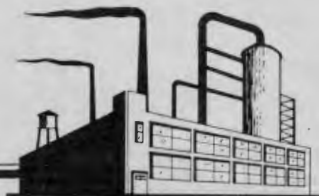


SAFETY REGULATION no. 1

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Governing

SMOKING

in

*Manufacturing
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BUREAU OF ENGINEERING & SAFETY,

N.J. DEPARTMENT OF LABOR & INDUSTRY,
Trenton, N.J.

Division of Labor

This Safety Regulation No. 1 supersedes the following:

*“Rules and Regulations Governing Smoking
in Protected Portions in a Factory, Work-
shop, Mill or Other Place Where the
Manufacture of Goods is Carried On”
which was filed with the Secretary of State
on August 16, 1956.*

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FOREWORD

This Regulation is promulgated for the purpose of defining protected portions of manufacturing establishments in which smoking may be permitted by law.

It is promulgated by the Commissioner of Labor and Industry of the State of New Jersey under authority vested in him by law:

R. S. 34:1-20. The commissioner may make and publish rules and regulations not inconsistent with law as he shall deem necessary to enforce the provisions of this title.

Whenever any condition is found to exist in contravention of any provision of this title, the commissioner may by written order signed by him specifying the things to be done and the time for compliance require such conditions to be corrected.

The provisions of Title 34 which refer to the subject matter regulated are:

34:6-20. Smoking in any factory, workshop, mill or other place where the manufacture of goods is carried on, except in protected portions designated by the commissioner, is forbidden.

Notices prohibiting smoking and reciting the penalty for violation of this section in language readable by the employees, shall be posted at every entrance, on every elevator car, in stairhalls and in the rooms of each floor.

Municipal fire department members shall report all violations coming in their notice to the commissioner of labor whose duty it is to enforce this section.

Any person violating this section shall be deemed a disorderly person and upon conviction shall be punished by a fine of not less than ten dollars nor more than twenty dollars for a first offense; and by a fine of not less than twenty dollars nor more than fifty dollars or imprisonment for not more than thirty days or both for a second or subsequent offense.

Prior to its promulgation, this Regulation was reviewed and approved by the New Jersey State Industrial Safety Committee.

SECTION 1 – PURPOSE AND SCOPE

- 1.1 **PURPOSE AND SCOPE.** This Regulation prescribes minimum fire protection requirements and restrictions for smoking by persons in or about a building or portion thereof used as, or in connection with, a factory, mill, workshop or place where the manufacture of goods is carried on.
- 1.2 **EXCEPTIONS.** In cases of practical difficulty or unnecessary hardship, the Commissioner may grant exceptions from this Regulation provided that a request for such exception has been made in writing. Exceptions can only be granted when it is clearly evident that a satisfactory, safe and sanitary condition is attained, but cannot be granted in any case where conflict would be created with mandatory requirements of the law.

SECTION 2 – GENERAL PROVISIONS

- 2.1 Smoking by any person is forbidden in or about any building, or portion thereof except where a permit to allow smoking has been issued to the building tenant by the Commissioner.
- 2.2 A permit to allow smoking shall not be issued for the following places:
- (a) Any prohibited area as described in Section 5 of this Regulation.
 - (b) Any building or portion thereof if compliance with the fire prevention and protection laws or related Department requirements is not satisfactory.
- 2.3 Legal State of New Jersey "NO SMOKING" signs, which recite the penalty of the law, shall be posted throughout all prohibited areas. Cardboard printed signs are obtainable from the Bureau of Engineering and Safety upon order.
- 2.4 A permit may be issued to a building tenant to allow smoking in protected portions of buildings designated in Section 4 in accordance with the following procedure:
- (a) An application for a permit has been made by the building tenant in the manner prescribed in Section 7, and
 - (b) A field inspection by a representative of the Bureau of Engineering and Safety reveals satisfactory compliance with this Regulation.
- 2.5 Permits are neither amendable nor transferable.
- 2.6 The Commissioner may revoke any permit for failure to maintain compliance with this Regulation.
- 2.7 The fireload shall mean the amount of combustible materials having a calorific value of 8,000 B. T. U. per pound expressed in equivalent pounds per square foot of floor area.

SECTION 3 – TYPES OF BUILDING CONSTRUCTION

3.1 The types of building construction referred to in this Regulation are defined in the Standard Building Code of New Jersey as follows:

TYPE 1 – FIREPROOF CONSTRUCTION. Buildings and structures of fire-proof construction are those in which the walls, partitions, structural elements, floors, ceiling, and roofs, and the exit-ways are constructed and protected with noncombustible materials to afford at least a 3-hour fire resistance. Re-enforced concrete and steel frames with two (2) inch concrete or four (4) inch brick covering are typical buildings of this type of construction.

TYPE 2-A – NONCOMBUSTIBLE 1½ HOUR PROTECTED. Structures of type 2-A (noncombustible 1½ hour protected) shall include all buildings of noncombustible construction in which the structural framework is protected to develop 1½ hour fire resistance. Steel frames covered with two (2) layers of ¾ inch gypsum or cement plaster and concrete floors are typical buildings of 2-A construction.

TYPE 2-B – NONCOMBUSTIBLE ¾ HOUR PROTECTED. Structures of type 2-B (noncombustible ¾ hour protected) shall include all buildings of noncombustible construction in which the structural framework is protected to develop ¾ hour fire resistance. Steel frames covered with one layer of gypsum or cement plaster one (1) inch thick and concrete floors are typical of 2-B construction.

TYPE 2-C – NONCOMBUSTIBLE UNPROTECTED. Structures of type 2-C (noncombustible unprotected) shall include all buildings of noncombustible construction in which the structural framework is unprotected. Steel frames without any protective coverings are typical buildings of type 2-C construction.

TYPE 3-A – HEAVY TIMBER MILL CONSTRUCTION. Structures of type 3-A (heavy timber mill) construction shall include all exterior masonry wall buildings in which the interior structural members consist of heavy timbers with flat surfaces, with all sharp projections and concealed or inaccessible spaces eliminated and with heavy plank floor and roof construction.

TYPE 3-B – ORDINARY PROTECTED CONSTRUCTION. Structures of type 3-B (ordinary protected) construction shall include all exterior masonry wall buildings in which the interior structural elements are wholly or partly of fire-protected wood of not less than two (2) inch nominal thickness, or of other approved protected combustible materials, or of metal, protected and insulated to afford three-quarter (¾) hour fire resistance. Wood floors supported on walls or on steel or heavy timber columns and girders protected with one (1) layer of gypsum plaster are typical buildings of type 3-B construction.

TYPE 3-C – ORDINARY UNPROTECTED CONSTRUCTION. Structures of type 3-C (ordinary unprotected) construction shall include all exterior masonry wall buildings in which the interior structural members are of wood not less than two (2) inch nominal thickness or consist of other combustible materials with protection of less than three-quarter (¾) hour fire resistance. Wood floors supported on floor joists bearing directly on masonry walls or on steel or heavy timber columns and girders are typical buildings of type 3-C construction.

TYPE 4-A – WOOD FRAME PROTECTED. Wood structures of type 4-A (wood frame protected) shall include all buildings of frame construction in which the exterior walls and interior structural members are protected to develop a minimum of ½ hour fire resistance. Exterior stud frame walls with outside covering of transite and inside covering of sheet rock, and ceilings of sheetrock for protection of floors and roof are typical construction for this type of building.

TYPE 4-B – WOOD FRAME UNPROTECTED. Structures of type 4-B (wood frame unprotected) shall include all buildings of wood frame construction in which the exterior walls and interior structural members are unprotected. Wood frame buildings not included in the type 4-A category are classified as type 4-B buildings.*

SECTION 4 – PROTECTED BUILDINGS AND PROTECTED PORTIONS OF BUILDINGS

- 4.1 To be classified as protected buildings or protected portions of buildings for smoking privileges, structures shall be of one of the following types of construction, shall not exceed the indicated maximum height in stories and shall be provided with approved automatic sprinkler protection as indicated.

(a)	<u>Type of Construction</u>	<u>Maximum Height in Stories</u>	<u>Automatic Sprinkler System Required</u>
	1	Unlimited	No
	2A	Six (6)	No
	2B	Four (4)	Yes
	2C	Three (3)	Yes
	3A, 3B, 3C	One (1)	Yes

- (b) Type 2-B, one and two story construction without automatic sprinkler protection will be classified as a protected building if provided with a minimum of two (2) first-aid one and one-half (1½) inch standpipe with sufficient hose to reach all portions of the building.

**The Standard Building Code of New Jersey prohibits new construction of this type for industrial uses.*

- (c) Type 2-C, one story construction without automatic sprinkler protection will be classified as a protected building if provided with a minimum of two (2) first-aid one and one-half (1½) inch standpipes with sufficient hose to reach all portions of the building and the fire load is not greater than two (2) pounds per square foot of floor area.
- (d) Rooms in buildings of Type 1, 2, 3 and 4 construction used for office and similar low hazard non-manufacturing operations, and separated from the main area of the building with ceiling high partitions shall be a protected portion of the building when in compliance with one of the following requirements:
 - 1. The enclosure, including ceiling and partitions, shall have a fire resistive rating of at least three-quarter (¾) hour: or
 - 2. Enclosures with a fire resistive rating of less than three-quarter (¾) hour shall be provided with automatic sprinkler protection.

SECTION 5 - PROHIBITED AREAS

5.1 Prohibited areas in which smoking is forbidden are designated as follows but not limited thereto:

- (a) any building or portion thereof that is not properly protected.
- (b) any building or portion thereof, or the premises connected therewith, where explosives or fireworks are manufactured, handled, stored or used.
- (c) any building commonly known as flour, food or cereal mills or malt elevators.
- (d) any portion of a building of which the general occupancy classification is either medium or high hazard.
- (e) within twenty (20) feet of any portion of a building in which the fire load of the contents exceeds 5 lbs. per square foot or 40,000 B. T. U. per square foot.
- (f) within twenty (20) feet of any operation involving the machining, in any form whatsoever, of Magnesium, Dowmetal, Aluminum or other metals of similar characteristics including the storage of cuttings or finely divided particles of such metals.
- (g) within twenty (20) feet of any operation involving the use of combustible cutting oils, lubricants and coolants having flashpoints of less than 165° F. Cleveland open cup.
- (h) within twenty (20) feet of any operation involving the use, handling or storage of flammable liquids, gases or combustible materials.

Exception to (h):

At operations involving the use, handling or storage of small quantities of flammable liquids or combustible materials, the required distance of twenty (20) feet may be reduced to ten (10) feet providing approved type, metal safety containers are used for such liquids and materials and approved type, metal safety cans are used for the disposition of soiled wiping waste and rags.

SECTION 6 - PERMITS

6.1 Except as prohibited in Section 5, smoking may be allowed in and about any protected building or portion thereof in accordance with the following permit schedule.

6.1.1 Special permits for smoking in protected rooms may be issued upon compliance with the following requirements:

- (a) A liberal supply of ash trays for cigarettes, pipe dottle and matches shall be provided.
- (b) Suitable fire extinguishing equipment readily available for immediate use shall be provided.
- (c) Signs shall be placed at all doors, warning against carrying of lighted smoking materials beyond the doorway.
- (d) Where necessary, metal cans, equipped with self-closing metal lids shall be provided for the disposal of paper, rubbish, etc. and such cans shall be suitably stencilled with bold type lettering.
- (e) Such rooms shall not be adjacent to high hazard fire areas.
- (f) The floor area of the smoking rooms shall not exceed twenty-five per cent (25%) of the floor area of the industrial establishment.

6.1.2 General permits for smoking in protected buildings or protected portions of buildings may be issued when the following measures of control and protection are provided:

- (a) Rules and instructions for governing safe smoking conditions shall be prepared by the occupying employer for instructing and training persons to observe measures required by the permit. Such rules and instructions shall be submitted to the Bureau of Engineering and Safety for approval.
- (b) A plant fire brigade shall be organized and maintained in ready-service for extinguishing any fire emergency.

- (c) A person qualified in fire protection technique shall be in responsible charge of the smoking program and shall exercise the following supervision:
1. All areas of the plant shall be inspected weekly for the maintenance of the protective measures in effective condition.
 2. A monthly record listing the weekly reports and corrective actions to keep the program within the requirements of the permit shall be preserved for review by a representative of the Bureau of Engineering and Safety.
- (d) The boundaries of the permissible smoking areas shall be indicated by a four (4) inch wide painted yellow line on the floor and by posted or suspended signs approved by the Bureau of Engineering and Safety.
- (e) An ample supply of receptacles of an approved type for cigarettes, pipe dottle and ashes shall be provided. Such receptacles shall conform with the standard cigarette and match disposal can of the Bureau of Engineering and Safety or shall be approved by the Bureau as equivalent to the standard.
- (f) Metal cans equipped with self-closing, metal lids shall be provided for the disposal of paper, rubbish, etc. and such cans shall be suitably stencilled with bold type lettering.
- (g) Storage of combustible and flammable materials or substances likely to spread fire by flowing shall be separated from other operations and enclosed by fire resistive construction of two (2) hour rating.
- (h) Suitable fire extinguishers readily available for immediate use shall be provided in the area.
- (i) The disposal of cigarette stubs, matches and burnt particles of tobacco other than in receptacles shall be avoided and good house-keeping practices shall be continuously observed.
- (j) Where sawdust is used for oil absorption purposes, non-flammable absorbent compound must be substituted.
- (k) The use of personally owned, mechanical lighters is advocated and the use of matches discouraged.
- (l) Smoking by truck drivers, crane operators, bicycle riders, etc. shall be prohibited while operating or riding such vehicles and equipment in areas requiring such restrictions.

SECTION 7 - APPLICATION FOR PERMIT

7.1 APPLICATION FOR PERMIT.

7.1.1 The building occupant desiring a smoking permit shall make application for a permit in accordance with the following procedure:

- (a) A written request shall be submitted to the Bureau of Engineering and Safety. A fee of \$5.00 shall accompany each application for a permit. Smoking privileges are accorded under this Regulation in all plant areas designated on the face of the permit. Any change in the designation of such areas shall require the issuance of another permit.
- (b) For a special smoking permit, drawings in triplicate showing the rooms in which smoking is to be permitted shall be submitted for approval.
- (c) For a general smoking permit, drawings in triplicate showing the following data shall be submitted.
 - 1. Layout of all areas of the building with the particular uses indicated, such as office, machine shop, shipping section, etc.
 - 2. Outline of prohibited smoking areas shall be indicated in red on the layout of building.
 - 3. Outline of permissible smoking areas shall be indicated in green to be shown on the building layout and the fire load to be noted for a distance of 20 feet beyond the permissible area boundaries. Fire loads shall be the average for a unit area, such as a building bay area.