

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.2010 d.118, effective May 25, 2010.
See: 42 N.J.R. 128(a), 42 N.J.R. 1210(a).

Chapter Expiration Date

Chapter 100, Safety and Health Standards for Public Employees,
expires on May 25, 2015.

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Chapter 100, General Provisions, was repealed, and Chapter 100,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Chapter 100, Migrant Labor, was repealed by R.1978 d.288, effective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Subchapter 12, Asbestos, was repealed by R.1996 d.370, effective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 as new rules by R.2004 d.183,
effective May 3, 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: 36 N.J.R.
4210(a), 37 N.J.R. 80(c).

Subchapter 14, Shipyard Employment, Subchapter 15, Marine Ter-
minals, Subchapter 16, Longshoring, Subchapter 17, Gear Certification,
and Subchapter 18, Workshops/Rehabilitation Facilities, were adopted
as special new rules; and former Subchapter 17, Standards and Pub-
lications Referred to in this Chapter, was recodified as N.J.A.C. 12:100-
19 by R.2009 d.391, effective December 21, 2009 (to expire June 6,
2010). See: 41 N.J.R. 4830(a).

Chapter 100, Safety and Health Standards for Public Employees, was
readopted as R.2010 d.118, effective May 25, 2010. See: Source and
Effective Date. See, also, section annotations.

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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.

10. Subpart K—Medical and First Aid;
11. Subpart L—Fire Protection except that:
 - i. Paragraph 1910.155(a) and Section 1910.156 are not adopted.
12. Subpart M—Compressed Gas and Compressed Air Equipment;
13. Subpart N—Materials Handling and Storage;
14. Subpart O—Machinery and Machine Guarding;
15. Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment;
16. Subpart Q—Welding, Cutting, and Brazing;
17. Subpart R—Special Industries;
18. Subpart S—Electrical;
19. Subpart T—Commercial Diving Operations; and
20. Subpart Z—Toxic and Hazardous Substances.

(b) Only standards relating to employee safety and health (that is, substantive rules) are adopted by any incorporation by reference as prescribed in (a) above.

Amended by R.1986 d.285, effective July 21, 1986.
See: 18 N.J.R. 811(b), 18 N.J.R. 1479(b).

(a)18i added.

Amended by R.1987 d.241, effective June 15, 1987.
See: 19 N.J.R. 48(a), 19 N.J.R. 1098(a).

(a)9i added.

Amended by R.1987 d.425, effective October 19, 1987.
See: 19 N.J.R. 267(a), 19 N.J.R. 1909(a).

New (a)9 added; old 9-17 renumbered 10-18; old 18 repealed.

Amended by R.1987 d.439, effective November 2, 1987.
See: 19 N.J.R. 1533(a), 19 N.J.R. 2060(b).

Added text “in effect on December 19, 1986”.

Amended by R.1988 d.86, effective February 16, 1988.
See: 19 N.J.R. 2239(a), 20 N.J.R. 403(a).

Changed date from December 19, 1986 to September 11, 1987 and added (a)19.

Amended by R.1988 d.260, effective June 6, 1988.
See: 20 N.J.R. 726(a), 20 N.J.R. 1232(a).

Changed date for publication in the Federal Register from September 11, 1987 to December 31, 1987.

Amended by R.1988 d.436, effective September 6, 1988.
See: 20 N.J.R. 1334(a), 20 N.J.R. 2300(b).

Date changed from December 31, 1987 to April 6, 1988.

Amended by R.1989 d.82, effective February 6, 1989.
See: 20 N.J.R. 2995(a), 21 N.J.R. 299(b).

Date changed from April 6, 1988 to September 29, 1988.

Amended by R.1989 d.358, effective July 3, 1989.
See: 21 N.J.R. 1089(a), 21 N.J.R. 1829(a).

Date changed from September 29, 1988 to January 19, 1989, to include OSHA amendments to 29 CFR 1910 which were published in the Federal Register on January 19, 1989, and which include permissible exposure limits for airborne toxic and hazardous substances.

Amended by R.1989 d.476, effective September 5, 1989.
See: 21 N.J.R. 1646(a), 21 N.J.R. 2800(a).

Changes made to conform to the Code of Federal Regulations.

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)10i.

Amended by R.1993 d.171, effective April 19, 1993.
See: 25 N.J.R. 455(a), 25 N.J.R. 1771(b).

Revised (a).

Amended by R.1993 d.184, effective May 3, 1993.
See: 25 N.J.R. 890(a), 25 N.J.R. 1882(a).

Revised (a).

Amended by R.1993 d.308, effective June 21, 1993.

See: 25 N.J.R. 455(a), 25 N.J.R. 2688(b).

Amended by R.1993 d.323, effective July 6, 1993.

See: 24 N.J.R. 3607(b), 25 N.J.R. 2894(a).

Administrative Correction.

See: 27 N.J.R. 1805(b).

Amended by R.1996 d.370, effective August 5, 1996.

See: 28 N.J.R. 2507(a), 28 N.J.R. 3801(a).

In (a) substituted August 10, 1994 for May 27, 1992; in (a)19, Subpart Z, deleted the exclusion of the asbestos standard and deleted the incorporation by reference of 29 CFR Part 1910.1030; and deleted subsec. (c) relating to standards in conflict with the state Uniform Construction Code Act or the state Uniform Fire Safety Act.

Amended by R.1998 d.478, effective September 21, 1998 (operative March 21, 1999).

See: 30 N.J.R. 3476(b).

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

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

In (a), substituted “April 23, 1998 and any subsequent amendments thereto,” for “August 10, 1994” following “through” and inserted “upon publication in the New Jersey Register” following “adopted” in the introductory paragraph, rewrote 1, inserted a new 2, and recodified former 2 through 19 as 3 through 20.

Amended by R.1999 d.383, effective November 1, 1999.

See: 31 N.J.R. 3341(a).

Amended by R.1999 d.383, effective November 15, 1999.

See: 31 N.J.R. 3636(a).

Amended by R.1999 d.383, effective December 6, 1999.

See: 31 N.J.R. 4060(b).

Amended by R.2000 d.56, effective February 7, 2000.

See: 32 N.J.R. 448(b).

Amended by R.2001 d.323, d.324, d.325, d.326, effective September 4, 2001, with d.323 operative January 1, 2002 and d.326 operative January 18, 2002.

See: 33 N.J.R. 2994(a), 33 N.J.R. 3009(a), 33 N.J.R. 3011(a), 33 N.J.R. 3013(a).

Amended by R.2002 d.49, d.50, effective February 4, 2002.

See: 34 N.J.R. 776(b), 778(a).

Amended by R.2003 d.27, effective January 21, 2003.

See: 35 N.J.R. 444(a).

Amended by R.2003 d.73, effective February 18, 2003.

See: 35 N.J.R. 1137(b).

Amended by R.2003 d.163, effective April 21, 2003.

See: 35 N.J.R. 1670(a).

Amended by R.2003 d.346, effective August 18, 2003.

See: 35 N.J.R. 3841(a).

Amended by R.2004 d.116, effective March 15, 2004.

See: 36 N.J.R. 1357(a).

Amended by R.2004 d.142 and 143, effective April 5, 2004.

See: 36 N.J.R. 1783(a), 1783(b).

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

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

Deleted (a)20i.

Amended by R.2004 d.284, effective July 19, 2004.

See: 36 N.J.R. 3430(a).

Amended by R.2005 d.42, effective January 18, 2005.

See: 37 N.J.R. 285(b).

Amended by R.2005 d.91, effective March 7, 2005.

See: 37 N.J.R. 778(b).

Amended by R.2006 d.19, effective January 3, 2006.

See: 38 N.J.R. 333(c).

Standards were amended at 29 CFR 1910.106(b)(1)(iii)(a)(2), 29 CFR 1910.142(c)(4), 29 CFR 1910.243(e)(1)(i), 29 CFR 1910.254(d)(1), 29 CFR 1910.265(c)(31)(i).

Amended by R.2006 d.272, d.273, d.274, effective July 17, 2006.

See: 38 N.J.R. 3033(b), 3042(a), 3043(a).

Amended by R.2007 d.26, effective January 16, 2007.

See: 39 N.J.R. 219(a).

Amended by R.2007 d.175, d.176, effective June 4, 2007.

See: 39 N.J.R. 2265(a), 2270(a).

Amended by R.2007 d.280, effective September 4, 2007.

See: 39 N.J.R. 3745(a).

Amended by R.2008 d.196, effective July 21, 2008.

See: 40 N.J.R. 4329(b).

Amended by R.2010 d.226, effective October 18, 2010.
 See: 42 N.J.R. 2444(a).
 Amended by R.2010 d.227, effective October 18, 2010.
 See: 42 N.J.R. 2450(a).
 Amended by R.2010 d.228, effective October 18, 2010.
 See: 42 N.J.R. 2456(a).
 Amended by R.2010 d.229, effective October 18, 2010.
 See: 42 N.J.R. 2457(a).
 Amended by R.2010 d.298, effective December 20, 2010.
 See: 42 N.J.R. 3071(a).
 Amended by R.2010 d.299, effective December 20, 2010.
 See: 42 N.J.R. 3072(a).

Case Notes

Failure of employer to provide certain protective equipment may provide a basis for employee to leave work due to unhealthful conditions. *Sanchez v. Bd. of Review*, 206 N.J.Super. 617, 503 A.2d 381 (App.Div.1986).

12:100-4.3 Compliance with referenced standards

(a) The standards contained in N.J.A.C. 12:100-4.2 shall apply according to the provisions thereof.

(b) Each employer shall protect his or her employees by complying with the standards prescribed in N.J.A.C. 12:100-4.2.

Amended by R.1998 d.574, effective December 7, 1998.
 See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

In (b), neutralized a gender reference.

SUBCHAPTER 5. CONSTRUCTION STANDARDS

12:100-5.1 Scope of subchapter

This subchapter shall apply to construction safety and health standards adopted by reference.

12:100-5.2 Adoption by reference

(a) The standards contained in 29 CFR Part 1926, Construction Industry Standards with the amendments published in the Federal Register through April 23, 1998 and any subsequent amendments thereto, are adopted upon publication in the New Jersey Register and are incorporated herein by reference as occupational safety and health standards for the protection of public employees engaged in construction operations and shall include:

1. Subpart C—General Safety and Health Provisions;
2. Subpart D—Occupational Health and Environmental Controls;
3. Subpart E—Personal Protective and Life Saving Equipment;
4. Subpart F—Fire Protection and Prevention;
5. Subpart G—Signs, Signals, and Barricades;
6. Subpart H—Materials Handling, Storage, Use, and Disposal;

7. Subpart I—Tools—Hand and Power;
8. Subpart J—Welding and Cutting;
9. Subpart K—Electrical;
10. Subpart L—Scaffolding;
11. Subpart M—Fall Protection;
12. Subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors;
13. Subpart O—Motor Vehicles, Mechanized Equipment, and Marine Operations;
14. Subpart P—Excavations;
15. Subpart Q—Concrete, and Masonry Construction;
16. Subpart R—Steel Erection;
17. Subpart S—Underground Construction, Caissons, Cofferdams, and Compressed Air;
18. Subpart T—Demolition;
19. Subpart U—Blasting and Use of Explosives;
20. Subpart V—Power Transmission and Distribution;
21. Subpart W—Rollover Protective Structures; Overhead Protection;
22. Subpart X—Stairways and Ladders;
23. Subpart Y—Diving;
24. Subpart Z—Toxic and Hazardous Substances; and
25. Appendix-General Industry Standards Identified as Applicable to Construction.

(b) Only standards relating to employee safety and health (that is, substantive rules) are adopted by any incorporation by reference as prescribed in (a) above.

Amended by R.1987 d.439, effective November 2, 1987.
 See: 19 N.J.R. 1533(a), 19 N.J.R. 2060(b).

Added text “in effect on July 21, 1986”.
 Amended by R.1988 d.260, effective June 6, 1988.
 See: 20 N.J.R. 726(a), 20 N.J.R. 1232(a).

Substantially amended (a).
 Amended by R.1989 d.476, effective September 5, 1989.
 See: 21 N.J.R. 1646(a), 21 N.J.R. 2800(a).

Changes made to conform to the Code of Federal Regulations.
 Amended by R.1990 d.216, effective April 16, 1990.
 See: 22 N.J.R. 607(a), 22 N.J.R. 1270(b).

Section updated to conform to the Code of Federal Regulations.
 Amended by R.1996 d.370, effective August 5, 1996.
 See: 28 N.J.R. 2507(a), 28 N.J.R. 3801(a).

In (a) substituted August 10, 1994 for October 31, 1989, and deleted subsec. (c) relating to standards in conflict with the state Uniform Construction Code Act or the state Uniform Fire Safety Act.
 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.2003, d.74, effective February 18, 2003.
 See: 35 N.J.R. 1142(a).
 Amended by R.2004 d.284, effective July 19, 2004.
 See: 36 N.J.R. 3430(a).