



NEW JERSEY REGISTER
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VOLUME 48, ISSUE 22

ISSUE DATE: NOVEMBER 21, 2016

SPECIAL ADOPTIONS

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

48 N.J.R. 2493(a)

Special Adopted Amendment: *N.J.A.C. 12:100-4.2*

Safety and Health Standards for Public Employees

Occupational Exposure to Respirable Crystalline Silica - Correction

Adopted: October 20, 2016, by Aaron R. Fichtner, Ph.D., Acting Commissioner, Department of Labor and Workforce Development.

Filed: October 20, 2016, as R.2016 d.156.

Authority: *N.J.S.A. 34:1-20, 34:1A-3(c), and 34:6A-25* et seq.

Effective Date: November 21, 2016.

Expiration Date: May 25, 2017.

Take notice that the Department of Labor and Workforce Development is adopting a correction of an earlier adopted final rule issued by the Federal Occupational Safety and Health Administration (OSHA) with regard to occupational exposure to respirable crystalline silica. The final rule, which is being corrected, appeared on pages 16285 through 16890 in the March 25, 2016, issue of the Federal Register.

Adoption of the correction discussed above is necessary in order to comply with *N.J.S.A. 34:6A-30*, which requires that the Commissioner of Labor and Workforce Development adopt all OSHA standards by reference upon adoption of those standards by the United States Secretary of Labor. The statutory requirement ensures that the State's Public Employees Occupational Safety and Health (PEOSH) program is at least as effective as OSHA, thereby making the State program eligible for Federal approval and funding under the 1970 Federal Occupational Safety and Health Act.

N.J.S.A. 34:6A-30 provides that the adoption of Federal standards are not subject to the formal rulemaking requirements of *N.J.S.A. 52:14B-4*, but shall be duly adopted upon publication in the New Jersey Register. As a result, the Department has not held a public hearing, nor has it requested formal written comments on its adoption of the amended Federal standards.

Federal Standards Statement

The adopted correction does not contain any standards or requirements that exceed standards or requirements imposed by Federal law. The correction fulfills the State Legislature's mandate that the Department of Labor and Workforce Development adopt OSHA standards for its PEOSH program.

Full text of the adopted amendments follows:

In rule document 2016-04800 appearing on pages 16285-16890 in the issue of March 25, 2016, make the following corrections:

§ 1910.1000 [Corrected]

(1) On pages 16861-16862, in § 1910.100, Table Z-3--Mineral Dusts is corrected to read as set forth below:

TABLE Z-3--MINERAL DUSTS		
Substance	mppcf ^a	mg/m ³
Silica Crystalline	250 ^b	10 mg/m ³ ^e
Quartz (Respirable) ^f	%SiO ₂ +5	% SiO ₂ +2
Cristobalite: Use ½ the value calculated from the count or mass formulae for quartz ^f Tridymite: Use ½ the value calculated from the formulae for quartz ^f		
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§ 1915.1000 [Corrected]

(2) On page 16875, in § 1910.100, Table Z--Shipyards is corrected to read as set forth below:

TABLE Z – SHIPYARDS

Substance	CAS No. ^d	ppm ^{a*}	mg/m ³ ^{b*}	Skin designation
* * * * *				
Silica, crystalline, respirable dust				
Cristobalite; see 1915.1053	14464-46-1			
Quartz; see 1915.1053 ⁵	14808-60-7			
Tripoli (as quartz); see 1915.1053 ⁵	1317-95-9			
Trydimite; see 1915.1053	15468-32-3			
* * * * *				

MINERAL DUSTS

Substance	mppcf ^(j)
SILICA:	250 ^(k)
Crystalline	
Quartz. Threshold Limit calculated from the formula ^(p)	% SiO ² +5
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§ 1926.55 [Corrected]

(3) On pages 16875-16876, in § 1926.55, the table titled "Threshold Limit Values of Airborne Contaminants for Construction" is corrected to read as set forth below:

THRESHOLD LIMIT VALUES OF AIRBORNE CONTAMINANTS FOR CONSTRUCTION

Substance	CAS No. ^d	ppm ^{a*}	mg/m ^{3b}	Skin designation
* *	*	*	*	*
Silica, crystalline, respirable dust				
Cristobalite; see 1926.1153	14464-46-1			
Quartz; see 1926.1153 ⁵	14808-60-7			
Tripoli (as quartz); see 1926.1153 ⁵	1317-95-9			
Trydimite; see 1926.1153	15468-32-3			
* *	*	*	*	*

MINERAL DUSTS

SILICA:					250 ^(k)
Crystalline					
Quartz. Threshold Limit calculated from the formula ^(p)					% SiO2+5
* *	*	*	*	*	* *

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