

**CHAPTER 100**  
**SAFETY AND HEALTH STANDARDS**  
**FOR PUBLIC EMPLOYEES**

**Authority**

N.J.S.A. 34:1-20, 34:1A-3(c), and 34:6A-25 et seq., specifically 34:6A-30, 31 and 32.

**Source and Effective Date**

R.1994 d.492, effective August 26, 1994.  
 See: 26 N.J.R. 2776(a), 26 N.J.R. 3872(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 100, Safety and Health Standards for Public Employees, expires on August 26, 1999.

**Chapter Historical Note**

The original rules in Chapter 100, which were General Provisions of Title 12, Subtitle 1, Bureau of Migrant Labor, were filed prior to September 1, 1969, and became effective on January 1, 1970. The original rules became ineffective on April 1, 1975 with the adoption of R.1975 d.101, which was filed and effective April 16, 1975. See: 7 N.J.R. 231(a). The Migrant Labor rules were repealed by R.1978 d.288, effective August 16, 1978. See: 10 N.J.R. 258(a), 10 N.J.R. 400(d). A new Chapter 100, Safety and Health Standards for Public Employees, was filed and became effective November 5, 1984 as R.1984 d.510. See: 16 N.J.R. 2057(a), 16 N.J.R. 3051(a).

Subchapter 12 was adopted as R.1986 d.285, and Subchapter 7 was recodified as Subchapter 17, effective July 21, 1986. See: 18 N.J.R. 811(b), 18 N.J.R. 1479(b). Subchapter 9 became effective September 19, 1988 as R.1988 d.451. See: 20 N.J.R. 1523(a), 20 N.J.R. 2391(a). Subchapter 11 became effective May 1, 1989 as R.1989 d.238. See: 21 N.J.R. 620(a), 21 N.J.R. 1144(a). Subchapter 8 was adopted as R.1989 d.357, effective July 3, 1989. See: 21 N.J.R. 1094(a), 21 N.J.R. 1829(b). Pursuant to Executive Order No. 66(1978), Chapter 100 was readopted as R.1989 d.536, effective September 22, 1989. See: 21 N.J.R. 2224(a), 21 N.J.R. 3299(b). Subchapter 10, Standards for Firefighters, was adopted as R.1993 d.28, effective January 4, 1993. See: 24 N.J.R. 73(a), 25 N.J.R. 180(b).

Pursuant to Executive Order No. 66(1978), Chapter 100 was readopted as R.1994 d.492. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. GENERAL PROVISIONS

### 12:100-1.1 Title and citation

This chapter shall be known and may be cited as N.J.A.C. 12:100, Safety and Health Standards for Public Employees.

### 12:100-1.2 Authority

These rules are promulgated pursuant to the authority of the New Jersey Public Employees Organizational<sup>1</sup> Safety and Health Act, N.J.S.A. 34:6A-25 et seq.

<sup>1</sup> So in original. Probably should read "Occupational".

### 12:100-1.3 Purpose

The purpose of this chapter is to protect employees in the public sector by providing standards, which are at least as effective as the standards promulgated under Section 6 of the Federal Occupational Safety and Health Act of 1970, 29 USC 651 et seq.

### 12:100-1.4 Scope

This chapter shall apply to all employers, employees, and agencies subject to N.J.S.A. 34:6A-25 et seq., New Jersey Public Employees Occupational Safety and Health Act.

#### Case Notes

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).

### 12:100-1.5 Documents referred to by reference

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 12:100-7.

### 12:100-1.6 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

## SUBCHAPTER 2. DEFINITIONS

### 12:100-2.1 Definitions

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

"Act" means the New Jersey Public Employees Occupational Safety and Health Act, N.J.S.A. 34:6A-25 et seq.

"Approved" means acceptable to the Commissioner of Labor.

"CFR" means Code of Federal Regulations.

"Commissioner" means the Commissioner of Labor or his designee.

"Division of Workplace Standards" means the Division of Workplace Standards of the New Jersey Department of Labor, CN 054, Trenton, New Jersey 08625-0054.

"Employee" means any public employee, any person holding a position by appointment or employment in the service of an "employer" as that term is used in the Act and shall include any individual whose work has ceased as a consequence of, or in connection with, any administrative or judicial action instituted under the Act; provided, however, that elected officials, members of boards and commissions and managerial executives as defined in the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. shall be excluded from the coverage of the Act.

"Employer" means public employer and shall include any person acting directly on behalf of, or with the knowledge and ratification of:

1. The State, or any department, division, bureau, board, council, agency or authority of the State, except any bi-state agency; or

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.

"Shall" means a mandatory requirement.

1. The work area shall be inspected for removal of nonessential items and to ensure that components are operationally intact and that all employees have been safely positioned or removed; and

2. Lockout and tagout devices shall be removed from each energy isolating device by the employee who applied the device, with the exception that devices may be removed under the direction of an authorized employee under the following conditions, and only where the authorized employees follow specific procedures which have been developed for those conditions:

- i. When the employee who applied a personal lockout/tagout device is not available to remove the device; and
- ii. Unique operating conditions involving complex systems, where the employer can demonstrate that it is not feasible to do otherwise.

**12:100-11.12 Additional requirements**

(a) In situations where the energy isolating device(s) is locked and tagged, and there is a need to test or position the machine or equipment, the following sequence of actions shall be implemented:

- 1. Clear the machine or equipment of tools and materials and clear employees from the machine or equipment area in accordance with N.J.A.C. 12:100-11.11(a)1;
- 2. Clear the control of locks and tags with appropriate procedures in accordance with N.J.A.C. 12:100-11.11(a)2;
- 3. Energize and proceed with testing or positioning; and
- 4. De-energize all systems and reapply energy control measures in accordance with (d) below to continue the work.

(b) Whenever outside servicing personnel are to be engaged in activities covered by the scope and application of this subchapter, the plant or facility employer shall inform them of the lockout/tagout procedures used by the facility.

- 1. The plant or facility employer shall assure that the lockout/tagout procedures used by outside servicing personnel are compatible with existing in-plant procedures.

(c) When lockout and tagout devices are used by a crew, craft, department, or other group, the affected employees shall be afforded a level of protection equivalent to that provided by personal lockout and tagout devices.

- 1. Group lockout and tagout devices shall be used in accordance with the procedures required by N.J.A.C. 12:100-11.11(a)1, including, but not necessarily limited to, the following specific requirements:

- i. Primary responsibility shall be vested in an authorized employee for a set number of employees working

under the protection of a particular group lockout and tagout device;

- ii. Provision for the authorized employee to ascertain the exposure status of individual group members with regard to the lockout and tagout of the equipment or process; and

- iii. When more than one crew, craft, department, etc., is involved, the responsibility of the overall job-associated lockout/tagout control shall be assigned to an authorized employee designated to coordinate affected work forces and ensure continuity of protection;

(d) Specific procedures shall be implemented during shift or personnel changes to ensure the continuity of lockout and tagout protection in accordance with N.J.A.C. 12:100-11.11(a)1. These procedures shall be developed as follows:

- 1. For the orderly transfer of lockout and tagout devices between off-going and oncoming employees which will eliminate exposure to hazards from the unexpected energization, start-up, or the release of stored energy of the equipment or process; and
- 2. To ensure that the equipment or process is being maintained in a safe condition so as to permit continued work by employees following the transfer of control over lockout and tagout devices.

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**SUBCHAPTER 12. (RESERVED)**

**Subchapter Historical Note**

Subchapter 12, Asbestos, was repealed by R.1996 d.370, effective August 5, 1996. See: 28 N.J.R. 2507(a), 28 N.J.R. 3801(a).

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**SUBCHAPTERS 13 THROUGH 16. (RESERVED)**

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**SUBCHAPTER 17. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER**

**12:100-17.1 Documents referred to by reference**

(a) The full title and edition of each of the standards or publications referred to in this chapter are as follows:

- 1. ANSI Z9.2-1979, Design and Operation of Local Exhaust Systems;
- 2. ANSI Z88.5-1981, Respiratory Protection for the Fire Service;

3. ANSI Z88.6-1984, Respiratory Protection-Respiratory Use-Physical Qualifications for Personnel;
4. Asbestos Policy Committee Report to the Governor, March, 1985;
5. 29 CFR Part 1910, General Industry Standards;
6. 29 CFR Part 1926, Construction Industry Standards;
7. 29 CFR Part 1926, Agriculture;
8. 30 CFR Part 11, Respirators;
9. NIOSH Method 7400, Microscopy Measurement of Asbestos Fiber, February 15, 1984;
10. ANSI/CGA G7.1-1989, Commodity Specification for Air;
11. CGA P15-1985, Filling of Industrial and Medical Nonflammable Compressed Gas Cylinders;
12. NFPA No. 1971-1986, Protective Clothing for Structural Firefighting;
13. NFPA No. 1972-1987, Structural Firefighters Helmets;
14. NFPA No. 1973-1988, Gloves for Structural Firefighters;
15. NFPA No. 1974-1987, Standard on Protective Footwear for Structural Firefighting;
16. NFPA No. 1975-1985, Station/Work Uniforms for Firefighting;
17. NFPA No. 1981-1986, Self-contained Breathing Apparatus for Firefighters;
18. NFPA No. 1982-1988, Personal Alert Safety System for Firefighters (PASS);
19. NFPA No. 1983-1985, Fire Service Life-Safety Rope, Harnesses, and Hardware;
20. NFPA No. 1901-1991, Pumper Fire Apparatus;
21. NFPA No. 1902-1991, Initial Fire Apparatus;
22. NFPA No. 1903-1991, Mobile Water Supply Fire Apparatus;
23. NFPA No. 1904-1991, Aerial Ladder and Elevating Platform Apparatus;
24. N.J.A.C. 5:23, Uniform Construction Code;
25. N.J.A.C. 7:26, Solid Waste Regulations;
26. N.J.A.C. 12:120, Asbestos Licenses and Permits;
27. N.J.S.A. 34:6A-25 et seq., New Jersey Public Employees Occupational Safety and Health Act; and
28. N.J.S.A. 34:13A-1 et seq., Employer-Employee Relations Act.

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)2; added new (a)3; redesignated existing (a)3-8 as (a)4-9; added new (a)10-23; redesignated existing (a)9-13 as (a)24-28.

Amended by R.1994 d.492, effective September 19, 1994.

See: 26 N.J.R. 2776(a), 26 N.J.R. 3872(b).

### 12:100-17.2 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following Office of the Division of Workplace Standards between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

New Jersey Department of Labor  
Division of Workplace Standards  
36 West State Street, Room 313  
Trenton, New Jersey

### 12:100-17.3 Availability of documents from issuing organization

Copies of the standards and publications referred to in this chapter may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning, and are the organizations issuing the standards and publications listed in N.J.A.C. 12:100-17.1.

ANSI	American National Standards Institute 1430 Broadway New York, New York 10018
CFR	Code of Federal Regulations Copies available from: Superintendent of Documents Government Printing Office Washington, D.C. 20402
CGA	Compressed Gas Association Inc. 1235 Jefferson Davis Highway, Suite 509 Arlington, VA 22202
NFPA	National Fire Protection Association Batterymarch Park Quincy, MA 02269
NIOSH	National Institute of Occupational Safety and Health Division of Technical Services Cincinnati, Ohio 45226
NJAC	New Jersey Administrative Code Copies available from: Office of Public Employee Safety N.J. Department of Labor CN 386 Trenton, NJ 08625-0386
NJSA	New Jersey Statutes Annotated Copies available from: Division of Workplace Standards New Jersey Department of Labor CN 054 Trenton, NJ 08625-0054

Amended by R.1993 d.28, effective January 4, 1993.

See: 24 N.J.R. 73(a), 25 N.J.R. 180(b).

Added "CGA" and "NFPA".