



MINUTES
KENTUCY OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
PUBLIC MEETING

There was an annual meeting of the Kentucky Occupational Safety and Health Standards Board, hereinafter referred to as Board, held in the Nunn Room at The Galt House in Louisville, Kentucky on Tuesday, May 5, 2009 at 1:30 p.m.

Chairman J. R. Gray called the meeting to order and Ms. Lisa Barker called the roll. The following members were in attendance: Ms. Alison Muth, Mr. Vaughn Plummer, Ms. Lisa Winchester, Mr. John Brothers, Ms. Donna Haynes, Mr. David Folk, Mr. David Hart, Ms. Donna Ringo, Ms. Savannah Wade, and Ms. Pamla Wood. Also present representing the Kentucky Labor Cabinet were the Honorable David Suetholz and Mr. Chuck Stribling.

Chairman Gray thanked returning Board members Ms. Wade and Mr. Hart. Chairman Gray stated that the Board is virtually new and proceeded to swear in the new members. Chairman Gray expressed appreciation and gratitude for those willing to serve.

Chairman Gray asked for a motion to approve the Minutes from the last meeting on May 6, 2008. Ms. Wade made the motion, seconded by Mr. Hart. The Chairman asked for questions or comments and there being none, called for a vote. The motion passed unanimously.

Chairman Gray recognized Ms. Kristi Redmon, Health Standards Specialist, Kentucky Labor Cabinet, to brief the Board regarding the "Clarification of Employer Duty to Provide Personal Protective Equipment and Train Each Employee," final rule published in the December 12, 2008, *Federal Register*. Personal Protective Equipment (PPE) is necessary to protect employees from injury or illness and is required by many standards in 29 Code of Federal Regulations (CFR) Parts 1910, 1917, 1918, and 1926. Generally, the PPE standards require the employer to provide PPE when necessary while other standards require specific types of PPE for specific circumstances. Training is important and the wording varies in many standards. Some state that each employee shall be trained while others state employees shall be trained. Other PPE standards state that the employer shall institute a training program. In this final rule, OSHA amends its standards to add language clarifying that PPE and training requirements impose a compliance duty to each and every employee. Also, non-compliance makes the employer liable on a per employee basis. The amendments add no new compliance obligations and instead clarify how they apply to each employee. Although adoption of this final rule is not required, OSHA requires state plan states ensure their PPE and training standards are at least as effective as the federal requirements. The Kentucky Occupational Safety and Health supports adoption of the final rule. Ms. Redmon stated that, if adopted, the final rule would amend Kentucky Administrative Regulations (KAR) 803 KAR 2:300, 2:306, 2:308, 2:311, 2:320, 2:402, 2:403, 2:417, 2:425, and 2:500.

Chairman Gray asked for questions or comments and there being none, called for a motion adopting the changes. Mr. Folk made the motion, seconded by Ms. Haynes. The Chairman asked for discussion or comments and there being none, called for a vote. The motion passed unanimously.

Chairman Gray called for Old Business. Hearing none, he moved to New Business. Chairman Gray recognized Mr. Bob Elkins, Safety Standards Specialist, Kentucky Labor Cabinet to brief the Board regarding the “Longshoring and Marine Terminals; Vertical Tandem Lifts” amendments published in the December 10, 2008, *Federal Register*. The requirements relate to the practice of lifting two (2) intermodal containers together, one (1) on top of the other and connected by semiautomatic twistlocks, known as a vertical tandem lift (VTL). The requirements permit VTLs of no more than two (2) empty containers provided certain safeguards are followed. Adoption of this rule was required by OSHA within six (6) months of publication in the *Federal Register*. Chairman Gray adopted this final rule on January 12, 2009 pursuant to Kentucky Revised Statute 338.051. Mr. Elkins stated that the final rule amended 803 KAR 2:500. Ms. Wade thanked Chairman Gray for taking care of this adoption in a timely manner.

The Chairman called for other New Business and there being none called for a motion to adjourn. Mr. Brothers made the motion, seconded by Ms. Wade. The Chairman called for a vote. The motion passed unanimously and the meeting adjourned at 2:10 p.m.