	NEW JERSEY INSTITUTE OF TECHNOLOGY University Heights, Newark, New Jersey 07102
	Document Control No.:
	Document Title: Chemical Hygiene Plan 29 CFR 1910.1450

APPENDIX B: PEOSH Hazard Communication Standard (N.J.A.C. 12:100-7)

CHAPTER 100. SAFETY AND HEALTH STANDARDS FOR PUBLIC EMPLOYEES

Chapter Expiration Date: Chapter 100, Safety and Health Standards for Public Employees, expires on November 6, 2024.

SUBCHAPTER 7. STANDARD FOR HAZARD COMMUNICATION

Effective June 5, 2017, PEOSHA is modifying its existing Hazard Communication Standard to conform to the OSHA Hazard Communication Standard, which incorporates the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

The PSOSH adopted final rule, repeals, amendments and new rules do not contain any standards or requirements that exceed standards or requirements imposed by Federal law, with the exception of additional refresher training requirements. The State is authorized by N.J.S.A. 34:6A-30.c and [N.J.A.C. 12:100-3A.2\(b\)](#) to establish standards that provide protections to public employees that are greater or more stringent than those the OSHA establishes under the OSH Act.

Additionally, the final rule fulfills the State Legislature's mandate that the Department of Labor and Workforce Development adopt OSHA standards for its PEOSH program."

Current e-CFR data is available here <https://www.ecfr.gov/cgi-bin/text-idx?SID=192d4abceec8d58b389944c80c5552d16&mc=true&node=pt29.5.1910&rgn=div5>

12:100-7.1 Purpose

The purpose of this subchapter is to implement Federal standards for workplace hazard communication pursuant to, and as supplemented by, the New Jersey Public Employees' Occupational Safety and Health Act, N.J.S.A. 34:6A-25 et seq., and the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq., applicable to entities subject to N.J.S.A. 34:6A-25 et seq.

12:100-7.2 Definitions

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

"American Board of Industrial Hygiene" means the entity for which the contact information is American Board of Industrial Hygiene, 6015 W St Joe Hwy, Suite 102, Lansing, MI 48917-4875, telephone: (517) 321-2638, telefacsimile: (517) 321-4624, website: www.abih.org, electronic mail address: abih@abih.org.

"Board of Certified Safety Professionals" means the entity for which the contact information is Board of Safety Professionals, 2301 W Bradley Avenue, Champaign, IL 61821, telephone: (217) 359-9363, telefacsimile: (217) 359-0055, website: www.bcspp.org.

"Certified industrial hygienist" means a person holding certification as a certified industrial hygienist issued by the American Board of Industrial Hygiene.

"Certified safety professional" means a person holding certification as a Certified Safety Professional issued by the Board of Certified Safety Professionals.

"Employee representative" means the broader, more inclusive of the following terms:

1. "Employee representative" as N.J.S.A. 34:5A-3 and 34:6A-27 define that term; and



2. "Designated representative" as 29 CFR 1910.1200 defines that term.

"Environmental and Occupational Health Assessment Program" or "EOHAP" mean the Environmental and Occupational Health Assessment Program of the New Jersey Department of Health, for which the contact information is PO Box 369, Trenton, NJ 08625-0369.

"Environmental hazardous substance list" means environmental hazardous substance list, as N.J.S.A. 34:5A-3 defines that term.

"Environmental survey" means an environmental survey, as N.J.S.A. 34:5A-3 defines that term.

"Hazardous Substance Fact Sheet" means a hazardous substance fact sheet, as N.J.S.A. 34:5A-3 defines that term.

"New Jersey State Safety Council" means the entity by that name for which the contact information is:

1. For the training center: New Jersey State Safety Council Training Center, 6 Commerce Drive, Cranford, NJ 07016; and
2. For the administration office: New Jersey State Safety Council, 25 Commerce Drive, Cranford, NJ 07016; telephone: (908) 272-7712 or (800) 228-3834; telefacsimile: (908) 276-6622; website: <http://www.njsafety.org>.

"Registered professional nurse" means a person holding licensure as a registered professional nurse by the State Board of Nursing pursuant to N.J.S.A. 45:11-23 et seq., and N.J.A.C. 13:37.

"Right to Know brochure" means the document at N.J.A.C. 12:100-7 Appendix A, incorporated herein by reference, also available at <http://www.nj.gov/health/forms>, and paper copies of which are available upon request from the EOHAP.


"Right to Know hazardous substance list" means the workplace hazardous substance list and the environmental hazardous substance list.

"Right to Know poster" means the document at N.J.A.C. 12:100-7 Appendix B, incorporated herein by reference, also available at <http://www.nj.gov/health/forms>, and paper copies of which are available upon request from the EOHAP program.

"Right to Know survey" means a workplace survey and an environmental survey.

"Technically qualified person" means:

1. Is a registered professional nurse, a certified safety professional, or a certified industrial hygienist;
2. Has a bachelor's degree or higher in industrial hygiene, environmental science, health education, chemistry, or a related field;
3. Has at least one year of experience handling or working with hazardous substances and has completed at least 30 hours of training in one or more hazardous materials training courses offered by:
 - i. The New Jersey State Safety Council;
 - ii. The New Jersey Department of Health;
 - iii. An accredited public or private educational institution;
 - iv. A labor union;

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- v. A trade association;
- vi. A private organization; or
- vii. A government agency; or

4. For the purpose of teaching the recruit firefighting and hazardous materials training courses established by the New Jersey Department of Community Affairs (DCA), a person whom the DCA certifies as a Fire Instructor Level I or Level 2 pursuant to N.J.A.C. 5:73-5.

"Workplace hazardous substance list" means workplace hazardous substance list, as N.J.S.A. 34:5A-3 defines that term.

"Workplace survey" means a workplace survey, as N.J.S.A. 34:5A-3 defines that term.

(b) As used in this subchapter, the following words and terms used at 29 CFR 1910.1200 shall have the following meanings, unless the context clearly indicates otherwise:

"Assistant Secretary" means the New Jersey Department of Labor and Workforce Development and/or the EOHAP, as applicable under the circumstances.

"Designated representative" means the broader and more inclusive of the following terms:

1. "Employee representative" as N.J.S.A. 34:5A-3 and 34:6A-27 define that term; and
2. "Designated representative" as 29 CFR 1910.1200 defines that term.

"Director" means the New Jersey Department of Labor and Workforce Development and/or the EOHAP, as applicable under the circumstances.

"Occupational Safety and Health Administration" or "OSHA" means the Department of Labor and Workforce Development and/or the EOHAP, as applicable under the circumstances.

"Occupational Safety and Health Review Commission" means the New Jersey Public Employees Occupational Safety and Health Review Commission established pursuant to N.J.S.A. 34:6A-42.


12:100-7.3 Employee information and training

(a) In addition to the training that 29 CFR 1910.1200 requires employers to provide (hereinafter referred to as "initial training"), employers shall provide refresher training to all employees every two years at no cost to employees and during working hours.

1. Refresher training is to be an abbreviated version of initial training.

(b) In addition to the information that 29 CFR 1910.1200 requires employees to receive, initial and refresher training shall address:

1. The location and availability of the written hazard communication program, the list(s) of hazardous chemicals, hazardous substance fact sheets, the Right to Know survey, and the Right to Know hazardous substance list;
2. The applicable provisions of the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq.;

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3. An explanation of the Right to Know survey, labeling, hazardous substance fact sheets, the Right to Know hazardous substance list, and the Right to Know poster, and how employees can obtain these documents and use appropriate hazard information from these sources; and
4. Distribution of a copy of the Right to Know brochure.

(c) An employer shall have a technically qualified person conduct initial and refresher training.

(d) Employers shall establish and maintain records of initial and refresher training that include the following information:

1. The dates of the training sessions;
2. The contents or a summary of the training sessions;
3. The names and qualifications of persons conducting the training; and
4. The names and job titles of all persons attending the training sessions.

(e) Employers shall maintain training records for the duration of each employee's employment.

(f) Employers shall ensure that all training records required to be maintained by this subchapter are available, upon request, for examination and copying, to employees, employee representatives, and representatives of the Departments of Labor and Workforce Development and Health.

(g) Employers shall ensure the provision of initial and refresher training using material that is appropriate in content and vocabulary to the educational level, literacy, and language of the employees receiving training.