

CHAPTER 100

SAFETY AND HEALTH STANDARDS FOR
PUBLIC EMPLOYEES

Authority

N.J.S.A. 34:1-20, 34:1A-3(c), and 34:6A-25 et seq.,
specifically 34:6A-30, 31 and 32.

Source and Effective Date

R.2005 d.21, effective December 8, 2004.
See: 36 N.J.R. 4210(a), 37 N.J.R. 80(c).

Chapter Expiration Date

Chapter 100, Safety and Health Standards for Public Employees,
expires on December 8, 2009.

Chapter Historical Note

Chapter 100, General Provisions, was filed prior to September 1,
1969.

Chapter 100, General Provisions, was repealed, and Chapter 100,
Migrant Labor, was adopted as R.1975 d.101, effective April 16, 1975.
See: 7 N.J.R. 231(a).

Chapter 100, Migrant Labor, was repealed by R.1978 d.288, effective
August 16, 1978. See: 10 N.J.R. 258(a), 10 N.J.R. 400(d).

Chapter 100, Safety and Health Standards for Public Employees, was
adopted as new rules by R.1984 d.510, effective November 5, 1984.
See: 16 N.J.R. 2057(a), 16 N.J.R. 3051(a).

Subchapter 12, Asbestos, was adopted, and Subchapter 7, Standards
and Publications Referred to in This Chapter, was recodified as Sub-
chapter 17 by R.1986, d.285, effective July 21, 1986. See: 18 N.J.R.
811(b), 18 N.J.R. 1479(b).

Subchapter 9, Work in Confined Spaces, was adopted as R.1988
d.451, effective September 19, 1988. See: 20 N.J.R. 1523(a), 20 N.J.R.
2391(a).

Subchapter 11, Control of Hazardous Energy Sources, was adopted as
R.1989 d.238, effective May 1, 1989. See: 21 N.J.R. 620(a), 21 N.J.R.
1144(a).

Subchapter 8, Standards for Indoor Firing Ranges for Public
Employees, was adopted as R.1989 d.357, effective July 3, 1989. See:
21 N.J.R. 1094(a), 21 N.J.R. 1829(b).

Pursuant to Executive Order No. 66(1978), Chapter 100, Safety and
Health Standards for Public Employees, was readopted as R.1989 d.536,
effective September 22, 1989. See: 21 N.J.R. 2224(a), 21 N.J.R.
3299(b).

Subchapter 10, Standards for Firefighters, was adopted as R.1993
d.28, effective January 4, 1993. See: 24 N.J.R. 73(a), 25 N.J.R. 180(b).

Pursuant to Executive Order No. 66(1978), Chapter 100, Safety and
Health Standards for Public Employees, was readopted as R.1994 d.492,
effective August 26, 1994. See: 26 N.J.R. 2776(a), 26 N.J.R. 3872(b).

Subchapter 12, Asbestos, was repealed by R.1996 d.370, effective
August 5, 1996. See: 28 N.J.R. 2507(a), 28 N.J.R. 3801(a).

Subchapter 13, Indoor Air Quality Standard, was adopted as R.1997
d.109, effective March 3, 1997. See: 28 N.J.R. 4564(a), 29 N.J.R.
796(a).

Subchapter 9, Work in Confined Spaces, and Subchapter 11, Control
of Hazardous Energy Sources, were repealed by R.1998 d.574, effective
December 7, 1998. See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

Pursuant to Executive Order No. 66(1978), Chapter 100, Safety and
Health Standards for Public Employees, was readopted as R.1999 d.319,
effective August 26, 1999. See: 31 N.J.R. 1849(b), 31 N.J.R. 2755(c).

Subchapter 3A, Adoption of Standards, and Subchapter 7, Standard
for Hazard Communication, were adopted by R.2004 d.183, effective
May 7, 2004. See: 36 N.J.R. 150(a), 36 N.J.R. 2244(a).

Chapter 100, Safety and Health Standards for Public Employees, was
readopted as R.2005 d.21, effective December 8, 2004. See: Source and
Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:100-1.1 Purpose

The purpose of this chapter is to protect employees in the public sector by providing standards, which are at least as

effective as the standards promulgated under Section 6 of the Federal Occupational Safety and Health Act of 1970, 29 USC 651 et seq.

Recodified from N.J.A.C. 12:100-1.3 by R.1998 d.574, effective December 7, 1998.

See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

Former N.J.A.C. 12:100-1.1, Title and citation, repealed.

12:100-1.2 Scope

This chapter shall apply to all employers, employees, and agencies subject to N.J.S.A. 34:6A-25 et seq., New Jersey Public Employees Occupational Safety and Health Act.

Recodified from N.J.A.C. 12:100-1.4 by R.1998 d.574, effective December 7, 1998.

See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

Former N.J.A.C. 12:100-1.2, Authority, repealed.

Case Notes

OSHA standards adopted in New Jersey could be applicable to scaffold collapse incident or recognized as prevailing safety standards in community. *Sanna v. National Sponge Co.*, 209 N.J.Super. 60, 506 A.2d 1258 (App.Div.1986).

12:100-1.3 Documents referred to by reference

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 12:100-17.

Recodified from N.J.A.C. 12:100-1.5 and amended by R.1998 d.574, effective December 7, 1998.

See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

Changed N.J.A.C. reference. Former N.J.A.C. 12:100-1.3, Purpose, recodified to N.J.A.C. 12:100-1.1.

12:100-1.4 (Reserved)

Recodified to N.J.A.C. 12:100-1.2 by R.1998 d.574, effective December 7, 1998.

See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

12:100-1.5 (Reserved)

Recodified to N.J.A.C. 12:100-1.3 by R.1998 d.574, effective December 7, 1998.

See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

12:100-1.6 (Reserved)

Repealed by R.1998 d.574, effective December 7, 1998.

See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

SUBCHAPTER 2. DEFINITIONS

12:100-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

floor coverings, carpet, textiles, or other materials in the course of renovation or construction, the employer shall check product labels and Material Safety Data Sheets or seek and obtain information from the manufacturers of those products on whether or not they contain volatile organic compounds such as solvents, formaldehyde or isocyanates that could be emitted during regular use.

(c) The employer shall notify employees at least 24 hours in advance, or promptly in emergency situations, of work to be performed on the building that may introduce air contaminants into their work area.

Amended by R.2007 d.169, effective May 21, 2007.
See: 38 N.J.R. 5313(a), 39 N.J.R. 2122(b).

Rewrote (a); and in (b), inserted "selection and" and "and Material Safety Data Sheets", deleted "backing" following "carpet", and deleted the last sentence.

12:100-13.6 Recordkeeping

(a) The maintenance schedule shall be updated to show all maintenance performed on the building systems. The schedule shall include the date that such maintenance was performed and the name of the person or company performing the work.

(b) The records required to be maintained by this section shall be retained for at least three years.

(c) The records required to be maintained by this section shall be available on request to Department representatives for examination and copying.

(d) The records required to be maintained by this section shall be made available to employees and employee representatives for examination and copying upon written request as soon as possible after receipt by the employer of the written request, but no later than 10 working days from the date upon which the employer has received the request.

Amended by R.2007 d.169, effective May 21, 2007.
See: 38 N.J.R. 5313(a), 39 N.J.R. 2122(b).

Rewrote (b); and added (c) and (d).

12:100-13.7 Employer's response to a signed PEOSH complaint

(a) Within 15 working days of receipt by the employer of notification from the Department that a complaint has been filed against the employer under the Public Employees' Occupational Safety and Health Act, N.J.S.A. 34:6A-25 et seq., the employer shall respond in writing to the Department. The response may include any combination of the following:

1. A statement that the complaint is unfounded;
2. A description of any remedial action already taken;
3. An outline of any remedial measures planned but not yet taken with a timetable for completion; and/or

4. A statement that a study of the problem, with a timetable for completion of the study, has been initiated.

(b) Where remedial measures are planned or a study initiated, they shall be completed as soon as feasible. The employer shall submit, to the Department, a written report describing the remedial measures implemented and/or a copy of a study's report within 15 working days of completion.

(c) Permits for remedial work shall be obtained as required by N.J.A.C. 5:23 (the New Jersey Uniform Construction Code). All work requiring a permit shall be performed in compliance with N.J.A.C. 5:23.

Amended by R.2007 d.169, effective May 21, 2007.
See: 38 N.J.R. 5313(a), 39 N.J.R. 2122(b).

Section was "Employer's response to a signed complaint". Rewrote the introductory paragraph of (a).

12:100-13.8 Indoor air quality (IAQ) compliance documents

(a) In response to an employee complaint to the Department, the employer shall provide any of the following documents, if available, and requested by the Department:

1. As-built construction documents;
2. HVAC system commissioning reports;
3. HVAC systems testing, adjusting and balancing reports;
4. Operations and maintenance manuals;
5. Water treatment logs; and
6. Operator training materials.

SUBCHAPTERS 14 THROUGH 16. (RESERVED)

SUBCHAPTER 17. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

12:100-17.1 Documents referred to by reference

(a) The full title and edition of each of the standards or publications referred to in this chapter are as follows:

1. ACGHI, Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment (2003 Edition);
2. 29 CFR Part 1910, General Industry Standards;
3. 29 CFR Part 1926, Construction Industry Standards;
4. 29 CFR Part 1928, Agriculture;
5. IARC, International Agency for Research on Cancer Monographs;

6. NFPA 1971-1986, Protective Clothing for Structural Fire Fighting;
7. NFPA 1972-1987, Helmets for Structural Fire Fighting;
8. NFPA 1973-1988, Gloves for Structural Fire Fighting;
9. NFPA 1974-1987, Protective Footwear for Structural Fire Fighting;
10. NFPA 1975-1985, Station/Work Uniforms for Fire Fighters;
11. NFPA 1981-1987, Open-Circuit Self-Contained Breathing Apparatus for Fire Fighters;
12. NFPA 1982-1988, Personal Alert Safety Systems (PASS) for Fire Fighters;
13. NFPA 1983-1985, Fire Service Life-Safety Rope, Harnesses, and Hardware;
14. NFPA 1901-1991, Pumper Fire Apparatus;
15. NFPA 1902-1991, Initial Attack Fire Apparatus;
16. NFPA 1903-1991, Mobile Water Supply Fire Apparatus;
17. NFPA 1904-1991, Aerial Ladder and Elevating Platform Fire Apparatus;
18. NFPA 1914-1991, Testing Fire Department Aerial Devices;
19. N.J.A.C. 5:23, Uniform Construction Code;
20. N.J.A.C. 7:26, Solid Waste Regulations;
21. N.J.S.A. 34:6A-25 et seq., New Jersey Public Employees Occupational Safety and Health Act;
22. N.J.S.A. 34:13A-1 et seq., Employer-Employee Relations Act; and
23. NTP, National Toxicology Program Annual Report on Carcinogens (10th Edition).

Amended by R.1993 d.28, effective January 4, 1993.

See: 24 N.J.R. 73(a), 25 N.J.R. 180(b).

Revised (a)2; added new (a)3; redesignated existing (a)3-8 as (a)4-9; added new (a)10-23; redesignated existing (a)9-13 as (a)24-28.

Amended by R.1994 d.492, effective September 19, 1994.

See: 26 N.J.R. 2776(a), 26 N.J.R. 3872(b).

Amended by R.1998 d.574, effective December 7, 1998.

See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

Rewrote (a).

Amended by R.2004 d.183, effective May 3, 2004.

See: 36 N.J.R. 150(a), 36 N.J.R. 2244(a).

In (a), rewrote 1, added a new 5 and recodified former 5 through 19 as 6 through 22, and added 23.

12:100-17.2 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following Office of the Division of Public Safety and Occupa-

tional Safety and Health between the hours of 9:00 AM and 4:00 PM on normal working days:

New Jersey Department of Labor
Division of Public Safety and Occupational Safety
and Health
225 East State Street
Trenton, New Jersey

Amended by R.1998 d.574, effective December 7, 1998.

See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

Substituted references to the Division of Public Safety and Occupational Safety and Health for references to the Division of Workplace Standards throughout, and changed address.

12:100-17.3 Availability of documents from issuing organization

Copies of the standards and publications referred to in this chapter may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning, and are the organizations issuing the standards and publications listed in N.J.A.C. 12:100-17.1:

ACGIH American Conference of Governmental Industrial Hygienists
1330 Kemper Meadow Drive
Cincinnati, OH 45240

ANSI American National Standards Institute
25 West 43rd Street
New York, New York 10036

CFR Code of Federal Regulations
Copies available from:
Superintendent of Documents
Government Printing Office
Washington, DC 20402

or

U.S. Government Printing Office
Government Book Store
Robert Morris Building
100 North 17th Street
Philadelphia, PA
Phone: (215) 636-1900

CGA Compressed Gas Association Inc.
1235 Jefferson Davis Highway, Suite 509
Arlington, VA 22202

IARC International Agency for Research on Cancer
World Health Organization
150 Coms Albert Thomas
69372 Lyon CEDEX08
France

NFPA National Fire Protection Association
Batterymarch Park
Quincy, MA 02269

NIOSH National Institute of Occupational Safety and Health
Division of Technical Services
Cincinnati, Ohio 45226

NJAC	New Jersey Administrative Code Copies available from: Office of Public Employee Safety N.J. Department of Labor PO Box 386 Trenton, NJ 08625-0386	Amended by R.1993 d.28, effective January 4, 1993. See: 24 N.J.R. 73(a), 25 N.J.R. 180(b). Added "CGA" and "NFPA". Amended by R.1998 d.574, effective December 7, 1998. See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b). Inserted a name and address for the U.S. Government Printing Office for copies of the Code of Federal Regulations, and changed the name and address for copies of the New Jersey Statutes Annotated.
NJSA	New Jersey Statutes Annotated Copies available from: Public Safety and Occupational Safety and Health New Jersey Department of Labor PO Box 386 Trenton, NJ 08625-0386	Amended by R.2004 d.183, effective May 3, 2004. See: 36 N.J.R. 150(a), 36 N.J.R. 2244(a). Added the addresses for ACGIH, IARC and NTP; amended the address for ANSI.
NTP	National Toxicology Program US Department of Health and Human Services National Institutes of Health Sciences Research Triangle Park, NC 27709	