



MINUTES
KENTUCKY OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
PUBLIC MEETING

The annual meeting of the Kentucky Occupational Safety and Health Standards Board was held in the Breathitt Room at The Galt House in Louisville, Kentucky on Tuesday, May 10, 2011 at 1:30 p.m.

Chairman Mark S. Brown called the meeting to order. Ms. Lisa Barker called the roll. The following members were in attendance: Mr. John Brothers, Mr. David Hart, Ms. Donna Haynes, Ms. Alison Muth, Mr. Vaughn Plummer, Ms. Donna Ringo, Mr. Isa Shabazz, Ms. Savannah Wade, Ms. Lisa Winchester and Ms. Pamla Wood.

Chairman Brown acknowledged the first item on the agenda to approve the Minutes from the last meeting on August 24, 2010. The Chairman asked for comments and there were none. Chairman Brown asked for a motion to be made. Ms. Haynes made the motion, seconded by Ms. Wade. The Chairman called for discussion, hearing none; he called for a vote. The motion passed unanimously.

Chairman Brown called for Old Business. Hearing none, he moved to the next agenda item.

Chairman Brown recognized Mr. Bob Elkins, Safety Standards Specialist, Kentucky Labor Cabinet to brief the Board regarding an amendment to "Cranes and Derricks in Construction;" final rule published in the August 9, 2010 *Federal Register* specifically Section 1926.1423 regarding fall protection. There are three parts to consider for amendment. The first is Subsection 1423(e) (1) (iii). This is for employees on a walking/working surface with an unprotected side or edge more than fifteen (15) feet above a lower level on horizontal lattice booms and the proposed amendment is to ensure the use of fall protection at ten (10) feet or more. The second is Subsection 1423(f). This is for employees who are on a walking/working surface near the draw edge and the amendment proposed is to ensure the use of fall protection at ten (10) feet. The third is Subsection 1423(h) (2). This is for employees who are erecting, climbing and dismantling work with an unprotected side or edge and the amendment proposed is to ensure the use of fall protection ten (10) feet above the lower level. Kentucky currently has ten (10) foot trigger heights in residential construction, steel erection, and scaffolding. This change would provide employees and employers in the construction industry uniform fall protection requirements. Additionally, the Labor Cabinet believes the ten (10) foot requirement will go far in protecting Kentucky workers. If these changes are adopted, they will amend Kentucky Administrative Regulation (KAR) 803 KAR 2:505. The Chairman asked for questions. The Chairman asked if there had been feedback. Mr. Elkins responded clarifying the details of three responses. One caller was against the change to ten (10) feet. The other two callers supported the change to ten (10) feet. The Chairman called for discussion. Ms. Ringo inquired of the details from the caller against the change to ten (10) feet. Mr. Elkins responded. Mr. Brothers asked if any of the questions were from people within the State. Mr. Elkins responded. Mr.

Brothers continues discussion. Ms. Wade asks for clarification on the tie off point. Mr. Elkins responded. Discussion continued. The Chairman called for further discussion. Ms. Haynes commented on dismantling scaffolding. The discussion continued. The Chairman commented on situations where regulations not enforced may have cost a life but stories are not spread where regulations saved a life. Mr. Hart asks about a body belt in relation to fall restraint systems. Mr. Elkins responded. The Chairman asked for further discussion. Hearing none, he called for a motion. Mr. Brothers made the motion, seconded by Mr. Shabazz. The Chairman called for a vote. The motion carried.

Chairman Brown recognized Ms. Kristi Redmon, Health Standards Specialist, Kentucky Labor Cabinet, to brief the Board regarding “29 CFR Parts 1910 and 1915 General Working Conditions in Shipyard Employment,” final rule published in the May 2, 2011 *Federal Register*. Ms. Redmon began with an explanation of the jurisdiction of Maritime work in Kentucky. Clarifying the employees under the Kentucky OSH program jurisdiction are public sector like city, county or state government employees. All other Maritime employees in Kentucky are subject to Federal OSHA jurisdiction. The rule amends several areas of shipyard employment regulations including definitions, housekeeping, lighting, utilities, working alone, vessel radar and communication systems, lifeboats, medical services and first aid, sanitation, placards and labels, boiler and piping system provisions. There are three (3) new shipyard employment regulations control of hazardous energy, motor vehicle safety equipment, maintenance and operation, and servicing multi-piece and single-piece rim system. There are also three (3) general industry provisions amended by the Final Rule. One is specifications for accident prevention signs and tags. The second is the control of hazardous energy. The third is servicing multi-piece and single-piece rim systems. The amendments in the May 2, 2011 *Federal Register* are more stringent than what is effective in Kentucky. Additionally, Kentucky does not have an alternative. The Kentucky OSH Program supports the adoption of this final rule. If adopted, it will amend three (3) Kentucky Administrative Regulations (KARs) 803 KAR 2:309, 2:313, and 2:500. Chairman Brown called for questions. The Chairman asked for clarification on the public sector and private sector employees and the role of Kentucky and Federal OSHA. Ms. Redmon responded. Mr. Brothers asked a question regarding private employees in a government facility. Ms. Redmon responds. Ms. Wade joins the discussion. Ms. Redmon responds to her concerns. Chairman Brown asks for other questions or discussion. He asked if there were comments from the outside on the regulation. Ms. Redmon responds none were solicited due to the timeframe from release to this meeting. The Chairman asks for further discussion and there being none, called for a motion. Ms. Haynes made the motion, seconded by Mr. Plummer. The Chairman called for a vote. The motion carried.

Chairman Brown addressed the members of the Board regarding the expiration of their terms. To continue to serve, a letter can be sent to Mr. Geoffrey Dunn in the Governor’s Office or to Chairman Brown. The Chairman expressed appreciation to each member for continuing to serve.

Chairman Brown called for other business and hearing none addressed the audience. The Chairman asked for audience input into the meeting. He heard none.

Chairman Brown declared the meeting adjourned at 1:58 p.m.