

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 ...”.

### 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, the Commissioner of Community Affairs or the Commissioner of Health to reduce the risk of exposure to unsafe or unhealthy conditions which have been shown to be detrimental to employee health or safety. This provision shall apply for hazards not specifically covered by a standard in this chapter or a standard referenced in this chapter.

#### 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 shall inspect under the provisions of this chapter where the provisions relate to health issues in accordance with N.J.S.A. 34:6A-37 and 34:6A-38.

(c) The New Jersey Department of Community Affairs shall inspect under the provisions of this chapter where the provisions relate to building safety, structural safety, and fire safety in accordance with N.J.S.A. 34:6A-38.

(d) The provisions of (a) through (c) 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.

### 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 August 10, 1994 with certain exceptions noted in (b) below are adopted 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 C—General Safety and Health Provisions;
2. Subpart D—Walking-Working Surfaces;
3. Subpart E—Means of Egress;
4. Subpart F—Powered Platforms, Man Lifts, and Vehicle-Mounted Work Platforms;
5. Subpart G—Occupational Health and Environmental Control;
6. Subpart H—Hazardous Materials;
7. Subpart I—Personal Protective Equipment;
8. Subpart J—General Environmental Controls;
9. Subpart K—Medical and First Aid;
10. Subpart L—Fire Protection except that:

i. Paragraph 1910.155(a) and Section 1910.156 are not adopted.

11. Subpart M—Compressed Gas and Compressed Air Equipment;

12. Subpart N—Materials Handling and Storage;

13. Subpart O—Machinery and Machine Guarding;

14. Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment;

15. Subpart Q—Welding, Cutting, and Brazing;

16. Subpart R—Special Industries;

17. Subpart S—Electrical;

18. Subpart T—Commercial Diving Operations; and

19. 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.

#### Case Notes

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

#### 12:100-4.3 Compliance with referenced standards

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

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

### 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 August 10, 1994, are adopted 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—Ladders and Scaffolding;
11. Subpart M—Floors and Wall Openings, and Stairways;
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—Tunnels and Shafts, Caissons, Cofferdams, and Compressed Air;
18. Subpart T—Demolition;
19. Subpart U—Blasting and Use of Explosives;
20. Subpart V—Power and Transmission and Distribution;
21. Subpart W—Rollover Protective Structures; Overhead Protection; and
22. 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.

#### 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 employees by complying with the standards prescribed in N.J.A.C. 12:100-5.2.

## 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 July 31, 1987, are adopted as occupational safety and health standards and shall include:

1. Subpart B—Applicability of Standards;
2. Subpart C—Roll-Over Protective Structures;
3. Subpart D—Safety for Agricultural Equipment; and
4. Subpart I—Toxic and Hazardous Substances.

(b) Only standards relating to employee safety and health (that is, substantive rules) are adopted by an 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.

### 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 employees by complying with the standards prescribed in N.J.A.C. 12:100-6.2.

## 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)18, shall be applicable at indoor firing ranges.

### 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.