSHA's National Cash Register/Integrated Management Information System (NCR/IMIS) system and the OSHA Information System. In 2015, Kentucky deployed a customized interface that provides the state's compliance and consultation data to OSHA.

In addition to the collection, retention and transmission of Kentucky's data to OSHA, Kentucky's software provides advanced OSH Program capabilities such as report writing, inspection and survey milestone tracking, time management analytics and program performance reports. Each division also has specific functionality and capabilities unique to their individual needs.

The Division of OSH Compliance employed one individual dedicated to maintaining reliable data. The Division of OSH Education and Training also employed one individual in FFY 2025 dedicated to maintaining reliable data. The Office of the Federal-State Coordinator employed one individual that performs database integrity work.

Kentucky met the goal.

Performance Goal 3.2

Performance Goal 3.2 aims for new supervisory staff to complete formal leadership training.

The Division of OSH Compliance detailed five supervisory staff in FFY 2025 and hired one safety program manager and one safety supervisor. All received formal leadership training. KYSAFE hired an assistant director and a Partnership Program manager in FFY 2025; both received formal leadership training.

Kentucky met the goal.

Performance Goal 3.3

Performance Goal 3.3 encourages and aids attainment of professional certification. During FFY 2025, the Division of OSH Compliance maintained three CSP employees, three GSP employees, one certified CHST employee, one dual Certified Industrial Professional (CIH)-CSP employee, one dual CSP-Associate Safety Professional (ASP) employee, one dual CSP-CHST employee and one ASP employee. One employee maintained his Asbestos Inspector License as well as International Code Council Building Inspector, Mechanical Inspector, Building Plans Examiner and Mechanical Plans Examiner certifications.

The Division of OSH Compliance and KYSAFE encourage and promote professional certification, maintaining dedicated position descriptions with increased salaries for the level of certification attained, paying for certification preparatory courses and paying for the certification examination after successful completion.

The Office of the Federal-State Coordinator maintained one dual CSP-ASP employee.

During FFY 2025, KYSAFE maintained one CIH employee, three dual CIH-CSP employees, one CSP employee, two GSP employees, one Occupational Hygiene and Safety Technician (OHST) employee, one dual CSP-CHST employee, one employee with CSP-CIH-OHST certification and one employee with CSP-ASP-OHST certification. Four employees maintained their Asbestos Inspector License. One employee maintained Certified Public Manager (CPM) certification.

Kentucky met the goal.

Performance Goal 3.4

Performance Goal 3.4 aims to develop and publish electronic learning products. In FFY 2025, KYSAFE added nine free interactive training webinars to the KYSAFE online library at kysafe.ky.gov (https://kysafe.ky.gov). The newly developed webinars were Agriculture and Farm Safety: Tractors, Welding Safety Webinar 1, Hazard Communication 2024 Webinar, Walkaround Rule Webinar, Machine Guarding, Hazard Communication Update Webinar, Mold Awareness Webinar, Flood Response Safety Webinar and Lockout/Tagout Webinar 2025.

Kentucky met the goal.

Performance Goal 3.5

Performance Goal 3.5 seeks to include photographs of actionable hazards in all consultation surveys. Photographs of actionable hazards were included in all safety consultation surveys. Photographs of actionable hazards were not included in one health consultation survey due to an area not being accessible.

Kentucky met the goal.

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Kentucky met the goal.

Section II

Mandated Activities

The Occupational Safety and Health Act and 29 CFR 1902 establish several mandated activities or core elements for any state plan program. Kentucky's Annual Performance Plan, while involving many of these core elements, does not address every mandated activity. Mandated core elements of Kentucky's OSH program are addressed in this section.

Unannounced Inspections, Including Prohibition Against Advance Notice Thereof

During FFY 2025, the Division of OSH Compliance conducted 682 unannounced inspections of work sites pursuant to KRS 338.101. Advance notice of inspections is prohibited and punishable under KRS 338.991(9).

Employee Involvement in Inspection Process

803 KAR 2:110 establishes that an authorized representative of the employees must be given an opportunity to accompany compliance officers during inspections. The Division of OSH Compliance contacts a representative(s) of employee-organized groups upon entry onto a site to afford employees' participation in the inspection process. Representatives of employee groups may participate in the inspection process by attending the opening conference, accompanying the inspector and employer on the walk-around and attending the closing conference. Employee representatives also are allowed to observe employee interviews. If no employee-organized group exists at the facility, employee interviews are conducted.

Following the inspection, 803 KAR 2:130 requires that employee representative(s), at the discretion of the commissioner, be afforded the opportunity to observe any informal conference requested by the employer. 803 KAR 50:010 allows the employee organization, or any interested employee, to intervene in any subsequent contest.

First Instance Sanctions Against Employers Who Violate the Act, Including Citations

KRS 338.141 mandates the issuance of citations for violations of any OSH requirement. The Division of OSH Compliance continued to improve Kentucky's work environment through enforcement operations, which include first-instance citations for violations of workplace safety and health standards and regulations.

The Division of OSH Compliance conducted 853 inspections in FFY 2025 that included 571 safety inspections and 282 health inspections. The following 682 inspections were unprogrammed, including 46 referrals; 243 employer referrals; 257 complaints; 102 unprogrammed related; 2 un-programmed follow-ups and 32 fatalities.

There were 269 inspections in the construction industry, 584 in general industry, 800 in the private sector and 53 in the public sector. The Division of OSH Compliance conducted 571 safety inspections, which constitutes 67% of total inspections conducted while health conducted 282 inspections, representing 33% of total inspections conducted.

There were 152 local-emphasis program (LEP) inspections, 28 ITA and 124 falls, resulting in 271 violations with penalties totaling $990,150. Of the 152 LEP inspections, 102 were programmed planned inspections resulting in 189 violations with penalties totaling $685,400.

In addition, 51 National Emphasis Program (NEP) inspections were conducted resulting in 134 violations, with penalties totaling $390,400. Of those, one was a programmed planned inspection resulting in seven violations, with penalties totaling $13,600.

Safety averaged 18.7 hours per case and health averaged 10.1 hours per case. Safety averaged 78.47 days from opening conference to citation issuance and health averaged 76.03 days from opening conference to citation issuance. There were 1,694 citations issued in FFY 2025, with penalties totaling $6,520,825. Citations included:

- There were 23 repeat violations and penalties issued totaling $605,650.
- There were 1,268 serious violations and penalties issued totaling $5,406,350.
- Other-than-serious violations totaled 403 with $508,825 penalties issued.
- There were 13 failures-to-abate (FTA) violations, with penalties issued totaling $950,400 and no willful violations. *

*At the time of report preparation, FFY 2025 willful violations were in process and pending issuance.

In FFY 2025, the total amount of penalties collected by the Division of OSH Compliance was $2,270,039. In FFY 2025, 126 of the 524 inspections with citations issued were contested, representing 24.05% of inspections with citations.

The Division of OSH compliance inspected establishments employing 281,243 employees and the inspections covered 28,481 employees. Fifty-eight private-sector violations were vacated pre-contest, which represents 4.93% of all violations. Fifteen private sector violations were vacated post-contest, representing 6.85% of all violations. Twelve violations or 1.07% of all violations were reclassified pre-contest and 27 violations or 13.24% of all violations were reclassified post-contest.

The overall penalty retention in FFY 2025 was 70.45%.

Ensuring Abatement of Potentially Harmful or Fatal Conditions

Hazardous conditions identified by Kentucky compliance officers and consultants are required to be abated. To ensure the correction of violations, KRS 338.991(4) provides specific penalties for any employer who fails to correct a cited violation. In addition, 803 KAR 2:060 establishes that employers must certify that each cited violation has been abated. Follow-up inspections may be conducted to verify that potentially harmful conditions have been abated. The division conducts follow-up inspections when necessary to ensure employers are complying with settlement provisions and abated hazards for fatality investigations. The division may conduct follow-up inspections when employers fail to provide abatement documentation. The Division of OSH Compliance conducted two follow-up inspections in FFY 2025, both related to complaint inspections. There were no inspections conducted to verify adherence to settlement provisions of fatality investigations because there were no applicable FFY 2024 fatality settlement agreements.

KRS 338.131(1) establishes the commissioner of Workplace Standards possesses the authority to issue an immediate abatement order in the event of ". . .an imminent danger which reasonably could be expected to cause death or serious physical harm." This ensures prompt abatement or removal of employees from the hazard. If an employer fails to comply with an abatement order issued under KRS 338.131(1), the Division of OSH Compliance must apply to the Franklin Circuit Court for an order to restrain such conditions or practices.

Serious hazards identified by KYSAFE consultants also must be corrected. Employers who fail to correct serious hazards identified in KYSAFE consultative surveys are subject to referral to the Division of OSH Compliance for inspection.

Prompt, Effective Standard Adoption and Promulgation

HB 50 of the 2017 General Session established a sunset for all executive branch administrative regulations based on a seven-year cycle. In response to the legislation, Kentucky undertook the significant task to update all OSH regulations since passage of the legislation and continues updating regulations as appropriate. No regulations were amended in FFY 2025 pursuant to HB 50. However, eight regulations were amended in FFY 2025. They were:

- 803 KAR 2:320E, Toxic and Hazardous Substances, effective November 19, 2024, and subsequently replaced by 803 KAR 2:320, effective July 1, 2025;
- 803 KAR 2:404E, Personal Protective and Lifesaving Equipment, effective June 12, 2025;
- 803 KAR 2:120E, Citations, effective July 22, 2025;
- 803 KAR 2:181E, Recordkeeping and Reporting Occupational Injuries and Illnesses, effective July 1, 2025;
- 803 KAR 2:241E, Repeal of 803 KAR 2:240, effective July 1, 2025;
- 803 KAR 2:250E, Discrimination, effective July 1, 2025;
- 803 KAR 2:260E, Appeal Procedure, effective July 1, 2025; and
- 803 KAR 2:310E, Medical Services and First Aid, effective July 1, 2025.

Another regulation, 803 KAR 2:110E, Employer and Employee Representatives, was amended the final day of FFY 2024 on September 30, 2024, and subsequently replaced by 803 KAR 2:110, effective in FFY 2025 on May 6, 2025.

Allocation of Sufficient Resources

The Kentucky OSH Program continued to match federal funding at the required rate. The state provides significant additional dollars beyond the federal match to meet program needs. Kentucky's ratio of state to federal funds for FFY 2025 was originally 72.5:27.5. After OSHA's July 14, 2024, funding increase, the ratio was 75.3:24.7.

Counteraction of Imminent Dangers

KRS 338.131 provides enforcement personnel with the authority to order that imminent danger conditions be immediately abated. Such authority includes the enforcement of necessary measures to avoid, correct or remove the imminent danger and prohibit the presence of individuals where the imminent danger exists. Reports of imminent danger are given the highest priority for inspection by the Division of OSH Compliance. The Division of OSH Compliance conducted 115 imminent danger inspections in FFY 2025.

Response to Complaints

Kentucky's statutes ensure that employees and their representatives have a right to notify the OSH Program of perceived workplace violations. KRS 338.121 requires a special inspection be conducted upon receipt of such notification, if reasonable grounds evidence any violation or danger in the workplace. The Division of OSH Compliance prioritizes the employee complaints it receives.

Valid formal complaints are scheduled for workplace inspections. Formal complaints are given priority based upon classification and gravity of the alleged hazard. Formal serious complaints, for example, are inspected within 30 days. However, it is stressed to compliance officers to respond within five days after assignment of the complaint.

Since the FFY 2021 baseline, total complaints received by the Division of OSH Compliance increased 100.41%. Formal complaints increased 10.32% in FFY 2025, with an overall formal complaint increase of 60.29% since the FFY 2021 baseline.

The Complaint Audit Log Report establishes the average response time to all complaints was 35.5 days for safety and 50.0 days for health. The Division of OSH Compliance's overall average for serious complaints was 45.9 days from the date the complaint was received to the date the inspection opened. The Complaint Audit Log indicates the average response time to complaints alleging other than serious hazards for safety was 42.0 days and 49.1 days for health. The division's overall average was 45.9 days for other-than-serious hazards from the date the complaint was received to the date the inspection opened.

Of the 1,956 complaints received in FFY 2025, 1,122 were processed as formal complaints resulting in 256 inspections and 752 were processed as informal complaints.

Response to Referrals

The Division of OSH Compliance responded to 382 referrals in FFY 2025 of which 243 were employer referrals. The average for safety referrals was 14.5 days and 10.4 days for health from the date of referral received to the date the inspection opened.

Fatality and Multiple Hospitalization Investigations

Only imminent danger investigations are given a higher priority than fatality investigations in the scheduling of inspections by the Division of OSH Compliance. It is the policy of the Division of OSH Compliance to investigate all job-related fatalities and hospitalizations of three or more employees as thoroughly and expeditiously as possible. There were (31) work-related fatalities in FFY 2025. There were no hospitalizations of three or more employees reported to the Division of OSH Compliance in FFY 2025.

Investigation of Discrimination and Employee Protection from Discrimination

The Division of OSH Compliance is responsible for the enforcement of the state's OSH anti-discrimination provisions. KRS 338.121(3) establishes protection to employees from reprisals which might result from the exercise of rights afforded by the OSH statutes. A system of citations, penalties, appeals to the OSH Review Commission and reinstatement authority by the secretary while final determination is pending before the Review Commission distinguishes the Kentucky anti-discrimination effort. When complainants contact the Division of OSH Compliance, they are informed of their discrimination rights, as are employees interviewed during OSH inspections. The Division of OSH Compliance also prints discrimination rights on the back of its business cards that are given to employees during inspections.

Since the inception of the Kentucky OSH Program, 803 KAR 2:240 allows any employee who believes he or she has been discriminated against to file a complaint within 120 days of the alleged violation, as opposed to the 30 days allowed by federal law. However, pursuant to HB 398, effective June 27, 2025, the time that an employee may file a discrimination complaint was amended to 30 days after the violation occurs. Amendment to KRS 338.121 also repealed reinstatement authority by the secretary while final determination is pending before the Review Commission.

During FFY 2025, the Division of OSH Compliance received 534 discrimination telephone inquiries and 165 formal complaints. Eighty-two of the 165 formal complaints were administratively closed and 83 were docketed for investigation.

Eleven of the 83 OSH discrimination cases docketed for investigation in FFY 2025 were resolved by determination; two cases were withdrawn; one case reached an agency-facilitated settlement agreement; one case reached an outside settlement agreement; one case was dismissed for a lack of cooperation; one case was determined to have no merit and four citations were issued.

During FFY 2025, 16 FFY 2024 OSH discrimination cases were administratively closed and 11 determinations for FFY 2024 cases were issued. One case was determined to have no merit, three cases reached an outside settlement agreement; three cases reached an agency-facilitated settlement agreement and four citations were issued.

During FFY 2025, the Division of OSH Compliance issued determinations for an additional two FFY 2023 investigations; one was determined to have no merit and one was an agency-facilitated settlement agreement. An additional 19 were administratively closed. Three determinations were issued for FFY 2022 cases, two were found to have no merit and one case reached an outside settlement agreement. There were two determinations issued on FFY 2021 cases, with one determined to have no merit and one reaching an outside settlement agreement. There are currently 10 cases in contest and two in litigation.

At the time of report preparation, there are currently 90 active KY OSH Discrimination investigations. All COVID-19 related cases are fully resolved.

Ensuring Employee Access to Information on Exposure to Toxic or Harmful Agents (continued)

- One inspection related to carbon dioxide, with no violations and penalties.
- One inspection related to formaldehyde, with no violations and penalties.
- One inspection related to hexavalent chromium, with four violations and penalties totaling $13,000.
- One inspection related to 29 C.F.R. 1910.1020, opened in September 2024. Citations were issued February 2025, with one violation and penalties totaling $4,750.

The 174 inspections identified in the breakdown above exceed the total number of inspections relating to toxic material and harmful agents because of the overlapping categories.

Coverage of Public Employees

KRS Chapter 338 "Occupational Safety and Health of Employees" establishes definitions for employers and employees which do not exclude public employers and public employees. The exclusions to KRS Chapter 338 cover only employees of the United States government and places of employment over which federal agencies other than OSHA have exercised statutory authority. In addition, written opinions of the Kentucky Office of the Attorney General support the cabinet's position that public employees are included in the Kentucky OSH Program's jurisdiction. Therefore, Kentucky's public employers and employees are subject to the same requirements, sanctions and benefits as Kentucky's private sector employers and employees. Consequently, Kentucky statutes, regulations and policies make no distinction between public and private sector employers and employees. During FFY 2025, the Division of OSH Compliance conducted 53 inspections of public sector work sites, including four fatality inspections, 11 complaint inspections, 27 referral inspections, 24 employer-reported referrals, seven unprogrammed-related inspections, three programmed-planned inspections and one programmed-related inspection. The 53 public-sector inspections represent 6.21% of the total number of FFY 2025 Division of OSH Compliance inspections.

Services offered by KYSAFE are available to state and local public agencies in the same manner and to the same degree as private-sector employers. During FFY 2025, KYSAFE provided 45 training sessions to public-sector employers and employees totaling 717 participants. KYSAFE conducted 340 safety and health consultative surveys in public-sector facilities resulting in the identification of 2,411 serious hazards and 841 other-than-serious hazards.

Recordkeeping and Reporting

KRS Chapter 338.161 Statistical records - Posting of notices requires employers keep, preserve and make available to the Kentucky OSH Program and the secretary of the U.S. Department of Labor or the secretary of the U.S. Department of Health and Human Resources, records relating to occupational safety and health as may be prescribed by regulation.

803 KAR 2:181 specifically addresses occupational injury and illness recordkeeping, as well as reporting fatalities, hospitalizations and eye loss to the Division of OSH Compliance. Employers must report the death of an employee because of a work-related incident, including death resulting from a heart attack, within eight hours from when the death is reported to the employer, the employer's agent or another employee. Employers must also report the work-related amputation, loss of an eye or hospitalization, including hospitalization resulting from a heart attack, within 72 hours after the employer, the employer's agent or another employee is informed of the incident. However, pursuant to HB 398 of the 2025 General Session, effective June 27, 2025, and subsequent amendment of 803 KAR 2:181, all employers must report the work-related amputation, loss of an eye or hospitalization, including hospitalization resulting from a heart attack, within 24 hours after the employer, the employer's agent or another employee is informed of the incident. The amendment to 803 KAR 2:181 also adopts the federal definition of amputation.

The Division of OSH Compliance inspection scheduling system prioritizes reported hospitalizations, amputations and eye loss injuries. This allows compliance resources to be focused on serious hazards in the workplace. In FFY 2025, 427 hospitalizations were reported to the Division of OSH Compliance and 245 inspections were conducted with five repeat serious violations, 180 serious violations and 80 other-than-serious violations. Total penalties were $1,265,100.

In FFY 2025, 84 amputations were reported to the Division of OSH Compliance. Ninety-seven inspections were conducted with three repeat serious violations, 105 serious violations and 56 other-than-serious violations. Total penalties were $802,475.

In FFY 2025, one inspection was conducted related to a loss of eye injury that was not reported to the Division of OSH Compliance. The injury was discovered during a complaint investigation resulting in five serious violations and two other-than-serious violations, with penalties totaling $23,500.

Total penalties for violations related to amputation and hospitalization injuries in FFY 2025 were $1,651,225.

The Division of OSH Compliance initiated a local emphasis program in FFY 2022, continuing in FFY 2025, addressing the electronic submission of employer identification number (EIN) and injury and illness records. Data submitted by employers to OSHA assists in identifying trends in workplace hazards, developing KYSAFE outreach programs and evaluating the effectiveness of Kentucky enforcement activities. The Division of OSH Compliance inspected employers who failed to electronically submit their EIN and injury and illness data to OSHA. Twenty-eight inspections were conducted and 20 citations issued, with penalties totaling $35,350.

Education, Training and Consultation Services

The Kentucky General Assembly, in enacting the Commonwealth's occupational safety and health laws, clearly expressed in its Statement of Purpose and Policy found at KRS 338.011, that the means of preventing workplace injuries and illnesses was to include education, training and consultation services. The legislature created a Division of OSH Education and Training for Occupational Safety and Health to help serve this purpose.

Since 1973, the Division of OSH Education and Training has offered a full range of services, including free onsite consultation, technical assistance, training programs and publications.

The division also has a full range of partnership and recognition programs, including:

- One of the offerings is the Voluntary Protection Program (VPP), which is similar to OSHA's VPP.
- The Safety Partnership Program offers long-term assistance to smaller employers who have a history of high injury/illness rates and high workers' compensation costs.
- The Construction Protection Program (CPP) focuses specifically on partnering with contractors and builders to address the unique issues of the construction industry.
- The Kentucky SHARP mirrors the federal SHARP by encouraging small, high-hazard employers to operate exemplary safety and health management systems.
- The Governor's Safety and Health Award Program recognizes employers who have reached certain milestones without a lost work time injury or illness.

KYSAFE conducted 438 consultative surveys in FFY 2025, identifying and ensuring the abatement of 3,125 serious hazards. The division also conducted 64 training courses and reached 1,553 attendees in response to training requests from employers. Division staff members provided four onsite technical assistance visits and responded to hundreds of inquiries from public and private employers regarding OSH concerns.

The Kentucky OSH Program, through KYSAFE, offers a full range of education, training and consultation services to employers and employees in the commonwealth.

SECTION III

NOTEWORTHY ACCOMPLISHMENTS

Many daily activities of the Kentucky OSH Program result in accomplishments that are not easily measured. The impact of OSH personnel onsite presence, the hazards identified and corrected through inspection or consultation, and the injuries, illnesses and fatalities that were prevented, while critically important, are ones that do not easily lend themselves to being singularly classified as outstanding accomplishments. Nevertheless, the day-to-day efforts of Kentucky OSH field and office personnel should not go unrecognized. During FFY 2025, there were events, activities and results that merit attention as outstanding accomplishments.

Workplace Safety Savings

In FFY 2025, KYSAFE identified 3,127 serious hazards that exposed 61,668 employees and saved employers up to $21,889,000 in potential penalties. KYSAFE also identified 1,001 other than serious hazards that exposed 24,957 employees and saved employers $2,002,000 in potential penalties.

Voluntary Protection Partnership

Kentucky's VPP Program recognizes employers who have reached a level of excellence in their safety and health programs and removes them from programmed inspection lists. Detailed reviews of records and written programs, as well as intensive onsite surveys of worksite operations, assure that only companies with a strong commitment to workplace safety and health, institutionalized safety and health management systems in place and proven success maintaining a safe and healthful workplace, qualify for Kentucky's highest achievement recognition.

The Kentucky VPP sites are:

- ABB, Louisville
- Cintas, Grayson
- Cintas 55M, Somerset
- Dow Performance Silicones, Carrollton
- General Electric Aerospace, Madisonville
- General Electric Aviation Infrastructure, Erlanger
- Kimberly-Clark, Owensboro
- L'Oreal (USA) Florence Manufacturing, Florence

- Marathon Big Sandy Asphalt Terminal, Catlettsburg
- Marathon Pipe Line LLC, Grayson
- Marathon Pipe Line, LLC, Lebanon Junction

Section III: Noteworthy Accomplishments

Compliance Emphasis on Serious Hazards (continued)

Information presented in this report reflects accurate data for the period sampled. Some case files have matured since preparation of this report while others are still working through the process. Subsequently, some of the aforementioned information may vary if resampled. It is important to note that at the time of report preparation, there were 389 FFY 2025 open enforcement inspections. The data has not fully matured.

Noteworthy citations issued in FFY 2025 include:

- In November 2024, citations were issued to a general-industry employer, with penalties totaling $172,000 related to a fatality inspection. There were two repeat serious violations related to lockout/tagout violations. There were five serious violations related to walking-working surfaces, portable ladders, fall protection, machine guarding and electrical violations.
- In December 2024, citations were issued to a general-industry employer, with penalties totaling $66,500 related to a fatality inspection. There were 15 serious violations related to permit-required confined space as well as lockout/tagout violations.
- In December 2024, citations were issued to a general-industry employer with penalties totaling $65,600 related to an employer-reported referral. There were two repeat serious violations related to fall protection. There were two serious violations related to housekeeping and lockout/tagout.
- In January 2025, citations were issued to a public-sector employer with penalties totaling $59,150 related to a programmed planned inspection. There was one serious general duty violation, and 13 serious violations related to exit routes, personal protective equipment, lockout/tagout, servicing multi- and single-piece rim wheels, powered industrial trucks and electrical violations. There were nine other-than-serious violations for failure to post or keep posted notices informing employees of their OSH protections and obligations, failure to provide OSHA 300 log, as well as exit route, portable fire extinguishers and electrical violations.

- In January 2025, citations were issued to a general-industry employer, with penalties totaling $50,400 related to a programmed planned inspection. There were 19 serious violations related to first aid, eye wash and emergency shower, scaffolding, emergency action plan, fuel storage, machine guarding, bloodborne pathogens and hazard communication. There was one other than serious hazard communication violation.
- In January 2025, citations were issued to a public-sector employer, with penalties totaling $65,100 related to a programmed planned inspection. There were 18 serious violations related to fall protection, first aid, exit routes, emergency action plans, fire prevention plans, compressed gases, lockout/tagout, portable fire extinguishers, servicing multi- and single-piece rim wheels, machine guarding, abrasive wheel machinery, guarding of portable powered tools, arc welding and cutting and electrical violations.
- In January 2025, citations were issued to a construction employer, with penalties totaling $46,900 related to a complaint inspection. There were nine serious violations related to fall protection, bloodborne pathogens, personal protective equipment, powered industrial trucks, reinforcing steel and ladder safety. There were two other than serious violations related to failing to maintain injury and illness records and fire protection.
- In January 2025, citations were issued to a public-sector employer, with penalties totaling $50,400 related to a fatality inspection. There were eight serious violations related to electrical and personal protective equipment violations.
- In February 2025, failure to abate citations were issued to a public-sector employer, with penalties totaling $306,000 related to a complaint inspection conducted in 2022. There were four serious safety violations related to walking-working surfaces as well as materials handling and storage.
- In February 2025, failure to abate citations were issued to a public-sector employer, with penalties totaling $248,000 related to a complaint inspection conducted in 2022. There were five serious industrial hygiene violations related to personal protective equipment. There was one other than serious industrial hygiene violation related to hazard communication.
- In February 2025, citations were issued to a construction employer, with penalties totaling $45,300 related to a programmed planned inspection. There were eight serious violations related to scaffolding, fall protection and ladders. There was one first aid other than serious violation.
- In February 2025, citations were issued to a construction employer, with penalties totaling $43,750 related to a programmed-related inspection. There were 13 serious violations related to personal protective equipment and scaffolding. There was one first aid other-than-serious violation.

- In February 2025, citations were issued to a public-sector employer, with penalties totaling $43,000 related to an employer-reported referral inspection. There were seven serious violations related to personal protective equipment and electrical violations.
- In February 2025, citations were issued to a general-industry employer, with penalties totaling $121,000 related to a referral inspection. There were two repeat serious violations related to blocked pathways and exit routes. There were two other-than-serious violations related to unclear exit routes and failure to meet minimum exit route width requirements.
- In March 2025, citations were issued to a construction employer, with penalties totaling $75,000 related to a programmed-planned inspection. There was one repeat serious violation related to walking-working surfaces as well as four serious violations related to material hoists.
- In May 2025, citations were issued to a general industry employer, with penalties totaling $58,000 related to a fatality inspection. There was one repeat serious violation for failure to perform PPE hazard assessment as well as three serious violations related to general duty, first aid and lack of PPE violations.
- In May 2025, citations were issued to a general-industry employer, with penalties totaling $52,500 related to an employer-reported referral inspection. There was one repeat serious violation related to machine guarding as well as two serious violations related to a lack of PPE and the control of hazardous energy.
- In June 2025, citations were issued to a general-industry employer, with penalties totaling $68,200 related to a complaint inspection. There were nine serious violations related to general duty, control of hazardous energy and machine guarding violations. There were three other-than-serious violations for failure to timely report an amputation, failure to report a mechanical power press injury and failure to include elements related to bloodborne pathogens in the exposure control plan.
- In July 2025, citations were issued to a general-industry employer, with penalties totaling $49,350 related to a fatality inspection. There were 11 serious violations related to lack of emergency eyewash station, walking-working surfaces, permit-required confined spaces, hazard communication and lack of safety data sheets. There was one other-than-serious violation related to lack of OSHA 300A log.

- In August 2025, citations were issued to a general-industry employer, with penalties totaling $49,000 related to a complaint inspection. There were 16 serious violations related to failure to establish and implement a written respiratory protection program, respirator use, respirable crystalline silica (RCS) exposure levels, lack of a written exposure control plan for those exposed to RCS, allowing dry sweeping/dry brushing in RCS exposed area, allowing compressed air to clean clothing and surfaces contributing to employee exposure to RCS, failure to make medical surveillance available to employees exposed to RCS, lack of a hazard communication program, lack of employee information and training for those exposed to RCS and failing to provide safety data sheets. There was one other-than-serious violation for failure to verify workplace hazard assessments through written certification.
- In August 2025, citations were issued to a general-industry employer, with penalties totaling $84,000 related to an employer-reported referral inspection. There were two repeat serious violations related to the control of hazardous energy and machine guarding. There was one serious violation for failure to prevent employee exposure to crushing and struck-by hazards. There were four other than serious violations for failure to ensure periodic inspections were performed on equipment where energy control procedures were utilized, failure to prepare an exposure determination and lack of training records.

Pursuant to KRS 338.191, all penalties were assessed using $70,000 as the maximum penalty for a willful violation, $70,000 as the maximum for a repeat serious violation and $7,000 as the maximum for a serious violation.

Emphasis Program

The Division of OSH Compliance initiated a local emphasis program in FFY 2022 addressing the electronic submission of injury and illness records and the EIN. Data submitted by employers to OSHA assists in identifying trends in workplace hazards, developing KYSAFE outreach programs and evaluating the effectiveness of Kentucky enforcement activities. The Division of OSH Compliance inspected employers who failed to electronically submit their injury and illness data and EIN to OSHA. The Division of OSH Compliance conducted 28 inspections in FFY 2025; 20 citations were issued with penalties totaling $35,350.

Combustible Dust

The former Labor Cabinet entered into an interagency agreement in 2005 with the Office of Housing, Building and Construction, Division of Fire Prevention (state fire marshal). Under the agreement, during the inspection of industrial facilities by the state fire marshal in which the potential for combustible dust hazards may exist, the state fire marshal informs employer representatives of education and technical assistance services that are available from KYSAFE. If there are safety and health issues, the state fire marshal will make a referral to the Division of OSH Compliance.

If the Kentucky OSH program becomes aware of the existence of fire and safety issues, it will notify the state fire marshal. Both the state fire marshal and the Division of OSH Compliance will cooperate in the investigation of all fires and explosions involving combustible dust. The Education and Labor Cabinet and state fire marshal continue to identify facilities and conduct joint investigations, when necessary, where combustible dust hazards exist.

The Division of OSH Compliance conducted five inspections in FFY 2025 related to combustible dust that identified four violations with penalties totaling $13,750.

Occupational Poison Alerts

The Division of OSH Compliance receives notices of incidents involving occupational exposure to toxins and poisons from the Kentucky Regional Poison Control Center of Kosair Children's Hospital. The notices make the Division of OSH Compliance aware of events that may have been overlooked. Many notices resulted in citations and penalties. This informal arrangement and notice provide a mechanism to protect employees from future exposures. During FFY 2025, the Division of OSH Compliance received 63 notices from the Poison Control Center that resulted in one inspection.

Professional Development

The Division of OSH Compliance and KYSAFE are committed to developing and maintaining an experienced and diverse staff. Both divisions encourage professional development as well as professional certification. The Division of OSH Compliance followed OSHA's TED 01-00-019, Mandatory Training Program for OSHA Compliance Personnel during FFY 2025. KYSAFE utilized Training Education Directive (TED) 01-00-018 as guidance for training newly hired employees.

During FFY 2025, KYSAFE maintained one CIH employee, three dual CIH-CSP employees, one CSP employee, two GSP employees, one OHST employee, one dual CSP-CHST employee, one employee with CIH-CSP-OHST certification and one employee with CSP-ASP-

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The Office of the Federal-State Coordinator maintained one dual CSP-ASP employee.

During FFY 2025, the Division of OSH Compliance maintained three CSP employees, three GSP employees, one certified CHST employee, one dual CIH-CSP employee, one dual CSP-ASP employee, one dual CSP-CHST employee and one ASP employee. One employee maintained his asbestos inspector license as well as International Code Council building inspector, mechanical inspector, building plans examiner and mechanical plans examiner certifications.

Focused OSH Public Speaking and Presentations

The Kentucky OSH Program continues to serve as a resource for associations, employers, organizations, etc., requesting specialized and insightful speakers addressing various OSH-related topics. KYSAFE conducted 40 face-to-face training courses in response to employer-specific requests that reached 1,117 attendees. Twenty-four training sessions were presented at four POP Center training seminars 414 participants attended. The training sessions addressed subjects such as safety and health management system, OSH overview, injury/illness recordkeeping, powered industrial trucks, safety and health hazard awareness, basic electrical safety, excavation and trenching, silica, walking/working surfaces, hazard communication, personal protective equipment, falls, permit-required confined spaces, bloodborne pathogens, welding, cutting and brazing, machine guarding and lockout/tagout.

KY OSH compliance officers and KYSAFE consultants actively participated in the National Utility Contractors Association Kentucky Chapter 2nd Annual Live Trench Training. KY OSH Program staff also spoke at events presented by the Kentucky League of Cities and the Kentucky Association of Counties.

Attendance and positive feedback demonstrate that Kentucky OSH Program staff participation at such events is beneficial for the cabinet, employers and employees.

Standards Interpretation and Development

The Office of the OSH Federal-State Coordinator provided 633 OSH interpretations and inquiry responses during FFY 2025.

Natural Disaster Outreach

Kentucky experienced multiple natural disasters in recent years, including events in 2025. In February 2025, a storm system dumped significant rain and snow causing record-breaking floods across Kentucky, with over seven inches of rain in 48 hours. This affected communities that were still rebuilding from the deadly 2022 flooding in eastern Kentucky. Additionally, heavy rain and thunderstorms experienced April 2-6, 2025, further exacerbated the situation, impacting water infrastructure and prompting outreach to affected areas. Widespread flash flooding occurred over the lower Ohio Valley resulting in major river flooding and road closures, with seven fatalities across the state. May was another destructive month with 15 tornadoes, severe storms and straight-line winds that affected several areas in Kentucky. In the evening of May 16, a large EF4 tornado struck the cities of Somerset and London. The tornado's path spanned across Russell, Pulaski and Laurel counties and traveled an estimated 55.6 miles. The tornado had peak winds of 170 mph and was almost one mile wide.

Widespread damage occurred in the towns of Eli, Gosser Ridge, Nancy, Somerset and London and 19 people died. The event is the deadliest tornado in eastern Kentucky. As a result, on May 23, Kentucky was declared a major disaster area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.5121 et seq. (the "Stafford Act"). In April and May, KYSAFE dispatched two-person teams to 24 counties to provide PPE and educational materials. Nearly 300 hours were spent on various sites affecting 3,735 individuals. KYSAFE sent training materials and PPE to 13 county and city governments that requested assistance.

Annual Governor's Safety and Health Conference and Exposition

The Annual Governor's Safety and Health Conference and Exposition was held August 6-8, 2025, in Owensboro. The event, co-sponsored by the Education and Labor Cabinet and the Kentucky Safety and Health Network, Inc., is the largest safety and health exposition in the commonwealth. A wide variety of OSH topics addressing pertinent safety and health issues was presented by top safety and health professionals. The 2025 event also featured an exposition hall that offered attendees an opportunity to see the latest products, services and technologies at the largest gathering of its kind in Kentucky.

Governor's Safety and Health Award

The Governor's Safety and Health Award is presented to employers and employees who together achieve a required number of hours worked without experiencing a lost time injury or illness. Fifty-five Kentucky employers received the award in FFY 2025. Education and Labor Cabinet leadership traditionally present the award at the employer's facility or at the Annual Governor's Safety and Health Conference and Exposition. Twenty-two companies received the Governor's Safety and Health Award at their facility and another 25 companies received the award at the Annual Governor's Safety and Health Conference and Exposition. Eight establishments chose to receive their Governor's Safety and Health Award by mail.

Collection of Delinquent OSH Penalties

Pursuant to KRS 45.239(4) and 45.241, the Kentucky OSH Program entered into an agreement with the Kentucky Department of Revenue in FFY 2013 to collect delinquent debts. Employers who have outstanding OSH debts are reported to the Department of Revenue for collection and further action, including:

- One action involves adding a 25% collection fee to the total debt to defray the collection cost.
- Another action could involve filing a notice of state lien. The filing of a lien is reflected in credit reports maintained by various credit bureaus.
- Other action may involve seizing all property rights, both real and personal. This includes, but is not limited to, the attachments of any funds held by a bank, any wages paid to the employer, as well as the seizure and sale of any real estate.
- In addition, action could involve using any tax refund or other monies that may become due to the employer from the Commonwealth of Kentucky to offset the outstanding debt.

The effort has proven successful. Delinquent debts have been collected by the Department of Revenue and returned to the OSH Program. Additionally, the OSH Program has seen an increase in employers' efforts to resolve debt payment to avoid being reported to the Department of Revenue. Since October 2013, the Division of OSH Compliance submitted 385 cases to the Department of Revenue for collection totaling $4,260,600.67. To date, $2,278,003.04 has been collected.

KYSAFE eLearning

The cabinet recognized the need to make occupational safety and health training more accessible and economical for all of Kentucky's employers and employees and charged the OSH Program with achieving the goal. The Kentucky OSH Program applied for, and received, a one-time federal award in FFY 2011 to purchase web conferencing software, a video editing computer and video equipment. After much planning and preparation, the cabinet launched an online workplace safety and health training website, kysafe.ky.gov (https://kysafe.ky.gov), the same year. Employers and employees have free, 24/7 access to a variety of OSH webinars and training courses. The eLearning program has grown by leaps and bounds since its launch. To date, over 600,000 participants have utilized the website resulting in over 820,000 page views.

Webinars are streamed and provide real-time instruction and offer immediate feedback to participants. Advanced registration for webinars is required and is free to all participants. As each webinar is presented, it is recorded and available for review at any time.

KYSAFE added nine free interactive webinars to the KYSAFE online library at kysafe.ky.gov (https://kysafe.ky.gov). The newly developed modules were Agriculture and Farm Safety: Tractors, Welding Safety Webinar 1, Hazard Communication 2024 Webinar, Walkaround Rule Webinar, Machine Guarding, Hazard Communication Update Webinar, Mold Awareness Webinar, Flood Response Safety Webinar and Lockout/Tagout Webinar 2025.

Kentucky is particularly proud that kysafe.ky.gov (https://kysafe.ky.gov) was created, designed and developed solely by KYSAFE staff. In addition to performing their full plate of regular duties, KYSAFE consultants compose all course content. A division training development specialist assists with presentation and production details.

Heat Campaign

Since 2011, KYSAFE has participated in the heat awareness campaign and conducted concentrated statewide efforts to educate the working public concerning the hazards of working in the summer heat. The efforts targeted construction as well as general industry.

Kentucky continued the outreach in FFY 2025. Heat stress education was promoted by KYSAFE in FFY 2025 through in-person outreach and online training. KYSAFE participated in the June 24-26 H2OSHA Heat Outreach Campaign in Lexington, Louisville, Frankfort, Lawrenceburg and Shelbyville. During this event, KYSAFE consultants provided heat stress training materials, water bottles and cooling towels to nearly 900 employees. KYSAFE presented one in-person heat stress education class and discussed heat stress at all POP Center classes. The cabinet's eLearning website hosts the interactive Heat Stress Awareness for Construction and General Industry module, Heat Stress Awareness Track Program, Occupational Heat Planning, as well as the Occupational Heat Exposure and Occupational Heat Exposure-Masks and Heat Stress webinars. The Heat Stress NEP 2022 Webinar presented in English and Spanish, is posted on the KYSAFE eLearning website at kysafe.ky.gov (https://kysafe.ky.gov). In total, consultants reached 19,181 employees during heat stress outreach efforts including onsite training, site surveys, partnership programs and other events.

In July 2020, KYSAFE initiated a short webinar series ("SWS") to address hazard alerts and regulation updates. SWS duration are 30 minutes or less. Three SWS products were developed in 2025: SWS Walkaround Rule Webinar, Hazard Communication 2024 Update and Mold Awareness.

The modules and webinars were viewed 1,963 times in FFY 2025.

In FFY 2023, all compliance officers and KYSAFE consultants were issued a WetBulb Globe Temperature (WBGT) meter and trained on the use of the instrument. Beginning August 1, 2023, all KYSAFE consultants and all Division of OSH Compliance enforcement officers utilized the WBGT meter to address heat-related issues during applicable KY OSH Program onsite activities. The initiative continued in FFY 2025.

KYSAFE Mobile App

The KYSAFE mobile app launched in late September 2019. The app is a free resource that can be downloaded from the Google Play Store as well as the Apple App Store. Users can watch videos, view a calendar of free KYSAFE training events, see a directory of KYSAFE managers, receive OSH news and messages and connect to the KYSAFE website. The app also features a messaging function to report a hazard(s) or violation(s) with a photograph and provides the OSH Program with a drop pin location.

Latino Community Outreach

KYSAFE utilized multiple avenues to provide outreach to the Latino population throughout the state in FFY 2025. Ads in Spanish were developed and published in the El Kentubano magazine on several topics including heat stress, fall protection, silica, trenches and ladder safety. El Kentubano is a monthly publication with 9,000 copies distributed in more than 150 locations. Free copies of each edition were distributed strategically in high-traffic locations such as grocery stores, markets, restaurants, doctors' offices, salons and barber shops.

KYSAFE staff attended a Latino event to distribute water bottles with the "Water, Rest, Shade" logo containing heat stress information in English and Spanish as well as safety and health Quick Cards. KYSAFE reached over 300 individuals at the event.

A commercial was developed to air on Spanish radio stations to advise listeners of the dangers of heat and other KYSAFE resources. It reached over 45,000 listeners. The KYSAFE Partnership Program also provided its first-ever Spanish VPP auditor class.

ELC KENTUCKY
WCAG 2.1 AA
ADA COMPLIANT
WCAG 2.2 AA compliant: August 31, 2026