

# 56 N.J.R. 2264(a)

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## RULE PROPOSALS

### Reporter

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**RULE PROPOSALS**

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**LABOR AND WORKFORCE DEVELOPMENT -- PUBLIC SAFETY AND OCCUPATIONAL SAFETY AND HEALTH**

## Interested Persons Statement

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### INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

### Agency

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LABOR AND WORKFORCE DEVELOPMENT > PUBLIC SAFETY AND OCCUPATIONAL SAFETY AND HEALTH

## Administrative Code Citation

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Proposed Readoption: N.J.A.C. 12:100

## Text

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### **Safety and Health Standards for Public Employees**

Authorized By: Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

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.

Calendar Reference: See Summary below for explanation of exception to the calendar requirement.

Proposal Number: PRN 2024-141.

Submit written comments by January 31, 2025, to:

David Fish, Executive Director  
Office of Legal and Regulatory Services  
New Jersey Department of Labor and Workforce Development  
PO Box 110-13th Floor  
Trenton, New Jersey 08625-0110  
  
Email: [david.fish@dol.nj.gov](mailto:david.fish@dol.nj.gov)

The agency proposal follows:

### **Summary**

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 12:100, the chapter that implements N.J.S.A. 34:6A-25 et seq., the New Jersey Public Employees Occupational Safety and Health Act (PEOSHA), was scheduled to expire on November 6, 2024. As the Department of Labor and Workforce Development (Department) filed this notice of proposal for the readoption of N.J.A.C. 12:100 before November 6, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(2), the expiration date was extended 180 days to May 5, 2025. The Department has reviewed N.J.A.C. 12:100 and has determined the chapter to be necessary, reasonable, and proper for the purposes for which it was originally promulgated. Accordingly, the Department proposes that N.J.A.C. 12:100 be readopted.

A summary of the chapter follows:

Subchapter 1 addresses the purpose, authority, and scope of the chapter.

Subchapter 2 sets forth definitions for terms used throughout the chapter.

Subchapter 3 discusses the administration of the chapter, including matters of compliance and the interface of State agencies involved with the enforcement of the chapter.

Subchapter 3A addresses the adoption by the Department of Federal health and safety standards.

Subchapter 4 sets forth general standards including a section for standards which are adopted from the Federal rules by reference.

Subchapter 5 addresses construction standards.

Subchapter 6 provides for agricultural standards.

Subchapter 7 sets forth the standards for hazard communication that includes labels and other forms of warning, material safety data sheets, employee information, and training, along with handling matters pertaining to trade secrets.

Subchapter 8 addresses work practices and conditions for indoor firing ranges for public employees.

Subchapter 9 is reserved.

Subchapter 10 addresses standards for safety equipment for firefighters.

Subchapters 11 and 12 are reserved.

Subchapter 13 sets forth indoor air quality standards.

Subchapter 14 addresses standards in shipyard employment.

[page=2265] Subchapter 15 provides standards for marine terminals.

Subchapter 16 sets forth longshoring standards.

Subchapter 17 addresses standards for gear certification.

Subchapter 18 addresses standards for workshops/rehabilitation facilities.

Subchapter 19 lists the standards and publications that are referred to throughout the chapter.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The rules proposed for readoption would permit the Department to continue to help protect the safety and health of public employees in their work environments. Enforcement of the rules would provide safe and healthful work conditions free from recognized hazards, which is in the best interest of both employers and employees.

#### **Economic Impact**

Pursuant to N.J.S.A. 34:6A-26, the Legislature mandated that all public employees be provided with a safe and healthful work environment free from recognized hazards. The safety and health standards in the rules proposed for readoption were established in accordance with this legislative mandate. The rules proposed for readoption, by providing a safe and healthful workplace, would reduce the number of occupational injuries and illnesses among employees. They would also reduce the expenditure of workers' compensation benefits, medical expenses, and lost wages. While public employer compliance could require costs in the form of equipment modifications and employee training, the Department is mandated by law to adopt these standards. Furthermore, the Department feels that the benefits provided by the rules outweigh any costs associated with employing the standards.

#### **Federal Standards Statement**

The rules proposed for readoption do not exceed standards imposed by Federal law at 29 U.S.C. §§ 651 et seq. (Occupational and Safety Health Act of 1970). Consequently, a Federal standards analysis is not required.

#### **Jobs Impact**

The rules proposed for readoption would have no impact on the number of jobs within the State of New Jersey. The Department does not foresee an increase or decrease in jobs due to the readoption of this chapter.

#### **Agriculture Industry Impact**

The rules proposed for readoption would have no impact on the agriculture industry.

#### **Regulatory Flexibility Analysis**

The rules proposed for readoption do not impose any reporting, recordkeeping, or compliance requirement on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., since only public employers are affected by the rules.

### **Housing Affordability Impact Analysis**

It is not anticipated that the rules proposed for readoption would evoke a change in the average costs associated with housing, nor with the affordability of housing in the State. The basis for this finding is that the rules proposed for readoption establish occupational health and safety standards for public employees and do not pertain to housing.

### **Smart Growth Development Impact Analysis**

It is not anticipated that the rules proposed for readoption would evoke a change in the housing production within Planning Areas 1 and 2, or within designated centers, pursuant to the State Development and Redevelopment Plan. The basis for this finding is that the rules proposed for readoption establish occupational health and safety standards for public employees and do not pertain to housing production, either within Planning Areas 1 or 2, within designated centers, or anywhere else in the State of New Jersey.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Commissioner of the Department has evaluated this rulemaking and determined that it would not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 12:100.