

CHAPTER 50
STANDARDS FOR INDOOR ENVIRONMENT
CERTIFICATION AND FOR LICENSURE
OF INDOOR ENVIRONMENTAL
CONSULTANTS

Authority

N.J.S.A. 52:27D-130.4 and 130.5; and P.L. 2007, c. 1
 (approved January 11, 2007), particularly at §§1 and 2.

Source and Effective Date

R.2009 d.275, effective September 8, 2009.
 See: 40 N.J.R. 6294(a), 40 N.J.R. 6721(a), 41 N.J.R. 3249(a).

Chapter Expiration Date

Chapter 50, Standards for Indoor Environment Certification and for Licensure of Indoor Environmental Consultants, expires on September 8, 2014.

Chapter Historical Note

This chapter was repealed by R.1980 d.402, effective September 18, 1980 because the area of local boards of health has been provided for by N.J.A.C. 8:51-1.

Chapter 50, Standards for Indoor Environment Certification and for Licensure of Indoor Environmental Consultants, was adopted as new rules by R.2009 d.275, effective September 8, 2009. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 8:50-1.1 Purpose
- 8:50-1.2 Scope
- 8:50-1.3 Definitions

SUBCHAPTER 2. LICENSURE OF INDOOR ENVIRONMENTAL CONSULTANTS

- 8:50-2.1 Application for license
- 8:50-2.2 Granting of license
- 8:50-2.3 Identification of license
- 8:50-2.4 Renewal of indoor environmental consultant license
- 8:50-2.5 Suspension, denial or revocation of a license
- 8:50-2.6 Licensee recordkeeping obligation

SUBCHAPTER 3. EVALUATION AND ASSESSMENT OF BUILDINGS AND LEASED SPACES FOR USE AS CHILD CARE CENTERS AND EDUCATIONAL FACILITIES

- 8:50-3.1 Procedures for conducting an indoor environmental health assessment in child care centers and educational facilities
- 8:50-3.2 Reporting the results of the indoor environmental health assessment in child care centers and educational facilities

SUBCHAPTER 4. PROCEDURES FOR DETERMINING MAXIMUM CONTAMINANT LEVELS AND ISSUANCE OF CERTIFICATION OF SAFE BUILDING INTERIOR

- 8:50-4.1 Determination of maximum contaminant levels (MCLs) for child care centers and educational facilities
- 8:50-4.2 Procedure for issuance of safe building interior certification

SUBCHAPTER 5. COMPLIANCE AND ENFORCEMENT

- 8:50-5.1 Scope of subchapter
- 8:50-5.2 Compliance
- 8:50-5.3 Statement of imminent hazard
- 8:50-5.4 Right of entry
- 8:50-5.5 Civil administrative penalties
- 8:50-5.6 Hearings, conferences

APPENDIX A

APPENDIX B

SUBCHAPTER 1. GENERAL PROVISIONS

8:50-1.1 Purpose

The purpose of this chapter is to implement the obligations of the Department of Health and Senior Services pursuant to P.L. 2007, c. 1, an Act concerning contaminated property, supplementing Title 52 of the Revised Statutes, and amending and supplementing P.L. 1983, c. 330 (Act) at §§1 and 2, N.J.S.A. 52:27D-130.4 and 130.5.

8:50-1.2 Scope

(a) This chapter establishes procedures by which to:

1. Obtain licensure as an indoor environmental consulting firm;
2. Conduct an indoor environmental health assessment of buildings to be used as either child care centers or educational facilities;
3. Conduct an indoor environmental health assessment of certain facilities required to obtain a construction permit for the reconstruction, alteration, conversion or repair of a building to be used as a child care center or educational facility if that building was either:
 - i. Used for industrial, storage or high hazard purposes, as a nail salon, for dry cleaning or as a gasoline station; or
 - ii. Located on a contaminated site, a site suspected of contamination or a site that is subject to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq., and the rules promulgated pursuant thereto at N.J.A.C. 7:26B; and
4. Obtain a safe building interior certification.

8:50-1.3 Definitions

(a) As used in this chapter, the following words and terms shall have the meanings established by the Department of Community Affairs pursuant to N.J.S.A. 52:27D-130 and rules promulgated pursuant thereto at N.J.A.C. 5:23, particularly at 5:23-1.4, unless the context clearly indicates

otherwise: “alteration,” “building,” “construction permit,” “group,” “reconstruction,” “repair,” “structure” and “use group.”

(b) As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

“Adjacent business” means a business that is co-located next to a child care center or educational facility.

“AIHA” means the American Industrial Hygiene Association, for which the contact information is AIHA, 2700 Prosperity Ave., Suite 250, Fairfax, VA 22031-4340, (703) 849-8888, telefacsimile (703) 207-3561, www.aiha.org.

1. A searchable list of laboratories accredited by the AIHA is available at <http://www.aiha.org/Content/LQAP/accred/AccreditedLabs.htm>.

“ASTM” means the ASTM International, for which the contact information is ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959, 1-800-262-1373, www.astm.org.

“ASTM Standard D7144” means ASTM Standard D7144-05a “Standard Practice for Collection of Surface Dust by Micro-vacuum Sampling for Subsequent Metals Determination” (2005), incorporated herein by reference, as amended and supplemented, available from the ASTM.

“Averaging time” or “AT” means the period during which an exposure dose is averaged.

1. For non-cancer health effects, AT is expressed as 24 hours per day per year multiplied by 365 (days per year).

2. For cancer health effects, AT is expressed as a lifetime estimate of 70 years.

“Body weight” or “BW” means the weight of a human being in kilograms (kg).

“Cancer slope factor” or “CPSi” means the slope of a dose-response curve obtained from animal and/or human cancer studies expressed as the inverse of the daily dose for the inhalation exposure pathway.

“Child care center” means a facility required to obtain licensure pursuant to the Child Care Center Licensing Act, P.L. 1983, c. 492, N.J.S.A. 30:5B-1 et seq.

“Co-located” means any building sited and joined by a contiguous roof.

“Commissioner” means the Commissioner of Health and Senior Services or his or her designee.

“Concentration” means the amount of a substance present in a certain amount of soil, water, air, food, blood, hair, urine, breath or any other media.

“Contaminant” means a substance that is either present in an environment where it does not belong or is present at levels that might cause harmful, that is, adverse, health effects.

“Conversion” means the performance of work for the purpose of, and/or that would result in, the reclassification of a building from one use group to another.

“Department” means the New Jersey Department of Health and Senior Services.

“Dose-response curve” means a graphical relationship between a dose, that is, an amount of exposure to a substance, and a response, that is, a resulting change in body function or health.

“Dust exposure factor” means the frequency, duration and time of exposure to contaminated dust.

“Educational facility” means a “public school” and a “private school” as N.J.S.A. 18A:1-1 defines those terms and a charter school pursuant to N.J.S.A. 18A:36A-1 et seq. and the rules promulgated thereunder at N.J.A.C. 6A:11, particularly 6A:11-1.2.

“Exposure duration” or “ED” means the length of time in years during which a person is exposed to a potentially hazardous substance.

“Exposure frequency” or “EF” means the average amount of time per year during which a person is exposed to a potentially hazardous substance, usually expressed in hours per day.

“Exposure time” or “ET” means the amount of time, expressed in hours per day, during which a person is exposed to a potentially hazardous substance.

“Facility” means a building at which a child care center or an educational facility is located.

“Field Sampling Procedures Manual” means the Field Sampling Procedures Manual issued by the New Jersey Department of Environmental Protection (August 2005), incorporated herein by reference, as amended and supplemented, available at <http://www.state.nj.us/dep/srp/guidance/fspm>.

“Indoor environmental consultant” means a business entity licensed by the Department to conduct an indoor environmental health assessment in child care centers or educational facilities.

“Indoor environmental health assessment” or “IEHA” means an evaluation and assessment of indoor environment conducted by a licensed indoor environmental consultant.

“Intake rate” or “IR” means the amount of a contaminated medium, such as air, water or soil, to which a person is