

CHAPTER 53

VOCATIONAL EDUCATION SAFETY
AND HEALTH STANDARDS

Authority

N.J.S.A. 18A:4-15, 18A:33-1 et seq.; 18A:40-12.1
and 12.2 and 18:54-1 et seq.

Source and Effective Date

R.1992 d.204, effective April 10, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Chapter Expiration Date

Pursuant to Executive Order No. 22(1994), Chapter 53, Vocational Education Safety and Health Standards, expires on October 10, 1998.
See: 26 N.J.R. 3783(a) and 3942(a).

Chapter Historical Note

All provisions of this chapter became effective August 3, 1977 as R.1977 d.279. See: 8 N.J.R. 457(b), 9 N.J.R. 417(b).

This chapter was readopted with amendments effective October 18, 1982 as R.1982 d.368. See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

This chapter was readopted effective July 7, 1987. The subchapters 4 through 7 were repealed; subchapters 8 and 9 were recodified to subchapters 4 and 5 and the chapter was substantially amended effective August 3, 1987. Readoption, amendments, repeals and recodification as R.1987 d.313. See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a). See subchapter and section levels for further amendments.

Chapter 53, Vocational Education Safety and Health Standards, was readopted pursuant to Executive Order No. 66(1978) by R.1992 d.204, effective April 10, 1992. See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

6:53-1.1 Scope and purpose

(a) The rules in this chapter prescribed and approved by the State Board of Education pursuant to N.J.S.A. 18A:1-1, 18A:4-15, 18A:33-1 et seq., 18A:40-12.1, 18A:40-12.2 and 18A:54-1 et seq. provide safety and health standards to govern the use of tools, machines, equipment, protective devices and hazardous substances in vocational education programs and courses.

(b) These programs and courses include those regulated by the Department of Education and offered in public schools, private vocational schools as defined in N.J.A.C. 6:43-1.2, approved private schools for the handicapped as defined in N.J.A.C. 6:28-1.3 and institutions or agencies receiving either State or Federal vocational education funds administered by the Department of Education.

Amended by R.1982 d.368, effective October 18, 1982.

See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Changed section title from Foreword.

Amended by R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Added authority "18:40-12.1".

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

New (b) added.

Case Notes

Board of education was vicariously liable to teacher for compensatory damages under Conscientious Employee Protection Act. *Abbamont v. Piscataway Tp. Bd. of Educ.*, 138 N.J. 405, 650 A.2d 958 (1994).

6:53-1.2 Adoption by reference

(a) The standards contained in N.J.A.C. 12:100, Safety and Health Standards for Public Employees, are adopted as safety and health standards for vocational education programs and courses.

(b) The standards are available for review at the Department of Education, Division of Vocational Education, 225 West State Street, CN 500, Trenton, New Jersey 08625 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, CN 049, Trenton, New Jersey 08625.

New Rule, R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Old section 2 definitions recodified to section 3.

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

CN number corrected at (b).

Case Notes

Board of education was vicariously liable to teacher for compensatory damages under Conscientious Employee Protection Act. *Abbamont v. Piscataway Tp. Bd. of Educ.*, 138 N.J. 405, 650 A.2d 958 (1994).

Alleged shop ventilation inadequacies were violation of court mandated public policy concerning public health, safety and welfare, and

supported claim under Conscientious Employee Protection Act. *Abbott v. Piscataway Tp. Bd. of Educ.*, 269 N.J.Super. 11, 634 A.2d 538 (A.D.1993), certification granted 136 N.J. 28, 641 A.2d 1039, affirmed 138 N.J. 405, 650 A.2d 958.

6:53-1.3 Definitions

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

"Combustible liquid" means any liquid having a flash point at or above 37.8°C. (100°F).

"Flammable liquid" means any liquid having a flash point below 37.8°C. (100°F).

"Flash point" means the temperature at which a liquid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid.

"Hazard analysis" means a method of reviewing vocational program equipment, materials, procedures and processes in order to identify potential causes of injury or illness.

"Hazardous substance" means any substance, or substance contained in a mixture, included on the workplace hazardous substance list developed by the Department of Health pursuant to N.J.S.A. 34:5A-5, introduced by an employer to be used, studied, produced or otherwise handled at a facility.

"NFPA" means the National Fire Protection Association, Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269.

"Point of operation" means the area on a machine where work is actually performed upon the material being processed.

"Universal precautions" means routine procedures for sanitation and hygiene when handling body fluids including the use of barrier precautions to prevent direct skin contact with blood or any body fluid containing blood.

"Vocational education program and/or course" means any vocational or career orientation program and/or course as defined in N.J.A.C. 6:43-1.2.

Amended by R.1982 d.368, effective October 18, 1982.
See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Added definition of "AWG" and "point of operation." Amended definition of "combustible liquid," "flammable liquid," "nationally recognized testing laboratory," "NFPA," "p.s.i.," "vocational education program" and "welder or welding operator."
Amended by R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Deleted definitions "AWG", "Nationally recognized testing laboratory", "p.s.i." and "welder or welding operator", added "Hazardous substances"; and amended "vocational education program and/or course".

Amended by R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Added definition for "hazard analysis" and "universal precautions" and amended "NFPA" and "vocational education program and/or course".

SUBCHAPTER 2. STANDARDS IMPLEMENTATION

6:53-2.1 Applicability and implementation of safety and health standards

(a) All tools, machines, equipment, personal protective devices and hazardous substances used in vocational education programs shall meet the safety and health standards contained in this chapter.

(b) Tools, machines, equipment, personal protective devices and hazardous substances not in compliance with these standards shall be removed from service.

Amended by R.1982 d.368, effective October 18, 1982.

See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes. Deleted old (c).

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

References to "hazardous substances" added throughout text.

6:53-2.2 Safety and health program

(a) All district boards of education and other institutions and agencies identified in N.J.A.C. 6:53-1.1(b) operating vocational education programs and/or courses shall organize, adopt and implement a vocational education safety and health program. A copy of the program, indicating the district board of education's, the agency's or institution's adoption and approval, shall be retained on file by the agency or institution and made available, upon request, to the Department of Education.

(b) Each district board of education and other institution or agency as specified in N.J.A.C. 6:53-1.1(b) operating vocational education programs and/or courses shall designate a person or persons, other than the chief executive and/or chief administrative officer, who will implement the approved safety and health program.

(c) The safety and health program shall contain, as a minimum, the following:

1. Objectives of the safety and health program;
2. A safety and health hazard analysis for each vocational course and/or program in operation;
3. A statement of the general policies for the safe and healthy operation of all vocational courses;
4. Specific statements of practices and precautions required for safe and healthy operation within each separate course;

5. A plan and procedures for periodic inspections and maintenance of facilities, tools, machines, equipment, personal protective devices, hazardous substances, and for the elimination of potential or identified hazards;

6. Emergency procedures to be followed in the event of an accident involving a pupil, teacher or any other individual;

7. Methods to be used for each vocational course to provide safety and health education to pupils including methods for incorporating the results of the hazard analysis;

8. Procedures and methods to be used to document and assess pupils' knowledge of safe and healthy practices and procedures;

9. A system, which may include disciplinary action, to ensure that pupils comply with safe and healthy practices; and

10. Procedures to ensure that all new vocational education staff and pupils receive appropriate initial safety and health program training prior to working or participating in any vocational course and/or program.

Amended by R.1982 d.368, effective October 18, 1982.
See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes.

Amended by R.1987 d.313, effective August 3, 1987.
See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Changed the filing of the vocational education program from the Assistant Commissioner of Education and the State Director of Vocational Education to the local education agency and the Department of Education.

Amended by R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Established new requirements that the district board or institution or agency shall designate a person other than chief executive or administrator to implement programs, and new elements at (c)2, 9 and 10.

6:53-2.3 Reporting requirements

(a) Accidents involving vocational education pupils, staff or others shall be reported to the Commissioner of Education on the accident reporting form supplied by the Department of Education within five working days of the occurrence.

(b) A reportable accident is any accident which requires treatment by a licensed medical doctor that occurs in a vocational education program, either on the school premises or at an approved off-premises training site including cooperative work training site and travel to and from that off-premises training site.

Amended by R.1982 d.368, effective October 18, 1982.
See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes. Deleted old (b).

Amended by R.1987 d.313, effective August 3, 1987.
See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Deleted "Assistant" from "Commissioner of Education"; "State Director of Vocational Education and Career Preparation" and substituted "Department of Education".

Amended by R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Clarified a reportable accident is one which requires treatment by a licensed, medical doctor and that it could include one occurring while traveling to or from an off premises training site.

SUBCHAPTER 3. GENERAL REQUIREMENTS FOR ALL MACHINES

6:53-3.1 Securing machines and equipment

(a) Each machine shall be so constructed, installed and maintained as to be free from excessive vibration.

(b) Arbors and mandrels shall be so constructed, installed and maintained as to have firm and secure bearing and be free from play.

Amended by R.1982 d.368, effective October 18, 1982.
See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes. Section codified.

Amended by R.1987 d.313, effective August 3, 1987.
See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Section recodified from section 2 with (a) repealed and (b)-(c) renumbered (a)-(b). Section 1 was formerly "Machine guarding".

6:53-3.2 Unattended machines and equipment

Machines and equipment requiring the presence of an operator shall not be left unattended while in operation or still in motion.

Amended by R.1982 d.368, effective October 18, 1982.
See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes.

Amended by R.1987 d.313, effective August 3, 1987.
See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Section recodified from section 4.

Amended by R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Specified "or still in motion".

6:53-3.3 Machine controls and equipment

(a) An electrical power control shall be provided on each machine to make it possible for the operator to cut off the power without leaving the operating position.

(b) On all nonportable motorized equipment and machinery, a magnetic-type switch shall be provided to prevent machines from automatically restarting upon restoration of power after an electrical failure or electric cutoff.

(c) Power controls and operating controls shall be located within easy reach of the operator while the operator is at the regular work location, thereby making it unnecessary to reach over the point of operation to make adjustments.

(d) Each machine operated by electrical power shall be provided with positive means for rendering it inoperative while repairs or tool changes are being made.

(e) Push-type emergency cutout switches shall be provided at appropriate locations within shops to de-energize the electrical supply to nonportable machinery in accordance with N.J.A.C. 6:22-5.4(f)1.

(f) Power tools and machines in shops which generate dust shall be provided with dust collecting equipment in accordance with N.J.A.C. 6:22-5.4(b)5.

Amended by R.1982 d.368, effective October 18, 1982.
See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes. Formerly codified at N.J.A.C. 6:53-5.2.

Amended by R.1987 d.313, effective August 3, 1987.
See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Section recodified from section 6. Added subsections (e) and (f).
Amended by R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Specified a magnetic-type switch in (b), electrical power in (d) and cut-out switch and nonportable machinery in (e); remaining are technical changes or correction of cites.

SUBCHAPTER 4. HAZARDOUS SUBSTANCES

Historical Note

Chapter 4 was originally "Equipment layout and work area". The subchapter was repealed and replaced with the new subchapter recodified with amendments from subchapter 8 as R.1987 d.313, effective August 3, 1987. See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

6:53-4.1 Storage of flammable and combustible materials

(a) Flammable and combustible liquids in storage shall be kept in the original closed container supplied by the manufacturer or in approved safety cans.

(b) Flammable or combustible liquids not in storage and ready for use shall be transferred from the original closed container to approved safety cans. This does not apply to finishing or other materials designed to be used from the original closed container, provided the container is resealed immediately after use.

(c) Approved oily waste cans shall be provided for the disposal of materials that have come into contact with flammable or combustible liquids or other materials that can support spontaneous combustion.

(d) Flammable or combustible liquids shall be stored in accordance with the requirements as specified in NFPA 30-1990, "Flammable and Combustible Liquids Code" which with all subsequent amendments and supplements is hereby adopted as a rule.

1. This document is available for review at the Department of Education, Division of Vocational Education, 225 West State Street, CN 500, Trenton, New Jersey 08625 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, CN 049, Trenton, New Jersey 08625.

2. This document may be purchased from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269.

Amended by R.1982 d.368, effective October 18, 1982.

See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Added "NFPA . . . through 1.-2." to (d).

Amended by R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Change of address where document is available for review.

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Specified 1990 edition of NFPA Code in (d).

6:53-4.2 Use and disposal of hazardous substances

(a) Hazardous substances shall be stored, handled and used in accordance with N.J.A.C. 8:59, Worker and Community Right to Know Act, promulgated pursuant to the authority of the Worker and Community Right to Know Act, P.L. 1983, c.315 and N.J.S.A. 34:5A-1 et seq.

1. These rules are available for review at the Department of Education, Division of Vocational Education, 225 West State Street, CN 500, Trenton, New Jersey 08625 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, CN 049, Trenton, New Jersey 08625.

2. The rules may be requested from the State of New Jersey, Department of Health, John Fitch Plaza, CN 360, Trenton, New Jersey 08625.

(b) Hazardous waste shall be disposed of in accordance with N.J.A.C. 7:26-1, and 7:26-7 through 12, the Hazardous Waste Regulations, promulgated pursuant to the authority of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

1. These rules are available for review at the Department of Education, Division of Vocational Education, 225 West State Street, CN 500, Trenton, New Jersey 08625 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, CN 049, Trenton, New Jersey 08625.

2. The rules may be requested from the State of New Jersey, Department of Environmental Protection, CN 028, Trenton, New Jersey 08625.

Amended by R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Old text repealed and new text substituted.

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

New (b) added regarding disposal.

SUBCHAPTER 5. PERSONAL PROTECTION

6:53-5.1 Foundry operations

(a) Individuals engaged in the melting of metal to be cast or the pouring of molten metals shall be protected by the wearing of the following:

1. Melter's goggles with shade No. 3 lenses;
2. Full face shield;
3. Fire resistant or fireproof duckbib-type apron that extends below the top of leggings or equivalent;
4. Fire resistant or fireproof duckspring-type leggings;
5. Molder's sleeves;

6. Heat resistant, fireproof gloves; and
7. Closed leather footwear with metatarsal guards, or equivalent.

(b) Crucible shanks used for pouring molten metal from the crucible shall be equipped with a safety lock designed to prevent the crucible from dropping or slipping out of the shank while the molten metal is being poured or transported.

Amended by R.1982 d.368, effective October 18, 1982.
See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical changes.

Amended by R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Replaced "inhibited asbestos" with "fire resistant" in (a)3 and 4; added "heat resistant, fireproof" at 6 and required metatarsal guards at (a)7.

6:53-5.2 Protection of personnel

Individuals using hand and power tools who are exposed to hazards of falling, flying, abrasive and splashing materials or harmful dusts, fumes, mists, vapors or gases shall be provided with the particular personal protective equipment necessary to protect them from potential hazards in accordance with N.J.A.C. 6:3-1.14.

New Rule R.1987 d.313, effective August 3, 1987.
See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

6:53-5.3 Handling of blood and body fluids

All individuals handling blood and body fluids in vocational education programs shall implement universal precautions in accordance with N.J.A.C. 6:29-2.5.

New Rule: R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

