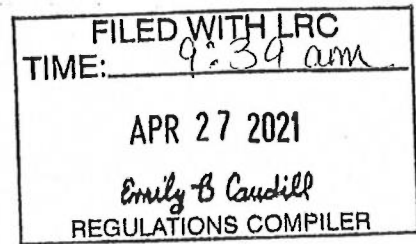


NOTICE

Amendment to 803 KAR 2:306, Occupational health and environmental controls, was filed with the Legislative Research Commission on April 27, 2021.

The amendment is posted at <https://legislature.ky.gov>. Select the Kentucky Law Tab, Kentucky Administrative Regulations, KAR List by Title, then Title 803 Labor Cabinet and scroll down to the regulation under Chapter 2 Occupational Safety and Health.

Changes to the regulation and public hearing information is available at the aforementioned website or in the pages below following this notice.



1 LABOR CABINET
2 Department of Workplace Standards
3 Division of Occupational Safety and Health Compliance
4 Division of Occupational Safety and Health Education and Training
5 (Amendment)
6 803 KAR 2:306. Occupational health and environmental control[s].
7 RELATES TO: KRS Chapter 338, 29 C.F.R. 1910.6, 1910.94-1910.98
8 STATUTORY AUTHORITY: KRS 338.051(3), 338.061
9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky
10 Occupational Safety and Health Standards Board to ~~[adopt and]~~ promulgate occupational safety
11 and health administrative regulations and authorizes the chairman to reference federal standards
12 without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes
13 the board to establish, modify, or repeal standards and reference federal standards ~~[necessary to~~
14 ~~accomplish the purposes of KRS Chapter 338].~~ This administrative regulation establishes the
15 occupational health and environmental control standards that are ~~[to be]~~ enforced by the
16 Department of Workplace Standards in general industry.
17 Section 1. Definitions. (1) "Act" means KRS Chapter 338.
18 (2) "Assistant Secretary ~~[of Labor]~~" means Secretary, Labor Cabinet, or Commissioner,
19 Department of Workplace Standards, Labor Cabinet.
20 (3) "C.F.R." means Code of Federal Regulations.
21 (4) "Standard" is ~~[means "occupational safety and health standard" as]~~ defined by KRS

1 338.015(3).

2 (5) "U.S. Department of Labor" means Kentucky Labor Cabinet, Mayo-Underwood Building, 3rd
3 Floor [U.S. 127 South], Frankfort, Kentucky 40601, or the U.S. Department of Labor.

4 Section 2. Except as modified by the definitions in Section 1 [~~of this administrative regulation~~]
5 and the requirements established in Section 3 of this administrative regulation, general industry
6 shall comply with 29 C.F.R. 1910, Subpart G, Occupational Health and Environmental Control
7 [~~the following federal requirements~~] published by the Office of the Federal Register, National
8 Archives and the Records Services, General Services Administration[=:

9 (1) ~~29 C.F.R. 1910.94-1910.98 and Appendices, revised July 1, 2013; and~~

10 (2) ~~The amendment to 29 C.F.R. 1910.97 published in the June 13, 2013 Federal Register,~~
11 ~~Volume 78, Number 114 and corrected and confirmed in the November 6, 2013 Federal~~
12 ~~Register, Volume 78, Number 215].~~

13 Section 3. Occupational noise exposure [~~Noise Exposure~~]. (1)(a) The language relating to
14 audiometric test requirements for occupational noise exposure in paragraph (b) of this subsection
15 shall apply in lieu of 29 C.F.R. 1910.95(h)(1).

16 (b) 1. Audiometric tests shall be pure tone, air conduction, hearing threshold examinations with
17 test frequencies including as a minimum 500, 1,000, 2,000, 3,000, 4,000, and 6,000 Hz.

18 2. Testing at 8,000 Hz shall be included in the audiometric tests for employers using audiometers
19 with that capacity and all audiometric tests shall include 8,000 Hz.

20 (2)(a) The language relating to audiometric test requirements for occupational noise exposure in
21 paragraph (b) of this subsection shall apply in lieu of 29 C.F.R. 1910.95(h)(4).

22 (b) 1. Audiometric examinations shall be administered in a room meeting the requirements listed
23 in 29 C.F.R. 1910.95, Appendix D, [=] Audiometric Test Rooms.

1 2. If an audiometric test room is located in a mobile test van, background sound pressure level
2 measurements shall be taken at each testing location.

3 (3)(a) The language relating to audiometric test requirements for occupational noise exposure in
4 paragraph (b) of this subsection shall apply in lieu of 29 C.F.R. 1910.95(h)(5)(ii).

5 (b) Audiometer calibration shall be checked acoustically at least annually in accordance with
6 subsection (7)(b) of this section[~~: Acoustic Calibration of Audiometers~~].

7 1. Test frequencies below 500 Hz and above 8,000 Hz may be omitted from this check.

8 2. Deviations of fifteen (15) decibels or greater shall require an exhaustive calibration.

9 (4)(a) The language relating to audiometric test requirements for occupational noise exposure in
10 paragraph (b) of this subsection shall apply in lieu of 29 C.F.R. 1910.95(h)(5)(iii).

11 (b)1. An exhaustive calibration shall be performed at least every two (2) years in accordance
12 with sections 4.1.2; 4.1.3; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National
13 Standard Specification for Audiometers, S3.6-1969.

14 2. Test frequencies below 500 Hz and above 8,000 Hz may be omitted from this calibration.

15 (5)(a) The language relating to access to information and training materials requirements for
16 occupational noise exposure in paragraph (b) of this subsection shall apply in lieu of 29 C.F.R.
17 1910.95(l)(1).

18 (b) The employer shall make available to affected employees or their representatives copies of
19 this standard and shall also post a notice of the availability of this standard in the workplace.

20 (6)(a) The language relating to exemptions to the administrative regulation for occupational
21 noise exposure requirements in paragraph (b) of this subsection shall apply in lieu of 29 C.F.R.
22 1910.95(o).

23 (b) 29 C.F.R. 1910.95(c) through (n) and subsections (1) through (5) of this section shall not

1 apply to employers engaged in oil and gas well drilling and servicing operations, agriculture, or
2 construction.

3 (7)(a) The language relating to acoustical calibration of audiometers for occupational noise
4 exposure in paragraph (b) of this subsection shall apply in lieu of 29 C.F.R. 1910.95, Appendix
5 E.

6 (b) Acoustic Calibration of Audiometers. 1. Subparagraphs 2 through 5 of this paragraph shall be
7 mandatory.

8 2. Audiometer calibration shall be checked acoustically, at least annually, according to the
9 procedures established in subparagraphs 2 through 5 of this paragraph.

10 a. The equipment necessary to perform these measurements shall be a sound level meter, octave-
11 band filter set, and a National Bureau of Standards 9A coupler.

12 b. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to
13 determine that the audiometer is within the tolerances permitted by American Standard
14 Specification for Audiometers, S3.6-1969.

15 3. Sound pressure output check. a. Place the earphone coupler over the microphone of the sound
16 level meter and place the earphone on the coupler.

17 b. Set the audiometer's hearing threshold level (HTL) dial to seventy (70) dB.

18 c. Measure the sound pressure level of the tones at each test frequency from 500 Hz through
19 8,000 Hz for each earphone.

20 d. At each frequency the readout on the sound level meter should correspond to the levels in
21 Table E-1 or Table E-2 of this administrative regulation, as appropriate for the type of earphone,
22 in the column entitled "sound level meter reading".

23 4. Linearity check. a. With the earphone in place, set the frequency to 1,000 Hz and the HTL dial

- 1 on the audiometer to seventy (70) dB.
- 2 b. Measure the sound levels in the coupler at each ten (10) dB decrement from seventy (70) dB
- 3 to ten (10) dB, noting the sound level meter reading at each setting.
- 4 c. For each ten (10) dB decrement on the audiometer the sound level meter shall indicate a
- 5 corresponding ten (10) dB decrease.
- 6 d. This measurement may be made electrically with a voltmeter connected to the earphone
- 7 terminals.
- 8 5.[a.] Tolerances. a. If any of the measured sound levels deviate from the levels in Table E-1 or
- 9 Table E-2 of this administrative regulation plus or minus three (3) dB at any test frequency
- 10 between 500 and 3,000 Hz, four (4) dB at 4,000 Hz, or five (5) dB at 6,000 Hz and 8,000 Hz, the
- 11 employer shall consider conducting an exhaustive calibration.
- 12 b. The employer shall conduct an exhaustive calibration if the deviations are greater than ten (10)
- 13 dB at any test frequency.

TABLE E-1
REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

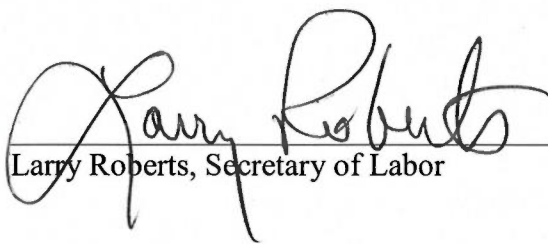
Frequency, Hz	Reference threshold level for TDH-39 earphones, Db	Sound level meter level meter reading dB
500	11.5	81.5
1000	7.07	77.0
2000	9.07	79.0
3000	10.0	80.0
4000	9.57	79.5
6000	15.5	85.5
8000	13.0	83.0

TABLE E-2
REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-49 EARPHONES

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter level meter reading, dB
500	13.5	83.5

1000	7.5	77.5
2000	11.0	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5
8000	13.0	83.0

As approved by


Larry Roberts, Secretary of Labor

Date April 26, 2021

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2021 at 10:00 am (ET). The meeting will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8) b (2020) and the continuing state of emergency. Public access to the meeting will be available at

<https://us02web.zoom.us/j/86731399141?pwd=Q2VOcDQ3ZkVBaUtoNERCMDNlKzZlZz09>, password 446261; or by telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378.

Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Robin Maples, OSH Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Telephone: (502) 564-4107, Facsimile: (502) 564-4769, Email: Robin.Maples@ky.gov.