

NEW LAW PREVENTS KENTUCKY OSHA FROM ADOPTING “STRICTER” SAFETY STANDARDS

Insights
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Starting on July 2, 2021, Kentucky’s state labor cabinet will no longer be allowed to adopt safety standards more stringent than what federal law requires, as state law will now run parallel to federal workplace safety statutes. Here’s what Kentucky employers need to know about this new law and how it might impact your business.

Where Are We Now?

If you operate a business in Kentucky, you’re probably familiar with the Kentucky Labor Cabinet’s Department of Workplace Standards, Division of Occupational Safety and Health Compliance (KOSH). It’s the state agency responsible for enforcing the provisions of the Kentucky Occupational Safety and Health Act, which aims to ensure that employers provide a safe working environment to their employees. Kentucky is one of 28 states authorized by the federal Occupational Safety and Health Administration (OSHA) to operate its own occupational safety and health program. Kentucky is also one of the few states that have chosen to adopt stricter safety standards – but that’s soon going to change.

Quick Recap of New Law

Thanks to H.B. 475, signed into law on March 29 and taking effect on July 2, all original provisions of the state safety law will be deleted. In its place will be a new section of the Act (KRS Chapter 338) to prohibit KOSH or its secretary from adopting or enforcing any occupational safety and health administrative regulation that is more stringent than the

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corresponding federal provision. Currently, most states rely on federal OSHA programs and therefore follow federal regulations. The new law brings Kentucky in line with most other states, ensuring that the state's OSHA-related regulations are no more stringent than those set by the federal government.

What Does This Mean (or Not Mean) for Kentucky Employers?

The new law does not mean that employers can slack concerning compliance with safety requirements. Under federal and Kentucky OSH law, you have a responsibility to provide a workplace free from serious recognized hazards and comply with standards, rules, and regulations issued under the OSH Act. The new law will, however, make compliance with safety standards a little less complicated as KOSH will be required to adopt federal OSH standards moving forward.

Ultimately, the best practice is to ensure you maintain compliance with state plans or federal OSHA by contacting your state's Occupational Safety and Health Program to determine if the state program comports with federal standards and policies, or reach out to your Fisher Phillips attorney.

For further information, contact the authors, your Fisher Phillips attorney, or any attorney in our [Louisville](#) office.

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