

CHAPTER 60

ASBESTOS LICENSES AND PERMITS

Authority

N.J.S.A. 34:5A-39 and Reorganization Plan No. 002-1998.

Source and Effective Date

R.2000 d.176, effective May 1, 2000.
See: 32 N.J.R. 347(a), 32 N.J.R. 1515(a).

Executive Order No. 66(1978) Expiration Date

Chapter 60, Asbestos Licenses and Permits, expires on May 1, 2005.

Chapter Historical Note

Chapter 60, Asbestos Licensing and Permits, was adopted as Emergency New Rules by R.1985 d.144, effective March 4, 1985, to expire May 3, 1985. See: 17 N.J.R. 741(a). The provisions of R.1985 d.144 were readopted as R.1985 d.262, effective May 3, 1985. See: 17 N.J.R. 741(a), 17 N.J.R. 1417(b).

Subchapter 1, General Provisions, Subchapter 3, Administration, Subchapter 4, Licensing of Employers, Subchapter 5, Requirements and Procedures for Obtaining an Asbestos Worker or an Asbestos Supervisor Permit, and Subchapter 7, Standards and Publications Referred to in this Chapter, were adopted as Emergency New Rules by R.1985 d.361, effective June 18, 1985, to expire August 18, 1985. See: 17 N.J.R. 1676(a). The provisions of R.1985 d.361 were readopted as R.1985 d.468, effective August 16, 1985. See: 17 N.J.R. 1676(a), 17 N.J.R. 2275(a).

Pursuant to Executive Order No. 66 (1978), Chapter 60, Asbestos Licenses and Permits, was readopted as R.1990 d.278, effective May 3, 1990. Subchapter 7, Asbestos Work Notification Requirements, was adopted as new rules and Subchapter 7, Standards and Publication Referred to in this Chapter, was recodified as Subchapter 8, Standards and Publications Referred to in this Chapter, by R.1990 d.278, effective June 4, 1990. See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

Pursuant to Executive Order No. 66(1978), Chapter 60, Asbestos Licenses and Permits, was readopted as R.1995 d.193, effective March 13, 1995. Subchapter 8, Appeals and Complaints, was adopted as new rules and Subchapter 8, Standards and Publications Referred to in this Chapter, was recodified as Subchapter 9, Standards and Publications Referred to in this Chapter, by R.1995 d.193, effective April 3, 1995. See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

Pursuant to Executive Order No. 66(1978), Chapter 60, Asbestos Licenses and Permits, expired on March 13, 2000.

Chapter 60, Asbestos Licenses and Permits, was adopted as new rules by R.2000 d.176, effective May 1, 2000. See: Source and Effective Date.

Administrative Change: Pursuant to Reorganization Plan 002-2002, in Chapter 60, Asbestos Licensing and Permits, cross-references are changed to the Department of Labor and 12:120. See: 34 N.J.R. 4245(a), 35 N.J.R. 1275(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

8:60-1.1 Title and citation

(a) This chapter, as a Department of Labor rule, shall be known and may be cited as N.J.A.C. 12:120, Asbestos Licenses and Permits.

(b) This chapter, as a Department of Health and Senior Services rule, shall be known as and may be cited as N.J.A.C. 8:60, Asbestos Licenses and Permits.

(c) These rules are a joint adoption of the Department of Labor and the Department of Health and Senior Services.

Amended by R.1986 d.149, effective May 5, 1986.
 See: 18 N.J.R. 156(a), 18 N.J.R. 986(a).
 Old text deleted and new text substituted.
 Administrative change.
 See: 32 N.J.R. 803(a).

8:60-1.2 Authority

These rules are promulgated pursuant to the authority of the Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

8:60-1.3 Purpose

(a) The purpose of this chapter is to provide reasonable standards for:

1. Licensing of employers;
2. Permitting of workers;
3. Permitting of supervisors; and
4. Certifying of training agencies and courses for the above job classifications.

Amended by R.1990 d.278, effective June 4, 1990.
 See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).
 Deleted (a)3 and added new (a)3 and 4.

8:60-1.4 Scope

(a) This chapter shall apply to:

1. Licensing of employers;
2. Training, examination and issuance of permits to workers;
3. Training, examination and issuance of permits to supervisors;

4. Certifying of training agencies and courses for the above job classifications;

5. Employers having a contractual relationship for asbestos work with the owner of a building or structure or equipment for the application, enclosure, encapsulation, repair, or removal of asbestos-containing material; and

6. Any public or private building, structure or equipment on which asbestos work is performed, except as provided in (b) below.

(b) This chapter shall not apply to:

1. The limited repair of asbestos-containing material on any pipe, duct, boiler, tank, structural member or similar equipment by the application of duct tape, rewettable glass cloth, canvas, cement or other sealable material to seal exposed areas from which asbestos fibers may be released;

2. The stripping, limited repair, or removal of three feet or less of asbestos-containing material from piping;

3. The stripping, limited repair or removal of three square feet or less of asbestos-containing material from any duct, boiler, tank, structural member, or similar equipment;

4. The sale or storage of asbestos;

5. The application, enclosure, encapsulation, repair, or removal of asbestos-containing roofing and exterior siding materials in all but demolition projects;

6. The licensure of private employers subject to the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., using their own employees to apply, enclose, encapsulate, repair or remove asbestos-containing material in their own facility; or

7. The permitting of employees subject to the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., who apply, enclose, encapsulate, repair or remove asbestos-containing materials in their employer's own facility.

Amended by R.1989 d.247, effective May 15, 1989.
 See: 20 N.J.R. 1049(a), 21 N.J.R. 1333(b).

Roofing and exterior siding materials exempted from provisions of N.J.A.C. 8:60.

Amended by R.1990 d.278, effective June 4, 1990.
 See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

Added (a)4, changed "asbestos" to "asbestos-containing material," added (b)6.

Amended by R.1995 d.193, effective April 3, 1995.
 See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

Case Notes

Asbestos rules preempted by Occupational Safety & Health (OSHA) with respect to education and training in the workplace; balance of N.J. asbestos program was preempted as not severable, and because OSHA rejected rules similar to New Jersey's program. *New Jersey State Chamber of Commerce v. State of New Jersey*, 653 F.Supp. 1453 (D.N.J.1987).