

NEW JERSEY

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American Conference of Governmental Industrial Hygienists – ACGIH	0
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NEW JERSEY STATUTES

TITLE 26: HEALTH AND VITAL STATISTICS

CHAPTER 1A

26:1A-37. Policies, formulation of; additional powers and duties of department

The department shall formulate comprehensive policies for the promotion of public health and the prevention of disease within the State. It shall in addition to other powers and duties vested in it by this act or by any other law:

- a. Collect, preserve and tabulate all information required by law in reference to births, marriages, deaths and all vital facts and shall obtain, collect and preserve such information relating to the health of the people of the State and to the prevention of disease as may be useful in the discharge of the functions of the department;
- b. Prepare and administer or supervise a State-wide program of health education, prepare and make available to practicing physicians and local boards of health in the State technical information concerning public health, cooperate with the Commissioner of Education in the preparation and distribution of health bulletins among all the public schools of the State for the purpose of educating children in sanitation and hygiene, cooperate with the Commissioner of Education in the preparation of a program of school health services;
- c. Administer or supervise a program of public health nursing, prescribe the minimum qualifications of all public health nurses engaged in official public health work, and encourage and aid in coordinating local public health nursing services;
- d. Encourage, direct and aid in coordinating local programs concerning control of preventable diseases in accordance with a unified State-wide plan which shall be formulated by the department;
- e. Administer or supervise a program of maternal and child health services, encourage and aid in coordinating local programs concerning maternal and infant hygiene, and encourage and aid in coordinating local programs concerning prenatal and post-natal

care, and may, when requested by a local board of education, supervise the work of school nurses;

f. Administer or supervise a program of dental health, encourage and aid in coordinating local programs concerning dental health;

g. Establish and maintain adequate serological, bacteriological and chemical laboratories with such expert assistance and such facilities as are necessary for routine examinations and analyses, and for original investigations and research in matters affecting public health;

h. Administer or supervise a program of **industrial hygiene**, encourage the establishment of medical, dental, environmental engineering and nursing services in all industrial plants in the State, cooperate with the State Department of Labor in formulating rules and regulations concerning industrial sanitary conditions;

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NEW JERSEY STATUTES

TITLE 26: HEALTH AND VITAL STATISTICS **CHAPTER 2C**

26:2C-3.2. Clean Air Council

(a) There is hereby created in the State Department of Health a Clean Air Council, which shall consist of 17 members, 3 of whom shall be the Commissioner of Commerce and Economic Development or a member of the Department of Commerce and Economic Development designated by him, the Commissioner of Community Affairs or a member of the Department of Community Affairs designated by him, and the Secretary of Agriculture or a member of the Department of Agriculture designated by him, who shall serve ex officio; six citizens of the State, representing the general public at least one of whom shall be a medical doctor licensed to practice in this State; and eight members to be appointed from persons to be nominated by the organizations hereinafter enumerated, by the Governor.

(b) Within 30 days following the effective date hereof and thereafter as required, at least one month prior to the expiration of the term of the member chosen from nominees of each organization hereinafter enumerated, each such organization shall submit to the Governor a list of three recommended nominees for membership on the council, from which list the Governor shall appoint one.

If any organization does not submit a list of recommended nominees at any time required by this act, the Governor may appoint a member of his choice.

The organizations which shall be entitled to submit recommended nominees are: New Jersey Health Officers Association, New Jersey State Chamber of Commerce, New Jersey Society of Professional Engineers, Inc., New Jersey Manufacturers Association, New Jersey Section of the **American Industrial Hygiene Association**, New Jersey State League of Municipalities, the New Jersey Freeholders' Association and the New Jersey State AFL-CIO.

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TITLE 34: LABOR AND WORKMEN'S COMPENSATION CHAPTER 6A

34:6A-16. Industrial Safety Board

There is hereby established within the department an industrial safety board. The board shall consist of 15 members, all of whom shall be residents of the State of New Jersey; 14 appointed by the Governor and the commissioner who shall serve as chairman. Members appointed by the Governor shall be appointed for a 4-year term commencing on July 1 of the year of appointment, except that of those first appointed, 3 shall be appointed for a term of 1 year, 3 for a term of 2 years, 4 for a term of 3 years, and 4 for a term of 4 years, which terms shall commence on July 1, 1965. Each member shall hold over after the expiration of his term until his successor has been appointed and has qualified. The Governor may remove any appointed member of the board for cause after a public hearing.

Of the members appointed by the Governor, one member shall be selected from a list of names submitted by the American Society of Safety Engineers; one member from a list of names submitted by the American Industrial Hygiene Association, New Jersey section; 2 members from a list of names submitted by the New Jersey AFL-CIO; one member from a list of names submitted by the New Jersey State Industrial Safety Committee; one member from a list of names submitted by the American Insurance Association; one member from a list of names submitted by the American Mutual Insurance Alliances; one member from a list of names submitted by the New Jersey State Chamber of Commerce; one member from a list of names submitted by the New Jersey Manufacturer's Association; one member from a list of names submitted by the South Jersey Manufacturers' Association; one member from a list of names submitted by the Medical Society of New Jersey; one member from a list of names submitted by New Jersey Society of Architects, a Chapter of the American Institute of Architects; one member from a list of names submitted by New Jersey Society of Professional Engineers; and one member from a list of names submitted by the Self-Insurers' Association of New Jersey. At least 3 names shall be submitted by each organization for each member that is to be appointed from its list. Should any organization fail to submit a list the Governor shall appoint a public member or public members, as the case may be, in lieu of the member to be selected from such organization.

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TITLE 34: LABOR AND WORKMEN'S COMPENSATION CHAPTER I5

34:15-35.17. Audiometric technician to perform hearing test; audiologic evaluation

All hearing tests shall be performed by a person at the level of a certified audiometric technician or above; an individual who meets the training requirements specified by the Intersociety Committee on Audiometric Technician Training (**American Industrial Hygiene Association** Journal 27:303-304, May-June 1966) and the State Department of Health. If hearing loss is demonstrated, an employee shall be referred for audiologic evaluation by a certified audiologist holding a certificate of clinical competence issued by the American Speech and Hearing Association or its equivalent or a physician certified by the American Board of Otolaryngology.

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NEW JERSEY STATUTES

TITLE 56: TRADE NAMES, TRADE-MARKS AND UNFAIR TRADE PRACTICES CHAPTER 8

56:8-81. Short title

1. This act shall be known and may be cited as the "**Industrial Hygienist** Truth in Advertising Act."

56:8-82. Findings, declarations relative to industrial hygiene

2. The Legislature finds and declares that it is necessary to provide assurance to the public that individuals who represent themselves as being involved in the profession of **industrial hygiene** have met certain qualifications.

56:8-83. Definitions relative to industrial hygiene

3. As used in this act:

"Accredited college or university" means a college or university that is accredited by one of the following six regional accrediting agencies: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges. A college or university that is located outside of the United States will be considered on the basis of its accreditation status in the education system that has jurisdiction.

"**Certified industrial hygienist**" or "**CIH**" means a person who has met the education, experience, and examination requirements of an **industrial hygiene** certification organization and whose certification has not lapsed or been revoked.

"**Certified industrial hygienist in training**" or "**CIHIT**" is a person who has received the designation **industrial hygienist in training** from an **industrial hygiene** certification organization and whose certification has not lapsed or been revoked.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Industrial hygiene" means the science and practice devoted to the anticipation, recognition, evaluation, and control of those factors and stresses arising in or from the workplace or the environment that may cause sickness, impaired health and well-being, or significant discomfort among workers or members of the community.

"Industrial hygiene certification organization" means a professional organization of **certified industrial hygienists** which has been in existence for at least five years and which has been established to improve the practice and educational standards of the profession of **industrial hygiene** by certifying individuals who meet its education, experience and examination requirements. The organization shall have its certifying examinations evaluated by a national testing service and shall maintain criteria that are at least the equivalent of the **American Board of Industrial Hygiene**.

"Industrial hygienist" means a person who has an **industrial hygienist** education as defined in this section.

"Industrial hygienist education" means a baccalaureate or graduate degree from an accredited college or university in **industrial hygiene**, biology, chemistry, engineering, physics, or a closely related physical or biological science; or a baccalaureate or graduate degree from an accredited college or university that contains at least 60 semester credit hours in undergraduate or graduate level courses in science, mathematics, engineering and technology, with at least 15 of those hours in courses offered at the upper (junior, senior or graduate) level. A degree that is heavily comprised of only one of those subject areas in the absence of others, may be judged unacceptable. An unacceptable baccalaureate degree may be remedied by additional science coursework from an accredited college or university or by completion of a related graduate degree from an accredited college or university.

56:8-84. Unlawful practices

4. a. It shall be an unlawful practice for any person to advertise or hold himself out as a **certified industrial hygienist in training** or "**CIHIT**", or as a **certified industrial hygienist** or "**CIH**", unless that person is certified by an **industrial hygiene** certification organization.
- b. It shall be an unlawful practice for any person who does not have an **industrial hygienist** education to advertise or hold himself out as an **industrial hygienist**.

56:8-85. Nonapplicability of act to supervised apprentices, students

5. This act shall not apply to:
 - a. A person employed as an apprentice under the supervision of an **industrial hygienist**, **certified industrial hygienist in training** or **certified industrial hygienist**; or

b. A student studying **industrial hygiene** engaging in supervised activities related to **industrial hygiene**.

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NEW JERSEY ADMINISTRATIVE CODE

TITLE 5: COMMUNITY AFFAIRS

CHAPTER 23: UNIFORM CONSTRUCTION CODE

SUBCHAPTER 8: ASBESTOS HAZARD ABATEMENT SUBCODE

§ 5:23-8.10 Asbestos safety technician

(a) Any candidate for certification as an asbestos safety technician shall submit an application to the Department accompanied by the required application fee established in (c) below. The requirements for certification as an asbestos safety technician are as follows:

1. At least 24 college credits in academic sciences, including biology, chemistry, **industrial hygiene**, environmental science, physics, geology or related fields; or one year of work experience which included performing environmental assessment activities, which may be substituted for this education requirement;
2. Successful completion of a course in air monitoring methods consisting of a minimum of 30 contact hours that shall include hands-on experience with using and calibrating various types of air monitoring equipment; or six months of work experience performing air monitoring including at least 30 hours of on-the-job training, which may be substituted for this education requirement;
3. Successful completion of a training course for asbestos worker/supervisors approved by the New Jersey Department of Health pursuant to N.J.A.C. 12:120 and N.J.A.C. 8:60;
 - i. One year of experience in monitoring asbestos abatement activities may be substituted for completion of an approved training course;
 - ii. Six months of experience monitoring asbestos abatement may be substituted for completion of an approved training course if the individual is an **industrial hygienist certified** by the **American Board of Industrial Hygiene**;
4. Successful completion of a course for asbestos safety technicians approved by the New Jersey State Department of Community Affairs;

5. Successful passing of an examination for asbestos safety technicians administered by the National Assessment Institute in cooperation with the National Asbestos Council, or any equivalent examination approved by the Department.

§ 5:23-8.11 Asbestos safety control monitor

(b) The Department shall authorize the establishment of an asbestos safety control monitor:

1. No person shall undertake the services described in this section or enter into any contract pursuant to this subchapter without first receiving the authorization of the Department.
 - i. Except that applicants who have received notice from the Department that their application is complete and suitable for processing may begin to promote or otherwise make their anticipated availability known provided that the applicant discloses in writing at the time of undertaking any such activity that he has not yet been authorized by the Department.
2. Applicants for authorization as an asbestos safety control monitor shall submit an application on the prescribed form, with the required fee pursuant to (h) below, and any additional information the Department may require.
3. Following a determination by the Department that an application is complete and suitable for processing, the Department shall review and evaluate the information contained in the application and such other information as the Department shall deem necessary to enable it to make an accurate and informed determination of approval or disapproval. Within 30 days following the receipt of a completed application, the Department shall make its determination as to whether authorization as an asbestos safety control monitor shall be granted or denied, and shall notify the applicant. In the event of denial, the Department shall provide the applicant with a written explanation of the reasons for denial.
4. The application for authorization shall contain information relating to:
 - i. The financial integrity of the applicant as evidenced by a reviewed financial statement prepared by an independent certified public accountant;
 - ii. The qualifications of the management and technical personnel of the applicant, including a statement that all technical personnel who are to be assigned as asbestos safety technicians are certified by the Department;
 - iii. The type of analysis done (for example, NIOSH 7400) and the laboratory(ies) that do the procedures. If the applicant does its own lab analysis, it shall list the type of equipment used and the personnel using it, with their qualifications. All laboratories shall be accredited by the National Institute of Standards and Technology (NIST). The laboratory shall be a current proficient participant in the **American Industrial Hygiene Association Proficiency Analytical Testing Program** or any other recognized equivalent program for PCM. All laboratory analysis shall be performed in accordance with N.J.A.C. 5:23-8.21;

§ 5:23-8.19 Abatement in occupied buildings

4. Monitoring shall be conducted as follows:

i. Air sampling shall be done as follows:

(1) At a minimum, one sample at the beginning of each work shift, one every four hours thereafter, and one at the end of the contractor's work day for every 10,000 square feet of occupied space adjacent to the work area shall be collected and analyzed. Air samples shall be taken in areas where the greatest potential for fiber migration exists. In addition to the requirements noted above, air samples shall be taken at the entrance(s) to the work area and any other interior spaces from which make-up air is drawn. Additional samples shall be taken for all areas such as stairwells, communicating shafts, elevators, plenums, ducts which pass through the work area and which are in service, and unusual room and building configurations. If air levels exceed the permitted fiber count, the applicable requirements of the contingency plan in (c)5 below shall be followed.

(A) At least one air sample shall be collected and analyzed during the work shift inside the work area. The results of this test will not, however, trigger the requirements of the contingency plan.

(2) A secure chain of custody for air samples shall be established in writing as part of the approved plan by the asbestos safety control monitor firm. The final disposition of samples (whether they should be retained or disposed of after analysis and if retained, who keeps them) shall be determined prior to the commencement of asbestos abatement.

(3) The services of a testing laboratory, as delineated in N.J.A.C. 5:23-8.21(a)1 and 2, shall include a microscope and laboratory technician at the project site or the capacity to obtain results within four hours from start of sample. The laboratory technician shall be listed in the **Asbestos Analyst Registry of the American Industrial Hygiene Association** for PCM analysis or qualified by other programs recognized by the Department as equivalent. If the laboratory technician is on site, the owner shall provide a safe and clean space for the analysis of samples separate and distinct from the work area. Air samples are to be analyzed via NIOSH 7400 and verbal results made available for a determination regarding continued occupancy. A written record of test results shall be kept at the job site and included in the final report.

(4) Ten percent of all abatement samples shall be re-analyzed within 24 hours at a laboratory for quality control purposes.

(5) Daily occupancy shall be allowed when the results of all the air samples are less than or equal to 0.010 fibers/cc by Phase Contrast Microscopy. If air levels exceed 0.010 fibers/cc, the contingency plan during abatement in (c)5 below shall be followed.

(6) In the case of reoccupancy and final clearance, all air samples used to determine reentry shall be analyzed by an accredited laboratory.

§ 5:23-8.21 Air monitoring methodology

(a) Air sampling specified in this section shall be performed by the asbestos safety technician in accordance with the procedures specified in this subchapter and shall be analyzed by a laboratory pursuant to 40 CFR 763.90.

1. For phase contrast microscopy (PCM) analysis, laboratories shall be currently enrolled in **the American Industrial Hygiene Association Proficiency Analytical Testing Program** or an equivalent recognized program.

2. Analysis by PCM shall use the NIOSH 7400 method delineated in "Fibers" publication in the NIOSH Manual of Analytical Methods, 3rd edition, 2nd supplement, August 1987 or the latest edition. Maximum turnaround time from sample collection through data reporting shall be 24 hours.

3. For transmission electron microscopy (TEM) analysis, laboratories shall participate in the National Institute of Standards and Technology--National Voluntary Laboratory Accreditation Program (NIST-NVLAP) and shall certify that the analysis they performed was according to the protocol listed in Appendix A to Subpart E of 40 CFR 763. Maximum turnaround time from sample collection through data reporting shall be 72 hours.

4. All pumps shall be calibrated prior to initial sampling using a primary standard. Pumps shall be re-calibrated with a minimum of a secondary standard before and after each sample is collected. Protocols shall be established for periodic calibration, using a primary standard. The frequency of primary recalibration checks shall be initially high, until experience is accumulated to show that it can be reduced while maintaining the required sampling accuracy. Records shall be kept of all calibrations and shall be part of the daily log.

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TITLE 7: ENVIRONMENTAL PROTECTION

CHAPTER 1G: WORKER AND COMMUNITY RIGHT TO KNOW REGULATIONS

SUBCHAPTER 1: GENERAL PROVISIONS

§ 7:1G-1.2 Definitions

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

"Technically qualified person" in a research and development (R & D) laboratory means a person who has a bachelors degree in **industrial hygiene**, environmental science, health education, chemistry, or a related field and understands the health risks associated with exposure to the hazardous substances used in the R & D laboratory.

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TITLE 7: ENVIRONMENTAL PROTECTION

CHAPTER 27: AIR POLLUTION CONTROL

SUBCHAPTER 8: PERMITS AND CERTIFICATES FOR MINOR FACILITIES

§ 7:27-8.4 How to apply, register, submit a notice, or renew

(f) Before an operating certificate, or any renewal thereof, is approved, the Department may require the applicant to conduct such testing as is necessary, at the discretion of the Department, to verify that the kind and amount of air contaminants emitted from the equipment or control apparatus are in compliance with the limits established in the preconstruction permit and certificate and that only the air contaminants approved in the preconstruction permit are being emitted. If such testing is required, the applicant shall:

1. Submit a source-specific testing protocol to the Department, if such a protocol is required in the conditions of approval of the preconstruction permit or certificate. The protocol shall be submitted at least 60 days prior to the anticipated date of the testing, except where the Department determines that a different submittal date is needed to allow for adequate testing;
2. Obtain approval of any required source-specific testing protocol from the Department in advance of conducting the testing;
3. Conduct the testing in accordance with a standard testing procedure acceptable to the Department or the approved source-specific testing protocol approved in advance by the Department;
4. Contact the Department to schedule mutually acceptable testing dates and startup times at least 30 days in advance of the planned testing date for any testing conducted pursuant to a source-specific testing protocol, except in cases where the Department has approved a different test notification requirement in the preconstruction permit or certificate;
5. Submit the test report to the Department within 30 days after the completion of the sampling, unless a longer period for submission is approved in writing by the Department; and

6. Have the test report from any source emission testing reviewed and certified by a licensed professional engineer, or by an **industrial hygienist who has been certified** by the **American Board of Industrial Hygiene**, prior to their submission to the Department.

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TITLE 7: ENVIRONMENTAL PROTECTION **CHAPTER 27: AIR POLLUTION CONTROL** **SUBCHAPTER 22: OPERATING PERMITS**

§ 7:27-22.18 Source emissions testing and monitoring

(h) Each source emissions test report or performance specification test report shall be reviewed and certified, pursuant to N.J.A.C. 7:27-1.39, by a licensed professional engineer or by an **industrial hygienist certified** by the **American Board of Industrial Hygiene**.

(i) The owner or operator of a facility subject to this subchapter shall, upon request of the Department, provide testing facilities, exclusive of instrumentation and sensing devices, as may be necessary for the Department to determine the kind and amount of air contaminants emitted from any significant source operation at the facility. During testing by the Department, the significant source operation shall be operated, within their capacities, under conditions requested by the Department. The testing facilities may be either permanent or temporary, at the discretion of the owner or operator of the facility, and shall conform to all applicable laws, regulations, and rules concerning safe construction and safe practice.

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§ 7:27-27.9 Reporting and recordkeeping

(d) Any owner or operator of any source subject to this subchapter that submits to the Department a report of stack emission testing, including all test runs, shall have such report reviewed prior to submission and certified by a licensed professional engineer or an **industrial hygienist certified** by the **American Board of Industrial Hygiene**.

(e) Any owner or operator of any source subject to this subchapter shall maintain at the facility a complete record, including all test reports of all stack emission testing, including all test runs, conducted at the facility on equipment subject to this subchapter. The Department may specify in writing that such reports be maintained in a specific format.

NEW JERSEY RULES/REGULATIONS

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TITLE 8: HEALTH

CHAPTER 50: STANDARDS FOR INDOOR ENVIRONMENT

CERTIFICATION AND FOR LICENSURE OF INDOOR

ENVIRONMENTAL CONSULTANTS

SUBCHAPTER 1: GENERAL PROVISIONS

§ 8:50-1.3 Definitions

(a) As used in this chapter, the following words and terms shall have the meanings established by the Department of Community Affairs pursuant to N.J.S.A. 52:27D-130 and rules promulgated pursuant thereto at N.J.A.C. 5:23, particularly at 5:23-1.4, unless the context clearly indicates otherwise: "alteration," "building," "construction permit," "group," "reconstruction," "repair," "structure" and "use group."

(b) As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

"Adjacent business" means a business that is co-located next to a child care center or educational facility.

"**AIHA**" means the **American Industrial Hygiene Association**, for which the contact information is **AIHA**, 2700 Prosperity Ave., Suite 250, Fairfax, VA 22031-4340, (703) 849-8888, telefacsimile (703) 207-3561, www.aiha.org.

1. A searchable list of laboratories accredited by the **AIHA** is available at <http://www.aiha.org/Content/LQAP/accred/AccreditedLabs.htm>.

"ASTM" means the ASTM International, for which the contact information is ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959, 1-800-262-1373, www.astm.org.

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TITLE 8: HEALTH

CHAPTER 52: PUBLIC HEALTH PRACTICE STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY

APPENDIX

PROGRAMMATIC GUIDELINES FOR BEST PRACTICES

I. Environmental Health Activities

Recreational Bathing

- a) The local board of health shall conduct an occupational health program operative January 1, 1989; and shall:
 2. Maintain a list of all information and/or agency occupational health resources and make appropriate referrals in response to requests for information or complaints;
 3. Train or obtain at least one staff person in Occupational Health and **Industrial Hygiene** through a continuing education program provided or made available by the Occupational Health Services of the Department of Health and Senior Services;
 4. Conduct initial and follow-up interviews, utilizing standardized procedures and forms developed by the Department of Health and Senior Services, upon receipt of reports of occupational disease cases (N.J.A.C. 8:57-1.13); and

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TITLE 8: HEALTH

CHAPTER 62: STANDARDS FOR LEAD CERTIFICATION

SUBCHAPTER 2: DEFINITIONS

§ 8:62-2.1 Definitions

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

"Hands-on assessment" means an evaluation which tests a trainees' ability to satisfactorily perform specified work practices and procedures.

"Housing" means a single family dwelling, including attached structures such as porches and stoops, or a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"**Industrial hygienist**" means a person certified by the **American Board of Industrial Hygiene**, or a person with at least a bachelor's degree in **industrial hygiene** or other cogent science with five years of professional experience in **industrial hygiene**.

"Interactive/participatory teaching methods" means instruction which consists of active participation of the trainees, such as, brainstorming, hands-on training, demonstration and practice, small group problem solving, discussions, risk mapping, field visits, walk-throughs, problem posing, group work assignments, question-and-answer periods, and role-playing sessions. Lecture is not considered an interactive/participatory teaching method.

"Instructor" means an individual who has the primary responsibility for organizing and delivering a particular course topic(s).

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TITLE 8: HEALTH

CHAPTER 62: STANDARDS FOR LEAD CERTIFICATION **SUBCHAPTER 4: CERTIFICATION OF TRAINING COURSES**

§ 8:62-4.5 Criteria for training manager and training course instructors

(a) Certified training agencies shall employ a training manager who meets, at a minimum, the education and experience requirements set forth in this subchapter and the U.S.E.P.A. Model Accreditation Plan for States and includes:

1. A minimum of two years of classroom experience in teaching workers and/or adults;
2. A Bachelors or graduate level degree in building, construction technology, or engineering or **industrial hygiene** or safety or health; or four years experience in managing an occupational safety or health program;
3. Completion of a 40 hour train-the-trainer course which provides instruction in the planning and teaching of any adult education course; or attainment of a Bachelors degree in adult education; and
4. Completion of a minimum of 24 hours of lead-specific training.

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TITLE 12: LABOR AND WORKFORCE DEVELOPMENT **CHAPTER 100: SAFETY AND HEALTH STANDARDS FOR** **PUBLIC EMPLOYEES**

SUBCHAPTER 7: STANDARD FOR HAZARD COMMUNICATION

§ 12:100-7.3 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Technically qualified person" means:

1. For training purposes, a person who is a registered nurse, a **certified safety professional**, or a **certified industrial hygienist**, or has a bachelor's degree or higher in **industrial hygiene**, environmental science, health education, chemistry, or a related field, and understands the health risks associated with exposure to hazardous substances;
2. For training purposes, a person who has completed at least 30 hours of hazardous materials training offered by the New Jersey State Safety Council, the New Jersey Department of Health and Senior Services, an accredited public or private educational institution, labor union, trade association, private organization or government agency, and understands the health risks associated with exposure to hazardous substances, and has at least one year of experience handling hazardous substances or working with hazardous substances. The 30-hour requirement may be met by the combination of one or more hazardous materials training courses; or

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TITLE 17: TREASURY – GENERAL

CHAPTER 19: CLASSIFICATION AND PREQUALIFICATION OF FIRMS

SUBCHAPTER 2: CLASSIFICATION OF FIRMS

§ 17:19-2.5 Performance evaluation

(a) For any firm proposing to submit bids on public work requiring the DPMC classification, a Final Project Performance Evaluation (FPPE) shall be determined. The FPPE shall be calculated pursuant to the following provisions:

1. For any firm that has no prior public work experience with the State, the performance multiplier, as defined in N.J.A.C. 17:19-2.8, shall be based on an evaluation of the firm's references and past experience, as identified in the firm's DPMC-27. The DPMC may require that the owner or his or her representative certify that the projects/contracts referenced by the firm have been completed in a satisfactory manner or all contract obligations have been met.

2. For any firm that has prior public work experience with the State, the performance multiplier shall be based on the project evaluations submitted to the DPMC by any State agency, to the extent that the evaluations comply with the following criteria:

- i. The State agency reviewed the performance of each of the prime contractors on a public work project periodically throughout the duration of the project. One or more persons directly involved in the management, supervision or inspection of the project shall make these interim performance reviews;
- ii. Interim performance reviews shall be presented on a standardized performance review form approved by the DPMC; and
- iii. Interim performance reviews will be based on the following factors:

- (1) Quality of work;
- (2) Scheduling;
- (3) Management;
- (4) Cost control/change orders;
- (5) Safety/**industrial hygiene**;
- (6) Subcontractors;
- (7) Close-out; and

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TITLE 19: OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

CHAPTER 36: PROCUREMENT OF DESIGN BUILD CONTRACTS

SUBCHAPTER 9: PERFORMANCE EVALUATIONS

§ 19:36-9.1 Applicability and effect

(a) Notwithstanding any provisions of N.J.A.C. 19:38 to the contrary, the following provisions will apply to the process and consideration of performance evaluations for contracts procured under this chapter.

1. Every design-builder awarded a design build contract procured pursuant to this chapter will be subject to evaluation in accordance with N.J.S.A. 18A:7G-36. The performance evaluation will consider the design-builder's performance as a contractor in the following categories: quality of work; scheduling; management; cost control and change orders; safety and **industrial hygiene**; small business goals; and close-out.
2. The design-builder's performance will be evaluated periodically during the progress of the project. The evaluation will be performed by a reviewer with direct involvement in the management or supervision for the project.
3. The design-builder's performance evaluations will be used by the Authority in evaluating and scoring bidders as to their prior experience on Authority projects, in accordance with the provisions of this chapter, N.J.A.C. 19:38, or 19:38B.

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TITLE 19: OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY **CHAPTER 38: PROCEDURES FOR BIDDING FOR THE NEW** **JERSEY SCHOOLS CONSTRUCTION CORPORATION'S SCHOOL** **FACILITIES PROJECTS FOR THE SCHOOLS CONSTRUCTION** **PROGRAM**

SUBCHAPTER 3: REQUIREMENTS FOR BIDDING

19:38-3.5 Determination of Project Rating

(e) Project Evaluations: Every construction project managed by the Corporation will be evaluated by two evaluators for the following: quality of work; scheduling; management; cost control and change orders; safety and **industrial hygiene**; subcontractors; small business goals; and close-out.

1. Evaluation rating values are:

i. Outstanding (O) or 100 percent - far exceeds the contract requirements by consistently exhibiting excellent performance. Typically meets and regularly exceeds the contract requirements;

ii. Very Good (VG) or 90 percent - often exceeds the contract requirements and frequently provides a high level of performance. Typically meets and often exceeds the contract requirements;

iii. Satisfactory (S) or 80 percent - provides an acceptable level of performance consistently meeting the contract requirements;

iv. Marginal (M) or 70 percent for scheduling, management, cost control and change orders, subcontractors, close out and 40 percent for quality of work, safety and **industrial hygiene**, and small business goals - performs slightly below the requirements of the contract, meeting the contract requirements on an intermittent basis; and

v. Unsatisfactory (U) or 60 percent for scheduling, management, cost control and change orders, subcontractors, close out and 20 percent for quality of work, safety and **industrial**

hygiene, and small business goals - fails to meet important contract requirements, resulting in a negative impact on the entire project.

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TITLE 19: OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY **CHAPTER 38B: PROCEDURES FOR PRICE AND OTHER** **FACTORS PROCUREMENT OF CONSTRUCTION CONTRACTS** **FOR NEW SCHOOL FACILITIES PROJECTS** **SUBCHAPTER 8: PERFORMANCE EVALUATIONS**

§ 19:38B-8.1 Applicability and effect

(a) Notwithstanding any provisions of N.J.A.C. 19:38 to the contrary, the following provisions will apply to the process and consideration of performance evaluations for contracts procured under this chapter.

1. Every contractor awarded a construction contract procured pursuant to this chapter will be subject to evaluation in accordance with N.J.S.A. 18A:7G-36. The performance evaluation will consider the contractor's performance in the following categories: quality of work; scheduling; management; cost control and change orders; safety and **industrial hygiene**; small business goals; and close-out.
2. The contractor's performance will be evaluated periodically during the progress of the project. The evaluation will be performed by a reviewer with direct involvement in the management or supervision for the project.
3. The contractor's performance evaluations will be used by the Authority in evaluating and scoring bidders as to their prior experience on Authority projects, in accordance with the provisions of this chapter or N.J.A.C. 19:38.