

CHAPTER 120

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 120, Asbestos Licenses and Permits, expires on May 1, 2005.

Chapter Historical Note

Chapter 120, originally Asbestos Licensing and Permits, became effective with Subchapters 2 and 6, jointly adopted with the Department of Health as Emergency 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. 1417(b). Subchapters 1, 3, 4, 5 and 7 were jointly adopted with the Department of Health as Emergency 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. 2275(a). Pursuant to Executive Order No. 66(1978), Chapter 120, Asbestos Licenses and Permits, was readopted as R.1990 d.278, effective May 3, 1990. As a part of R.1990 d.278, a new Subchapter 7, Asbestos Work Notification Requirements, was adopted and existing Subchapter 7 was recodified as Subchapter 8, 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 120, Asbestos Licenses and Permits, was readopted as R.1995 d.193, effective March 13, 1995. See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a). As a part of R.1995 d.193, a new Subchapter 8, Appeals and Complaints, was adopted and existing Subchapter 8 was recodified as Subchapter 9, effective April 3, 1995. See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 120, Asbestos Licenses and Permits, was recodified as N.J.A.C. 5:16, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Pursuant to Reorganization Plan No. 002-2002, Chapter 16 of Title 5, Asbestos Licenses and Permits, was recodified as N.J.A.C. 12:120, effective February 5, 2003. See: 34 N.J.R. 4245(a), 35 N.J.R. 1275(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

12:120-1.1 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 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.

12:120-1.2 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.

12:120-1.3 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).
In (a): revised 3 and added new (a)4.

12:120-1.4 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 materials exempted.

Amended by R.1990 d.278, effective June 4, 1990.

See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

In (a): revised 3 and added new (a)4, recodifying old (a)4 as (a)5. Deleted old (a)5 regarding employers using their own employees for asbestos application or removal procedures.

In (b): Revised (b)5 and added new 6.

Amended by R.1995 d.193, effective April 3, 1995.

See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

12:120-1.5 Documents referred to by reference

The availability of standards and publications referred to in this chapter is set forth at N.J.A.C. 12:120-9 and 8:60-9.

Amended by R.1990 d.278, effective June 4, 1990.

See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

Citation revisions.

Amended by R.1995 d.193, effective April 3, 1995.

See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

12:120-1.6 Validity

If any section, paragraph, sentence or word of this chapter is determined to be invalid by any court of competent jurisdiction, such determination shall not affect or impair the validity of the remainder of this chapter.

Amended by R.1990 d.278, effective June 4, 1990.

See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).