

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.

Source and Effective Date

R.1999 d.319, effective August 26, 1999.
See: 31 N.J.R. 1849(b), 31 N.J.R. 2755(c).

Executive Order No. 66(1978) Expiration Date

Chapter 100, Safety and Health Standards for Public Employees, expires on August 26, 2004.

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Chapter 100, General Provisions, was repealed, and Chapter 100, Migrant Labor, was adopted as R.1975 d.101, effective April 16, 1975.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Chapter 100, Migrant Labor, was repealed by R.1978 d.288, effective August 16, 1978.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 Subchapter 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Subchapter 12, Asbestos, was repealed by R.1996 d.370, effective August 5, 1996.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: 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.

“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”.

In (e), deleted a reference to the Commissioner of Community Affairs.

12:100-3.3 Interface of state agencies

(a) The New Jersey Department of Labor shall inspect under the provisions of this chapter where the provisions relate to safety issues in accordance with N.J.S.A. 34:6A-35.

(b) The New Jersey Department of Health and Senior Services shall inspect under the provisions of this chapter where the provisions relate to health issues in accordance with N.J.S.A. 34:6A-38.

(c) The provisions of (a) and (b) above shall not be construed to diminish the primary responsibility of the Commissioner of Labor for administering and enforcing the State plan in accordance with N.J.S.A. 34:6A-29.

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 a reference to N.J.S.A. 34:6A-37; deleted a former (c); and recodified former (d) as (c), and made an internal reference change.

SUBCHAPTER 3. ADMINISTRATION

12:100-3.1 Scope of subchapter

This subchapter shall apply to the administration of the safety and health standards mandated by this chapter.

12:100-3.2 Compliance

(a) Every employer shall comply with the provisions of this chapter.

(b) Every employee shall comply with the provisions of this chapter as they pertain to him or her.

(c) When an employer has provided personal protection equipment in accordance with this chapter, the employee shall utilize such equipment when the hazard for which the equipment was provided exists.

(d) Every employer shall provide a reasonable safeguard against any recognized hazard which could cause serious injury or death to the employees.

(e) Every employer shall take all prudent measures to comply with written recommendations made by the Commissioner or the Commissioner of Health and Senior Services to reduce the risk of exposure to unsafe or unhealthy conditions which have been shown to be detrimental to employee health and safety. This provision shall apply for hazards not specifically covered by a standard in this chapter or a standard referenced in this chapter.

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

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

SUBCHAPTER 4. GENERAL STANDARDS

12:100-4.1 Scope of subchapter; “employer” defined

(a) This subchapter shall apply to general industry safety and health standards adopted by reference.

(b) As used in this subchapter, the term employer shall mean public employer and shall not include any private employer performing under this subchapter on behalf of, or with the knowledge and ratification of, a public employer.

Amended by R.1993 d.184, effective May 3, 1993.

See: 25 N.J.R. 890(a), 25 N.J.R. 1882(a).

Revised heading; added (b).

12:100-4.2 Adoption by reference

(a) The standards contained in 29 CFR Part 1910, General Industry Standards, with amendments published in the Federal Register through April 23, 1998 and any subsequent amendments thereto, with certain exemptions noted in (b) below, 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 general operations and shall include:

1. Subpart A—General;
2. Subpart B—Adoption and Extension of Established Federal Standards;
3. Subpart D—Walking-Working Surfaces;
4. Subpart E—Means of Egress;

5. Subpart F—Powered Platforms, Man Lifts, and Vehicle-Mounted Work Platforms;

6. Subpart G—Occupational Health and Environmental Control;

7. Subpart H—Hazardous Materials;

8. Subpart I—Personal Protective Equipment;

9. Subpart J—General Environmental Controls;

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.

i. The standards contained in Subpart Z of 29 CFR Part 1910 are adopted except that the following health standard is not adopted:

1. 1910.1200. Hazard communication.

(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).

Case Notes

Failure of employer to provide certain protective equipment may provide a basis for employee to leave work due to unhealthful condi-

tions. 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.

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

In (b), neutralized a gender reference.

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).

Case Notes

OSHA standards were relevant in suit of injured business invitee to illustrate industry standards. *Smith v. Kris-Bal Realty, Inc.*, 242 N.J.Super. 346, 576 A.2d 934 (A.D.1990).

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).

12:100-5.3 Compliance with referenced standards

(a) The standards contained in N.J.A.C. 12:100-5.2 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. 12:100-5.2.

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;

SUBCHAPTER 6. AGRICULTURAL STANDARDS**12:100-6.1 Scope of subchapter**

This subchapter will apply to agricultural safety and health standards adopted by reference.

12:100-6.2 Adoption by reference

(a) The standards contained in 29 CFR Part 1928, Agriculture 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 and shall include:

1. Subpart B—Applicability of Standards;
2. Subpart C—Employee operating instruction;
3. Subpart D—Safety for Agricultural Equipment;
4. Subpart I—General Environmental Controls; and
5. Subpart M—Occupational Health.

(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).
 Changed date from July 21, 1986 to July 31, 1987 and added amendments published in the Federal Register.
 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).

12:100-6.3 Compliance with referenced standards

(a) The standards contained in N.J.A.C. 12:100-6.2 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. 12:100-6.2.

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 7. (RESERVED)

SUBCHAPTER 8. STANDARDS FOR INDOOR FIRING RANGES FOR PUBLIC EMPLOYEES

12:100-8.1 Scope

(a) This subchapter shall apply to the following:

1. The design considerations, work practices, and ammunition used at existing and new indoor firing ranges operated by public employers;
2. Public employees assigned to work at an indoor firing range; and
3. Public employers who operate indoor firing ranges and who are responsible for complying with the provisions of this standard.

12:100-8.2 Definitions

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

“Bounce back” means the occasion when hard zinc bullets bounce off the surface of the bullet trap.

“Bullet trap” means the area of the firing range furthest from the shooting area which is equipped with plates to capture the expended bullets after firing.

“HEPA” means a high efficiency particulate absolute filter which is 99.97 percent efficient for 0.3 microns.

“Indoor firing range” means the room inside a building which contains the shooting booths and is used for the shooting of firearms.

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

12:100-8.3 Lead standard

The Lead Standard, Section 1910.1025 of 29 CFR Part 1910, adopted by reference at N.J.A.C. 12:100-4.2(a) 20, shall be applicable at indoor firing ranges.

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.

12:100-8.4 Ammunition

(a) The ammunition used in indoor firing ranges during practice sessions shall be zinc bullets or nylon jacketed or copper jacketed bullets. Service ammunition routinely used by the public employer may be used for qualification sessions.

(b) When selecting the type of ammunition to be used to comply with (a) above, consideration shall be given to a potential problem of “bounce back” of the much harder zinc bullet from the bullet trap in some ranges. Consideration shall be given to the potential eye hazard to shooters which may make the use of the zinc bullets unsafe unless changes are made in the bullet trap.

12:100-8.5 Ventilation system

(a) The minimum air velocity shall be 50 feet per minute at the firing line. An optimum air velocity should be 75 feet per minute at the firing line.

(b) Filtered and conditioned air shall be introduced behind the firing line to guarantee an evenly distributed flow of air through the shooting positions. Supplied air inlets should be placed approximately 15 feet behind the shooter's position.

(c) The entire range facility shall be maintained at a slightly negative pressure with respect to adjacent areas to prevent the escape of contaminants. Exhaust air shall exceed supplied air by at least 10 percent. For maximum efficiency, exhaust ducts should be located behind and at the apex of the bullet trap. An alternative location is to place the exhaust ducts on the side walls slightly in front of the apex of the bullet trap.

(d) A minimum down range conveying velocity of 35 feet per minute shall be maintained. When the 75 feet per minute rate is used, a minimum of 25 percent of the air should be exhausted 15 to 20 feet down range of shooting position and the remaining 75 percent at the bullet trap. When the 50 feet per minute rate is used, 100 percent of the air should be exhausted down range at the bullet trap.

(e) Each range shall have its own ventilation system to prevent the circulation of contaminated air to other areas of the building.

(f) The supply and exhaust systems shall be electrically interlocked, thereby eliminating an error in turning one system on and not the other. The system shall operate on one fan speed only.

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

12:100-8.6 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.
Sec: 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.
Sec: 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 10. STANDARDS FOR
FIREFIGHTERS**
12:100-10.1 Scope; standards information

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

- 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:

- Construction, agriculture and maritime employment;
- Airport crash rescue; or
- 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”.

12:100-10.3 Organization

(a) The employer shall prepare and maintain a statement or written policy which contains the following:

1. The basic organizational structure of the fire service;
2. The expected number of members in the fire service; and
3. The functions that the fire service is to perform.

(b) The organizational statement shall be available for inspection by the Commissioner of Labor and by the employees or their designated representative.

12:100-10.4 Personnel; limitations on ability to perform

(a) The employer shall assure that employees who are expected to do interior structural firefighting are physically capable of performing duties which may be assigned to them during emergencies.

(b) The employer shall assure that compliance with (a) above shall be accomplished in conformity with the provisions of the Americans with Disabilities Act of 1990.

12:100-10.5 Protective clothing

(a) The employer shall provide, at no cost to the employee, and assure the use of, protective clothing which complies with this subchapter.

(b) Firefighters performing interior structural firefighting and overhaul shall be provided with the equipment covered in this subchapter.

(c) The employer shall assure that:

1. Protective clothing protects the head, body and extremities, and consists of at least the following components: body protection, eye, face and head protection;
2. Protective clothing ordered or purchased after the effective date of this subchapter shall comply with this subchapter;
3. Career firefighters wear foot, leg and body protective clothing complying with this subchapter.
4. Volunteer firefighters wear foot, leg and body protective clothing complying with this subchapter except that existing foot, leg and body protection meeting the previous OSHA standards that are superseded by this subchapter may continue to be worn until either they become unserviceable or replaced.

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 (c), rewrote 3 and 4.

12:100-10.6 Protective clothing; foot and leg protection

(a) Foot and leg protection shall comply with this section for all career firefighters, and as replacement of existing foot and leg protection is required for the volunteer firefighters.

1. Protective footwear shall comply with NFPA 1974-1987, Protective Footwear for Structural Firefighting.

2. The use of three quarter length boots may continue for volunteer firefighters until replacement of the boots is necessary. At time of replacement, bunker pants and bunker boots as required by NFPA 1974-1987 must be purchased.

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.

12:100-10.7 Protective clothing; body protection

(a) Body protection shall comply with this section for the career firefighters, and as replacement is required for the volunteer firefighters.

(b) Body protection shall be achieved by the wearing of a fire resistive coat and bunker pants, both of which shall be at least equivalent to NFPA 1971-1986, Protective Clothing for Structural Firefighting, incorporated herein by reference. For career firefighters, body protection must be worn in combination with a station/work uniform or apparel complying with (c) below.

(c) Station/work apparel shall be provided to the career firefighter as follows:

1. The performance, construction and testing of station/work uniforms shall be at least equivalent to NFPA 1975-1985, Station/Work Uniforms for Firefighters, incorporated herein by reference; or

2. Apparel issued to the firefighter must be of a non-meltable material, such as cotton.

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) and (c), deleted a January 4, 1995 deadline.

12:100-10.8 Protective clothing; hand protection

(a) Hand protection shall consist of protective gloves or a glove system which will provide protection against cuts, punctures and heat penetration.

(b) The performance, construction, and testing of gloves for structural firefighters shall be at least equivalent to NFPA 1973-1988, Gloves for Structural Fire Fighting incorporated herein by reference.

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 Glove for Structural Fire Fighting for a reference to Gloves for firefighters.

12:100-10.9 Protective clothing; head, eye and face protection

(a) Head protection shall consist of a protective head device with ear flaps and chin strap which meet the performance, construction and testing requirements of 29 CFR Part 1910.156(e)(5) or NFPA 1972-1987, Helmets for Structural Fire Fighting.

(b) Full facepieces, helmets, or hoods of breathing apparatus which comply with 29 CFR 1910.134 and N.J.A.C. 12:100-10.10 shall be deemed to comply with (a) above.

(c) A full protective hood shall be provided for the firefighter that meets the performance, construction, and testing requirements of NFPA 1971-1991, Protective Clothing for Structural Fire Fighting.

1. Firefighters shall be provided with a full protective hood December 7, 1999, provided that if the wearing of the hood interferes with the proper fit of the helmet, a full protective hood need not be provided until the helmet becomes unserviceable and is replaced.

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 a reference to NFPA 1972-1987, Helmets for Structural Fire Fighting for a reference to NFPA Standard 1972-1987 edition at the end; in (b), substituted "or hoods of" for "hoods or" following "helmets"; and added (c).

12:100-10.10 Respiratory protection devices

(a) The employer shall ensure that respirators are provided to, and used by firefighters, and that the respirators meet the requirements of 29 CFR 1910.134 and this section.

(b) Approved self-contained breathing apparatus with a full-facepiece, or with approved helmet or hood configuration, shall be provided to, and worn by, firefighters as follows:

1. While engaged in interior structural firefighting;
2. While working in confined spaces where toxic products of combustion or an oxygen deficiency may be present;
3. During emergency situations involving toxic substances; and
4. During all phases of firefighting and overhaul.

(c) The employer shall assure that:

1. Respirators ordered or purchased after January 4, 1993 shall be at least equivalent to NFPA 1981-1987, Open-Circuit Self-Contained Breathing Apparatus for Fire Fighters, incorporated herein by reference; and

2. All firefighters shall wear respirators complying with this subchapter except that existing respirators meeting the previous OSHA standards that are superseded by this subchapter may continue to be worn until such time as the respirator becomes unserviceable.

(d) The employer shall establish and maintain a respiratory protection program which includes:

1. Negative-pressure self-contained breathing apparatus with a rated service life of more than two hours and which has a minimum protection factor of 5,000, as determined by an acceptable quantitative fit test performed on each individual, shall be acceptable for use only during those situations for which the employer demonstrates that long duration breathing apparatus is necessary.

- i. Quantitative fit test procedures shall be available for inspection by the Commissioner of Health and Senior Services.

- ii. Negative-pressure breathing apparatus shall continue to be acceptable for 18 months after a positive-pressure breathing apparatus with the same or longer rated service life is certified by the National Institute of Occupational Safety and Health (NIOSH). After this 18-month period, all self-contained breathing apparatus used for these long duration situations shall be of the positive-pressure type.

2. The requirements of 29 CFR 1910.134, Respiratory Protection, with amendments published in the Federal Register through April 23, 1998 and any subsequent amendments thereto, are incorporated and adopted herein by reference as standards applicable to firefighters for respiratory protection.

(e) Existing respirators meeting the previous OSHA standards that are superseded by this subchapter:

1. May be used with approved cylinders from other approved self-contained breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet the criteria of 49 CFR Parts 100 through 199 and 30 CFR Parts 11, 12, 13, 14 and 14a;

2. Can be switched from a demand to a positive pressure mode. However, such apparatus shall be in the positive pressure mode when firefighters are performing interior structural firefighting operations or overhaul.

Amended by R.1995 d.43, effective January 17, 1995.
See: 26 N.J.R. 4313(a), 27 N.J.R. 373(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 the section.

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 12. (RESERVED)

SUBCHAPTER 13. INDOOR AIR QUALITY
 STANDARD

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.

“HVAC system” means the collective components of the heating, ventilation and air-conditioning system including, but not limited to, filters and frames, cooling coil condensate drip pans and drainage piping, outside air dampers and actuators, humidifiers, air distribution ductwork, automatic temperature controls, and cooling towers.

“HVAC System Commissioning Report” means a document normally prepared by an architect or engineer that provides verification that the HVAC system is operating in conformity with the design intent.

“Office building” means a building in which administrative and/or clerical activities are conducted. Examples of facilities and/or operations which are not office buildings include schools, repair shops, garages and print shops.

“Renovation and remodeling” means building modification involving activities that include but are not limited to: removal or replacement of walls, roofing, ceilings, floors, carpet, and components such as moldings, cabinets, doors, and windows; painting; decorating; demolition; surface refinishing; and removal or cleaning of ventilation ducts.

12:100-13.3 Compliance program

(a) The employer shall identify a designated person who is given the responsibility to assure compliance with this section. The designated person shall assure that at least the following actions are implemented and documented:

1. Establishing and following a preventive maintenance schedule in accordance with the manufacturer’s recommendations or with accepted practice for the HVAC system. Scheduled maintenance of the HVAC system shall include checking and/or changing air filters, checking and/or changing belts, lubrication of equipment parts, checking the functioning of motors and confirming that all equipment is in operating order. Damaged or inoperable components shall be replaced or repaired as appropriate. Additionally, any reservoirs or parts of this system with standing water shall be checked visually for microbial growth;

2. Implementing the use of general or local exhaust ventilation where housekeeping and maintenance activities involve use of equipment or products that could reasonably be expected to result in hazardous chemical or particulate exposures, above the applicable Permissible Exposure Limit (PEL), as adopted by reference under N.J.A.C. 12:100-4.2, to employees working in other areas of the building or facility;

3. When the carbon dioxide level exceeds 1,000 parts per million (ppm), the employer shall check to make sure the HVAC system is operating as it should. If it is not, the employer shall take necessary steps as outlined in (a)1 above;

4. When temperatures in office buildings are outside of the range of 68 to 79 degrees Fahrenheit, the employer

shall check to make sure the HVAC system is in proper operating order. If it is not, the employer shall take necessary steps as outlined in (a)1 above;

5. If contamination of the make-up air supply is identified and documented, then the make-up inlets and/or exhaust air outlets shall be relocated or the source of the contamination eliminated. Sources of make-up air contamination may include contaminants from sources such as cooling towers, sanitary vents, vehicular exhausts from parking garages, loading docks, and street traffic;

6. Assuring that buildings without mechanical ventilation are maintained so that windows, doors, vents, stacks and other portals designed or used for natural ventilation are in operable condition; and

7. Promptly investigating all employee complaints of signs or symptoms that may be associated with building-related illness.

12:100-13.4 Controls of specific contaminant sources

(a) In workplaces where the employer has established designated smoking areas, the following shall apply:

1. Smoking shall be permitted only in such areas:

2. The employer shall assure that designated smoking areas are enclosed, exhausted directly to the outside, and are maintained under negative pressure (with respect to surrounding spaces) sufficient to contain tobacco smoke within the designated area;

3. The employer shall assure that cleaning and maintenance work in designated smoking areas is conducted only when no smoking is taking place;

4. The employer shall assure that employees are not required to enter designated smoking areas in the performance of normal work activities;

5. The employer shall post signs clearly indicating areas that are designated smoking areas;

6. The employer shall post signs that will clearly inform anyone entering the workplace that smoking is restricted to designated areas; and

7. The employer shall prohibit smoking within designated smoking areas during any period that the exhaust ventilation system servicing that area is not properly operating.

(b) Regarding other indoor air contaminants, when general ventilation is inadequate to control air contaminants emitted from point sources within work spaces to below the applicable PEL, as adopted by reference under N.J.A.C. 12:100-4.2, the employer shall implement other control measures such as local source capture exhaust ventilation or substitution.

(c) The employer shall control microbial contamination in the building by promptly repairing water leaks that can

promote growth of biologic agents, or shall control microbial contamination in the building by promptly drying, replacing, removing, or cleaning damp or wet materials. The employer shall take measures to remove visible microbial contamination in ductwork, humidifiers, other HVAC and building system components, or on building surfaces, such as carpeting and ceiling tiles, when found during regular or emergency maintenance activities or during visual inspection.

12:100-13.5 Air quality during renovation and remodeling

(a) Renovation work and/or new construction that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health shall be safeguarded by means of local ventilation or other protective devices to ensure the safety of employees. Renovation areas in occupied buildings shall be isolated and dust and debris shall be confined to the renovation or construction area.

(b) Before use of paints, adhesives, sealants, solvents, or installation of insulation, particle board, plywood, floor coverings, carpet backing, textiles, or other materials in the course of renovation or construction, the employer shall check product labels 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. This information shall be used to select products and to determine necessary measures to be taken to comply with this section.

(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.

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 and be available on request to employees and employee representatives and Department representatives for examination and copying.

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

(a) Within 15 working days of receipt of the complaint notification from the Department, 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.

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. ANSI Z9.2—1979, Design and Operation of Local Exhaust Systems;
2. 29 CFR Part 1910, General Industry Standards;
3. 29 CFR Part 1926, Construction Industry Standards;
4. 29 CFR Part 1928, Agriculture;

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

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).

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 Occupational 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.

ANSI	American National Standards Institute 1430 Broadway New York, New York 10018
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
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
NJSA	New Jersey Statutes Annotated Copies available from: Division of Public Safety and Occupational Safety and Health New Jersey 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.