

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.1994 d.492, effective August 26, 1994.
See: 26 N.J.R. 2776(a), 26 N.J.R. 3872(b).

Executive Order No. 66(1978) Expiration Date

Chapter 100, Safety and Health Standards for Public Employees, expires on August 26, 1999.

Chapter Historical Note

The original rules in Chapter 100, which were General Provisions of Title 12, Subtitle I, Bureau of Migrant Labor, were filed prior to September 1, 1969, and became effective on January 1, 1970. The original rules became ineffective on April 1, 1975 with the adoption of R.1975 d.101, which was filed and effective April 16, 1975. See: 7 N.J.R. 231(a). The Migrant Labor rules were repealed by R.1978 d.288, effective August 16, 1978. See: 10 N.J.R. 258(a), 10 N.J.R. 400(d). A new Chapter 100, Safety and Health Standards for Public Employees, was filed and became effective November 5, 1984 as R.1984 d.510. See: 16 N.J.R. 2057(a), 16 N.J.R. 3051(a).

Subchapter 12 was adopted as R.1986 d.285, and Subchapter 7 was recodified as Subchapter 17, effective July 21, 1986. See: 18 N.J.R. 811(b), 18 N.J.R. 1479(b). Subchapter 9 became effective September 19, 1988 as R.1988 d.451. See: 20 N.J.R. 1523(a), 20 N.J.R. 2391(a). Subchapter 11 became effective May 1, 1989 as R.1989 d.238. See: 21 N.J.R. 620(a), 21 N.J.R. 1144(a). Subchapter 8 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 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 was readopted as R.1994 d.492. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 12:100-1.1 Purpose
- 12:100-1.2 Scope
- 12:100-1.3 Documents referred to by reference
- 12:100-1.4 through 12:100-1.6 (Reserved)

SUBCHAPTER 2. DEFINITIONS

- 12:100-2.1 Definitions

SUBCHAPTER 3. ADMINISTRATION

- 12:100-3.1 Scope of subchapter
- 12:100-3.2 Compliance
- 12:100-3.3 Interface of State agencies

SUBCHAPTER 4. GENERAL STANDARDS

- 12:100-4.1 Scope of subchapter; "employer" defined

- 12:100-4.2 Adoption by reference
- 12:100-4.3 Compliance with referenced standards

SUBCHAPTER 5. CONSTRUCTION STANDARDS

- 12:100-5.1 Scope of subchapter
- 12:100-5.2 Adoption by reference
- 12:100-5.3 Compliance with referenced standards

SUBCHAPTER 6. AGRICULTURAL STANDARDS

- 12:100-6.1 Scope of subchapter
- 12:100-6.2 Adoption by reference
- 12:100-6.3 Compliance with referenced standards

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. STANDARDS FOR INDOOR FIRING RANGES FOR PUBLIC EMPLOYEES

- 12:100-8.1 Scope
- 12:100-8.2 Definitions
- 12:100-8.3 Lead standard
- 12:100-8.4 Ammunition
- 12:100-8.5 Ventilation system
- 12:100-8.6 Noise exposure
- 12:100-8.7 Water drains
- 12:100-8.8 Work practices

SUBCHAPTER 9. (RESERVED)

SUBCHAPTER 10. STANDARDS FOR FIREFIGHTERS

- 12:100-10.1 Scope; standards information
- 12:100-10.2 Definitions
- 12:100-10.3 Organization
- 12:100-10.4 Personnel; limitations on ability to perform
- 12:100-10.5 Protective clothing
- 12:100-10.6 Protective clothing; foot and leg protection
- 12:100-10.7 Protective clothing; body protection
- 12:100-10.8 Protective clothing; hand protection
- 12:100-10.9 Protective clothing; head, eye and face protection
- 12:100-10.10 Respiratory protection devices
- 12:100-10.11 Life-safety rope, harnesses and hardware
- 12:100-10.12 Personal alert safety system
- 12:100-10.13 Hearing protection
- 12:100-10.14 Filling air cylinders
- 12:100-10.15 Fire apparatus operations
- 12:100-10.16 Maintenance of firefighter equipment

SUBCHAPTERS 11 THROUGH 12. (RESERVED)

SUBCHAPTER 13. INDOOR AIR QUALITY STANDARD

- 12:100-13.1 Scope
- 12:100-13.2 Definitions
- 12:100-13.3 Compliance program
- 12:100-13.4 Controls of specific contaminant sources
- 12:100-13.5 Air quality during renovation and remodeling
- 12:100-13.6 Recordkeeping
- 12:100-13.7 Employer's response to a signed complaint
- 12:100-13.8 Indoor air quality (IAQ) compliance documents

SUBCHAPTERS 14 THROUGH 16. (RESERVED)

SUBCHAPTER 17. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

- 12:100-17.1 Documents referred to by reference
- 12:100-17.2 Availability of documents for inspection
- 12:100-17.3 Availability of documents from issuing organization

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.

“Act” means the New Jersey Public Employees Occupational Safety and Health Act, N.J.S.A. 34:6A-25 et seq.

“Approved” means acceptable to the Commissioner of Labor.

“CFR” means Code of Federal Regulations.

“Commissioner” means the Commissioner of Labor or his or her designee.

“Division of Public Safety and Occupational Safety and Health” means the Division of Public Safety and Occupational Safety and Health of the Department of Labor, PO Box 386, Trenton, New Jersey 08625-0386.

“Employee” means any public employee, any person holding a position by appointment or employment in the service of an “employer” as that term is used in the Act and shall include any individual whose work has ceased as a consequence of, or in connection with, any administrative or judicial action instituted under the Act; provided, however, that elected officials, members of boards and commissions and managerial executives as defined in the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. shall be excluded from the coverage of the Act.

“Employer” means public employer and shall include any person acting directly on behalf of, or with the knowledge and ratification of:

1. The State, or any department, division, bureau, board, council, agency or authority of the State, except any bi-state agency; or

2. Any county, municipality, or any department, division, bureau, board, council, agency or authority of any county or municipality, or of any school district or special purposes district created pursuant to law.

“N.J.A.C.” means New Jersey Administrative Code.

“N.J.S.A.” means New Jersey Statutes Annotated.

“Serious injury” means any injury which requires treatment beyond first aid.

“Shall” means a mandatory requirement.

Amended by R.1986 d.285, effective July 21, 1986.

See: 18 N.J.R. 811(b), 18 N.J.R. 1479(b).

The definition for “CFR” has been amended.

Amended by R.1987 d.439, effective November 2, 1987.

See: 19 N.J.R. 1533(a), 19 N.J.R. 2060(b).

Deleted text from CFR “in effect on . . .”.

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

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

Rewrote “Division of Workplace Standards” as “Division of Public Safety and Occupational Safety and Health”.

12:100-8.6 Noise exposure

(a) The Occupational Noise Exposure Standard, Section 1910.95 of 29 CFR Part 1910, adopted by reference at N.J.A.C. 12:100-4.2(a)6, shall be applicable at indoor firing ranges.

(b) To minimize the effect of peak sound pressure levels on individuals in the indoor range, all reflecting walls should be covered with high efficiency sound absorbing material. The coverings should be designed to permit easy cleaning and access to the acoustical material for periodic replacement.

(c) The floors directly behind the shooting booths should be covered with acoustical flooring.

(d) Firing range control rooms should be acoustically treated to reduce noise levels.

(e) The bullet trap should not be anchored or attached to any structural support for the building.

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), changed N.J.A.C. reference.

12:100-8.7 Water drains

Each firing range should be equipped with a floor drain and trap to facilitate cleaning by a wet method. The drain location should be approximately 20 feet down range of the firing line. The floor should slope two to three inches toward the drain.

Amended by R.1994 d.492, effective September 19, 1994.
See: 26 N.J.R. 2776(a), 26 N.J.R. 3872(b).

12:100-8.8 Work practices

(a) The ventilation system shall be in operation at all times while the range is in use and during clean-up.

(b) The range shall be cleaned by vacuum or a wet method. The use of a hand broom shall be prohibited. Vacuum cleaners shall be equipped with high efficiency particulate filters (HEPA) or the equivalent.

(c) At all times while cleaning, repairing, or reclaiming lead in the bullet trap, a National Institute of Occupational Safety and Health approved half-mask, air purifying respirator equipped with N-100 filters and disposable coveralls shall be the minimum personal protective equipment worn by all employees performing one or more of these tasks.

(d) Proper ear protection shall be provided for and worn by all individuals inside the firing range. The ear protectors shall be selected on the basis of offering a noise reduction rating of at least 20 decibels. In cases where the noise decibel level is at or above 100 decibels, both plugs and muffs shall be worn simultaneously.

(e) Ear plugs, when worn, shall be properly fitted.

(f) A hearing conservation program shall be instituted and yearly audiometric examinations shall be provided to the firing range officers and instructors.

(g) Eating, drinking, or smoking in the range shall be prohibited.

(h) A specific schedule shall be established to perform maintenance and repair work to keep the range facilities operational and free of hazardous conditions.

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

In (c), substituted a reference to N-100 filters for a reference to high efficiency filters.

SUBCHAPTER 9. (RESERVED)**Subchapter Historical Note**

Subchapter 9, Work in Confined Spaces, was repealed by R.1998 d.574, effective December 7, 1998. See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

SUBCHAPTER 10. STANDARDS FOR FIREFIGHTERS**12:100-10.1 Scope; standards information**

(a) This subchapter shall apply to all public employment as provided below:

1. Standards for personal protective equipment, respiratory protective equipment and other requirements for the fire service (both career and volunteer).

(b) This subchapter shall not be applicable to:

1. Construction, agriculture and maritime employment;
2. Airport crash rescue; or
3. Forest firefighting operations.

(c) The CGA and NFPA standards incorporated in this subchapter by reference may be obtained by contracting the issuing entities at the addresses listed in N.J.A.C. 12:100-17.3.

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

In (c), deleted a reference to ANSI.

12:100-10.2 Definitions

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

“Approved” means the term as defined at N.J.A.C. 12:100-2.1.

“CGA” means Compressed Gas Association.

“Career firefighter” means any person who has his or her primary employment as a firefighter, who ordinarily works at that employment at least 20 hours per week and who is enrolled as a firefighter in a public retirement system.

“Career fire service” means a fire department or fire brigade which is composed of persons who have chosen firefighting or related duties as their occupation in paid, part paid fire departments or fire districts.

“Confined space” means the term as defined at 29 CFR 1910.146(b).

“Damaged equipment” means equipment which has been affected by external forces such as, but not limited to, mechanical, thermal, chemical or hydraulic, to an extent whereby the equipment no longer performs its original function to the extent required for the users’ safety.

“Education” means the process of imparting knowledge or skill through systematic instruction.

“Employee” means the term as defined at N.J.A.C. 12:100-2.1.

“Employer” means the term as defined at N.J.A.C. 12:100-2.1.

“Enclosed structure” means a structure with a roof or ceiling and at least two adjacent walls which may present fire hazards to employees.

“Fire brigade” means an organized group of firefighters who are public employees who have an obligation to fight fires but who may be assigned to other duties.

“Fire department” means an organized group of employees organized by the public employer who are knowledgeable, trained and skilled in basic firefighting operations.

“Firefighter” means a member of the fire service who engages in the physical activity of rescue, fire suppression or both, in buildings, enclosed structures, vehicles, vessels or like properties that are involved in a fire or emergency situation.

“Fire service” means a fire department or fire brigade.

“Helmet” means a head protective device consisting essentially of a shell, an energy absorbing system, a retention system, fluorescent retro-reflective markings, ear covers and faceshield.

“Interior structural firefighting” means the physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.

“NFPA” means the National Fire Protection Association.

“Overhaul” means the final control of a fire with suppression of the main body of the fire and other pockets of fire, searching for victims and performing salvage operations.

“Positive-pressure apparatus” means an open or closed-circuit apparatus in which the pressure inside the face piece in relation to the immediate environment is positive during both inhalation and exhalation.

“Quick disconnect valve” means a hand-operated device which provides a means for connecting and disconnecting the air cylinder to the self-contained breathing apparatus.

“Remanufactured” means the complete dismantling and reassembly of the fire apparatus body with or without removal from the chassis during the process.

“Respiratory protective device” means a breathing device designed to protect the wearer from an oxygen-deficient or hazardous atmosphere.

“SCBA” means self-contained breathing apparatus.

“Self-contained breathing apparatus” means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

“Service life” means the period of time that a respirator has been rated to provide protection to the wearer.

“Unserviceable” means past useful life of garment or protective gear, or those that have been declared unsafe.

“Vapor-barrier” means that material used to substantially prevent or inhibit the transfer of water, corrosive liquid, steam or other hot vapors from the outside of a garment to the wearer’s body.

“Volunteer firefighter” means any person other than a career firefighter who serves as a firefighter in a public or private firefighting agency or organization.

“Volunteer fire service” means a fire department or brigade composed of persons who provide their services without compensation in the public interest.

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).

Deleted “ANSI”; in “Confined space”, substituted CFR reference for N.J.A.C. reference; and rewrote “Self-contained breathing apparatus”.

12:100-10.11 Life-safety rope, harnesses and hardware

(a) This section is intended to apply to fire departments that train and perform rope rescue services. All employees that are required by the fire department to participate in such rescue services shall be provided with the proper equipment meeting the requirements of this section.

(b) The employer shall provide, at no cost to the employee, and assure the use of, life-safety rope, harnesses, and hardware which comply with this section.

(c) The employer shall assure that the life-safety rope, harnesses and hardware complying with this section are used to support fire service personnel during rescue, firefighting, and other emergency operations, or during training exercises.

(d) The performance, construction and testing of ropes, harnesses, and hardware for firefighters shall be at least equivalent to NFPA 1983-1985, Fire Service Life-Safety Rope, Harnesses and Hardware, incorporated herein by reference.

(e) Life-safety rope, harnesses and hardware need only be provided in those departments that perform rope rescue services and to employees who perform such services.

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

In (c), deleted "on a date not later than January 4, 1994" at the end.

12:100-10.12 Personal alert safety system

(a) The employer shall provide, at no cost to the employee, and assure the use of, a personal alert safety system which complies with this section.

(b) The employer shall assure that all firefighters wear personal alert safety systems that comply with this section by January 4, 1994, except that personal alert safety systems complying with NFPA 1982-1983, Personal Alert Safety Systems (PASS) for Fire Fighters, may continue to be used until they become unserviceable.

(c) The performance, construction and testing of a personal alert safety system for a firefighter shall be at least equivalent to NFPA 1982-1988, Personal Alert Safety Systems (PASS) for Fire Fighters, incorporated herein by reference.

(d) Approved personal alert safety systems shall be provided and worn by the firefighter as follows:

1. While engaged in interior structural firefighting;
2. While working in confined spaces;
3. During all phases of overhaul; and
4. The PASS device shall be attached to the exterior of the firefighter's turnout gear.

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).

In (b), substituted a reference to NFPA 1982-1983, Personal Alert Fire Safety Systems (PASS) for Fire Fighters for a reference to NFPA standard 1982-1983.

12:100-10.13 Hearing protection

(a) This section is intended to provide hearing protection to the firefighter in non-emergency situations. An example of a non-emergency situation requiring hearing protection to the employee would be during the testing of equipment creating a noise level exceeding 90 decibels (dBa). The hearing conservation program described should be in writing and may be incorporated into standard operating procedures (SOP).

(b) The fire department shall provide hearing protection for all members when they are exposed to noise in excess of 90 dBa from power tools or equipment, except for situations where the use of hearing protection devices would create an additional hazard to the user.

(c) The fire department shall engage in a hearing conservation program to identify and reduce or eliminate potentially harmful sources of noise in the work environment.

(d) The provisions of 29 CFR 1910.95, Occupational Noise Exposure, incorporated at N.J.A.C. 12:100-4.2(a) 6, Subpart G, Occupational Health and Environment Control, is applicable to this subchapter.

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

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

In (d), changed NJAC reference.

12:100-10.14 Filling air cylinders

(a) Air cylinders for respiratory equipment shall be filled only by trained personnel.

(b) The charging station shall be equipped with proper facilities to ensure the safety of the charging station operator and nearby personnel.

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

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

Rewrote the section.

12:100-10.15 Fire apparatus operations

(a) Whenever a fire apparatus leaves the fire station in response to a fire alarm, all firefighters, except the driver of the fire apparatus, shall have donned their protective clothing before the apparatus is in motion. The term "fire apparatus" does not include an automobile.

(b) The employer shall provide restraining devices for all firefighters aboard a fire apparatus. Restraining devices may include protective seating, seatbelts, or vehicle harnesses for all firefighters aboard.

(c) All fire apparatus purchased and/or remanufactured after January 4, 1993 shall provide enclosed seating with seatbelts for all personnel riding on the apparatus, complying with the following standards, incorporated herein by reference:

1. NFPA 1901-1991 Pumper Fire Apparatus;
2. NFPA 1902-1991 Initial Attack Fire Apparatus;
3. NFPA 1903-1991 Mobile Water Supply Fire Apparatus; and
4. NFPA 1904-1991 Aerial Ladder and Elevating Platform Fire Apparatus.

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).

In (b), deleted "by January 4, 1998" following "apparatus"; and in (c)4, inserted "Fire" following "Platform".

12:100-10.16 Maintenance of firefighter equipment

(a) Firefighting equipment required under this subchapter that is in damaged or unserviceable condition shall be removed from service and replaced.

(b) All fire department aerial apparatus is to be subject to visual inspection, operational tests and load tests at least annually in accordance with NFPA 1914-1991, Testing Fire Department Aerial Devices. Complete inspections and tests including, the non-destructive testing defined in NFPA 1914-1991, Testing Fire Department Aerial Devices, shall be conducted whenever visual inspection or load testing indicates a potential problem or at least every five years. Any device that fails a test shall be immediately removed from service and shall not be returned to service until properly repaired and retested.

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

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

Designated the former section (a); and added (b).

SUBCHAPTER 11. (RESERVED)

Subchapter Historical Note

Subchapter 11, Control of Hazardous Energy Sources, was repealed by R.1998 d.574, effective December 7, 1998. See: 30 N.J.R. 3368(a), 30 N.J.R. 4240(b).

SUBCHAPTER 12. (RESERVED)

Subchapter Historical Note

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

Authority

N.J.S.A. 34:16-27, 34:1-20, 34:1A-3 and 34:16-20 et seq., 29 U.S.C. §§ 701 et seq., and 34 C.F.R. 361.1 et seq.

Source and Effective Date

R.1997 d.109, effective March 3, 1997.

See: 28 N.J.R. 4564(a), 29 N.J.R. 796(a).

12:100-13.1 Scope

This subchapter shall apply to matters relating to indoor air quality in existing buildings occupied by public employees during their regular working hours.

12:100-13.2 Definitions

The following words and terms, when used in this subchapter, have the following meaning unless the context clearly indicates otherwise.

"Air contaminants" refers to substances contained in the vapors from paint, cleaning chemicals, pesticides, solvents, particulates, outdoor air pollutants and other airborne substances which together may cause material impairment to employees working within the enclosed workplace.

"Building-related illness" describes specific medical conditions of known etiology which can be documented by physical signs and laboratory findings. Such illnesses include sensory irritation when caused by known agents, respiratory allergies, asthma, nosocomial infections, humidifier fever, Legionnaires' disease, and the signs and symptoms characteristic of exposure to chemical or biologic substances such as carbon monoxide, formaldehyde, pesticides, endotoxins, or mycotoxins.

"Building systems" includes the heating, ventilation and air-conditioning (HVAC) system, the energy management system and all other systems in a facility which may impact indoor air quality.

"Department" means the Department of Health and Senior Services.

"Designated person" means a person who has been given the responsibility by the employer to take necessary measures to assure compliance with this subchapter.

"Designated smoking area" means an area in a building, where smoking is permitted and which is physically separated from non-smoking areas and which non-smokers are not required to enter or pass through.

"Employee" means the term as defined at N.J.A.C. 12:100-2.1.

"Employer" means the term as defined at N.J.A.C. 12:100-2.1.