

N E W S

NEW JERSEY DEPARTMENT OF

L W D

LABOR AND WORKFORCE DEVELOPMENT
n j . g o v / l a b o r

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**RE: Public Safety and Occupational Safety and Health
Pits and Quarries**

**Proposed Readoption with Amendments: N.J.A.C. 12:185
Proposed Repeals: N.J.A.C. 12:185-7.2, 16.4 and 20.1**

Attached please find the above-referenced matter which was published in the August 7, 2006 *New Jersey Register*.

If you have any questions, please contact David Fish, Regulatory Officer at (609) 292-2789.

(a)

**PUBLIC SAFETY AND OCCUPATIONAL SAFETY
AND HEALTH**

Pits and Quarries

**Proposed Redoption with Amendments: N.J.A.C.
12:185**

Proposed Repeals: N.J.A.C. 12:185-7.2, 16.4 and 20.1

Authorized By: David J. Socolow, Acting Commissioner,
Department of Labor and Workforce Development.

Authority: N.J.S.A. 34:6-98.4a.

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

Proposal Number: PRN 2006-250.

A **public hearing** on the proposed redoption with amendments will
be held on the following date at the following location:

Friday, August 25, 2006

10:00 A.M. to 12:00 Noon

New Jersey Department of Labor and Workforce Development

John Fitch Plaza

13th Floor, Auditorium

Trenton, New Jersey

Please call the Office of Legal and Regulatory Services at (609) 292-
2789 if you wish to be included on the list of speakers.

Submit written comments by October 6, 2006 to:

David Fish, Regulatory Officer

Office of Legal and Regulatory Services

NJ Department of Labor and Workforce Development

P.O. Box 110 – 13th Floor

Trenton, New Jersey 08625-0110

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800-852-7899.

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, N.J.A.C. 12:185, Pits and Quarries,
is scheduled to expire on December 28, 2006. The Mine Safety Act,
N.J.S.A. 34:6-98.1 et seq., was enacted to ensure that "the physical plant,
operations and methods of the mining industry or any part thereof
including mines abandoned prior to the passage of this act and mines
abandoned subsequent to the passage of this act shall be so constructed,
equipped, arranged, operated, maintained and conducted in all respects as
to provide for reasonable and adequate protection to the lives, health and
safety of miners, others employed in the mining industry and frequenting
the same, the owners of the surface of the ground above such mines and
the general public, as well as the protection of property." N.J.S.A. 34:6-
98.4. The rules which implement this law are promulgated at N.J.A.C.

12:185. The Department has reviewed these rules and, with the exception of (1) the recodification of subsections, paragraphs and subparagraphs within each section in order to ensure compliance with the method for codification of rules established by the Office of Administrative Law pursuant to N.J.S.A. 52:14B-7(f), (2) technical amendments relating to the recodification, (3) the deletion of cross-references throughout the chapter to repealed chapters elsewhere within Title 12 of the New Jersey Administrative Code, (4) technical amendments throughout the chapter intended to ensure that the rules are gender neutral, for example, changing "workman" to "worker," (5) technical amendments throughout the chapter correcting grammatical errors, (6) technical amendments throughout the chapter, which reflect the change in the name of the Department from the Department of Labor and Industry to the Department of Labor and Workforce Development, and (7) the substantive amendments described in detail below, the Department has determined them to be necessary, reasonable and proper for the purposes for which they were originally promulgated. Accordingly, the Department proposes that N.J.A.C. 12:185 be readopted, with amendments.

A summary of the subchapters of N.J.A.C. 12:185 follows:

N.J.A.C. 12:185-1 sets forth the purpose and scope of the chapter and establishes the conditions under which the Commissioner of Labor and Workforce Development may grant exceptions to the requirements of the chapter.

N.J.A.C. 12:185-2 defines the words and terms used throughout the chapter. The Department is proposing that N.J.A.C. 12:185-2.1, General definitions, be combined with N.J.A.C. 12:185-2.2, Special definitions, so as to create a new N.J.A.C. 12:185-2.1, Definitions, which would contain all definitions without any distinction between "general" definitions and "special" definitions.

N.J.A.C. 12:185-3 sets forth general provisions for the chapter, including a statement regarding health and safety requirements to the effect that every pit and quarry shall be so excavated, equipped, arranged, operated, maintained and conducted in all respects as to provide reasonable and adequate protection for the life, health and safety of all persons employed therein or legally frequenting the same and to provide for protection of property. The subchapter also contains sections pertaining to requirements imposed by the Commissioner of Labor and Workforce Development and the use of existing equipment.

N.J.A.C. 12:185-4 prohibits persons from entering or being permitted to enter or to loiter about any pit or quarry, buildings or other part of the working premises while under the influence of intoxicating liquors, beverages or drugs. The subchapter also states that no intoxicating liquors, beverages or drugs shall be permitted in, at or around any pit or quarry, building or other parts of the working premises.

N.J.A.C. 12:185-5 addresses the reporting of accidents involving serious personal injury to any person or persons.

N.J.A.C. 12:185-6 concerns the investigation of accidents by the employer and by the Commissioner of Labor and Workforce Development.

N.J.A.C. 12:185-7 addresses employment limitations within pits and quarries. Existing N.J.A.C. 12:185-7.2 states that, "No female shall be employed or permitted to be employed in or about any pit or quarry except in a technical, clerical or domestic capacity." The Department is proposing that this section be deleted because a blanket prohibition against the employment of women in pits and quarries, except in a technical, clerical or domestic capacity, is inappropriate and arguably illegal.

N.J.A.C. 12:185-8 sets forth requirements for employers regarding the appropriate assignment of employees.

N.J.A.C. 12:185-9 requires that the Commissioner be notified of a change in name or ownership of a pit or quarry and also that the Commissioner be notified of the resumption of operations at a pit or quarry which has not been in production for one year.

N.J.A.C. 12:185-10 sets forth requirements pertaining to abandoned mining operations, such as the filing of a plan by the employer showing the workings of the quarry up to the time of abandonment and the boundaries of the property in which these workings are situated, the maintenance of a permanent record of this plan, and safeguards to be put in place in and around the abandoned operation.

N.J.A.C. 12:185-11 concerns the maintenance of maps and plans by employers showing all workings of mining operations.

N.J.A.C. 12:185-12 addresses fire protection.

N.J.A.C. 12:185-13 concerns the storage of and use of flammable materials.

N.J.A.C. 12:185-14 requires the taking of appropriate precautions to ensure the safe operation of pits and quarries, including the reporting of unsafe conditions, the use of safety belts when entering any bin, bunker or other storage place containing material which may cave or run, the use by employees of all safeguards provided for their protection, and the prohibition against using any apparatus, piece of equipment, machinery or tool for any purpose for which it is not intended or suited, and the requirement that employees and other persons working in or about a pit.

N.J.A.C. 12:185-15 addresses the sorts of first aid supplies and services which must be provided at pit and quarrying operations.

N.J.A.C. 12:185-16 lists sanitation requirements.

N.J.A.C. 12:185-17 addresses the use of protective equipment such as protective gloves, safety shoes, safety hats, safety goggles, safety belts and life lines.

N.J.A.C. 12:185-18 concerns employer and employee responsibilities relative to the use of hand tools.

N.J.A.C. 12:185-19 addresses the safe use of crushers.

N.J.A.C. 12:185-20 addresses the safe use of conveyers.

N.J.A.C. 12:185-21 concerns the guarding of equipment and machinery.

N.J.A.C. 12:185-22 addresses the safe treatment of floor openings.

N.J.A.C. 12:185-23 concerns the safe use of electrical equipment.

N.J.A.C. 12:185-24 addresses the safe use of lighting.

N.J.A.C. 12:185-25 concerns the safe storage of materials.

N.J.A.C. 12:185-26 concerns lightning protection.

N.J.A.C. 12:185-27 addresses the hauling of materials by truck and by railroad.

N.J.A.C. 12:185-28 addresses the safe use of loading, mechanical and hoisting equipment.

N.J.A.C. 12:185-29 concerns the safe construction and maintenance of structures, walkways and working surfaces.

N.J.A.C. 12:185-30 contains requirements pertaining to the physical condition of pits and quarries.

N.J.A.C. 12:185-31 concerns dust control.

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 and the proposed amendments would have a positive social impact in that they would continue to protect the health, safety and welfare of those individuals who work in pits and quarries and continue to protect the health, safety and welfare of the general public, who live and work near active and abandoned mining operations, by maintaining enforceable standards for the operation of pits and quarries within the State. The rules proposed for readoption and the proposed amendments would also continue to ensure the protection of property which might otherwise be adversely affected by mining operations. The hazards associated with the mining industry can reach beyond the property lines of these facilities. Dust and debris can endanger the public and cause damage to property. The rules proposed for readoption and the proposed amendments greatly reduce risks to the health and safety of the public and also reduce the chances of possible destruction of property resulting from mining operations by requiring such things as boundary limits, dust controls and the preparation of reclamation plans.

Economic Impact

The rules proposed for readoption and the proposed amendments would have an economic impact on all of those engaged in the operation of pits or quarries throughout the State as well as those who are the owners, agents or lessees of any abandoned pits or quarries which are determined to be dangerous by reason of their depth or other conditions. Specifically, those engaged in the operation of pits or quarries would be required to adhere to each of the safety requirements listed within the chapter, which in turn would result in the incurring of expenses.

For example, under the chapter, employers are required to thoroughly investigate all accidents involving disabling personal injury; they are required to keep records of investigation reports; they are required to make and maintain or cause to be made and maintained clear and accurate maps showing all workings; they are required to provide adequate fire protection; they are required to properly store flammable materials; they are required to provide adequate first aid to workers; they are required to provide proper sanitation to workers; they are required to use appropriate protective equipment; they are required to adhere to safety standards pertaining to the use of hand tools, crushers, conveyors, electrical equipment, loading, mechanical and hoisting equipment; they are required to construct and maintain structures, walkways and working surfaces in a safe manner; they are required to ensure that the physical condition of pits and quarries is safe; and they are required to take appropriate measures to control. Each of these requirements carries with it a cost, whether it is the expense of hiring staff to conduct investigations, maintain records or prepare maps, or the expense of obtaining safety equipment such as fire plugs, hoses and nozzles, chemical extinguishers, safety belts, life lines, goggles, signs and barriers, equipment guards, properly constructed storage bins, or properly constructed hoists.

With regard to abandoned operations, the rules proposed for readoption and the proposed amendments require that within one month after the abandonment of any quarry the employer shall file with the Commissioner of Labor and Workforce Development an accurate plan showing the workings of the quarry up to the time of abandonment and the boundaries of the property in which these workings are situated. In addition, the rules proposed for readoption and the proposed amendments require that the owner, agent or lessee of any abandoned pit or quarry which is dangerous by reason of its depth or other conditions, shall place or cause to be placed guardrails, fences or other approved means, sufficient to prevent any accidental fallings into any abandoned pit or quarry and shall keep them in good repair. N.J.A.C. 12:185-10.5, proposed for readoption with amendment, explicitly states that, "When the Commissioner finds that any such fencing or other safeguards are required in order to avoid danger to persons or property, he or she may cause the work to be done and all expenses incurred thereby shall be chargeable to and shall be paid by the owner, agent or lessee." Thus, there would be certain costs incurred by owners, agents or lessees of abandoned operations by virtue of the readoption of the chapter with amendments.

Those who work in pits and quarries would benefit economically from the rules proposed for readoption and the proposed amendments due to reductions in wage loss, insurance premiums, medical expenses, disability compensation payments and other costs attributable to disabilities which might result from the absence of the types of health and safety protections contained within the rules proposed for readoption and the proposed amendments.

Federal Standards Statement

The rules proposed for readoption and the proposed amendments do not contain any standards or requirements which exceed those imposed by Federal law. See 30 U.S.C. §§801 et seq., Federal Mine Safety and Health Act. The rules proposed for readoption and the proposed amendments do, pursuant to N.J.S.A. 34:6-98.1 et seq., New Jersey Mine Safety Act, regulate certain mining facilities which are not covered by the Federal Mine Safety and Health Act, such as sand pits, gravel pits, clay pits and shale pits. The rules proposed for readoption and the proposed amendments, pursuant to N.J.S.A. 34:6-98.1 et seq., also regulate abandoned mines, over which the Federal government has no jurisdiction.

Jobs Impact

The rules proposed for readoption and the proposed amendments would have no impact on either the generation or loss of jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

The rules proposed for readoption and the proposed amendments would impose certain reporting, recordkeeping and compliance

requirements on businesses, some of which might be small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Those reporting, recordkeeping and compliance requirements and the anticipated costs associated therewith are summarized in the Economic Impact statement above. It is not anticipated that the rules proposed for readoption and the proposed amendments would require employers to hire any outside professional services. The Department has provided no lesser or differing compliance or reporting requirements based on the size of the business, with the exception of the sanitation requirements at N.J.A.C. 12:185-16, Sanitation, proposed for readoption with amendments, which would require that a wash and change house be provided only where the mining operation employs 15 or more workers. The requirements imposed and the application of those requirements uniformly to all businesses, large and small (with the one exception listed above), are consistent with N.J.S.A. 34:6-98.1 et seq., New Jersey Mine Safety Act.

Smart Growth

The rules proposed for readoption and the proposed amendments would have no impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 12:185.

Full text of the proposed amendments and repeals follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

12:185-2.1 [General definitions] Definitions

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

"Abandoned" means the relinquishment of rights, with the intention of not returning to perform work at any quarry or pit.

[2.1.1] "Approval" means approved by the Commissioner.

[2.1.2] "Commissioner" means the Commissioner of Labor and [Industry] **Workforce Development** or his or her authorized representatives.

[12:185-2.2 Special definitions

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

2.2.1 "Abandoned" means the relinquishment of rights with the intention of not returning to perform work at any quarry or pit.]

[2.2.2] "Employee" means any person or persons who shall work on, in or about any mill excavation, quarry, sand pit, clay pit, gravel pit or shale pit of whatever kind or character as defined in this [Section] **section**.

[2.2.3] "Employer" means [includes¹] any owner, agent, manager, superintendent, foreman, lessee or other person or persons, whether individual partnership, corporation or association, having charge of any mill, excavation, quarry, sand pit, clay pit, gravel pit or shale pit of whatever kind or character as defined in this [Section] **section**.

[2.2.4] "Explosives[.]" [As] **are** as defined in N.J.S.A. [21:1A-128 through 21:1A-144, the Explosives Law] **21:1A-129**.

[2.2.5] "Face" or "bank" means the sides from the bottom or floor of a pit or quarry to the surface surrounding the pit. Where one or more benches or levels are used in a pit, each bench or level has a separate face.

[2.2.6] "Mill" means any ore mill, crushing, grinding or screening plant.

[2.2.7] "Mineral" means any metalliferous or nonmetalliferous substance that can be extracted from the earth for profit.

[2.2.8] "Pit" or "quarry" includes any excavation, pit, bank or open cut working for the extraction of stone, rock, gravel, sand or any other mineral and shall embrace any and all parts of the property of such quarry or open pit mine that contribute directly or indirectly to the extraction of such mineral.

[2.2.9] "Shall" means a mandatory requirement.

[2.2.10] "Should" means an advisory or recommended practice.

[¹ So in original.]

12:185-3.1 Health and safety requirements

Every pit and quarry shall be so excavated, equipped, arranged, operated, maintained and conducted in all respects as to provide reasonable and adequate protection for the life, health and safety of all persons employed therein or legally frequenting the same and to provide for the protection of property. Every person shall comply with all applicable requirements contained in this [Chapter] chapter.

12:185-3.2 Requirements imposed by Commissioner

The Commissioner, by written order, shall impose reasonable requirements not contained in this [Chapter] chapter if in the opinion of the Commissioner a sufficient hazard exists.

12:185-3.3 Use of existing equipment

Nothing contained in this [Chapter] chapter shall prevent the use of existing equipment during its lifetime, when maintained in good condition and performing with the proper safety factor, and used as required by existing safety standards prior to the effective date of this [Chapter] chapter, but provided that all replacements shall conform to all the provisions herein contained.

SUBCHAPTER 5. ACCIDENT REPORTS

12:185-5.1 General provisions

If an accident occurs at a pit or quarry involving serious personal injury to any person or persons which will prevent the injured person from resuming work on his regular shift, such accident will promptly be reported to the Commissioner by the employer. A copy of the employer's report sent to the Division of [Workmen's] **Worker's** Compensation shall be sufficient compliance with the requirement. Fatal accidents shall be reported to the Commissioner by the employer within 24 hours of the occurrence.

[12:185-7.2 Females

No female shall be employed or permitted to be employed in or about any pit or quarry except in a technical, clerical or domestic capacity.]

12:185-8.1 Inexperienced employee

The employer shall not assign any inexperienced employee to any work for which he or she is not qualified to do, unless he or she is put to work with an experienced and qualified person whose duty it shall be to instruct the employee in the safe and proper performance of his or her duties; nor shall he or she knowingly place any employee in any job which he or she is physically unable to do.

12:185-8.2 Non-English speaking employees

No employer shall assign any employee who does not understand the English language to any duty or place where this lack or partial lack of understanding or speaking English might be seriously harmful to his or her own safety or the safety or well-being of other employees.

12:185-8.3 Hazardous condition

No employee shall be permitted to work under or near a face or bank where he or she is endangered by materials rolling or sliding down the face or bank, nor anywhere there is danger from loose rock or overhang, until the dangerous or hazardous condition has been remedied.

12:185-9.1 Change in name or ownership

Whenever there has been a change of a name of the operating company, or a change of ownership of any pit or quarry, as defined in [Section 2.2.8 (Special definitions) of this Chapter] N.J.A.C. 12:185-2.1, the successor employer shall immediately notify the Commissioner in writing, giving the name of the former employer and the name of the new employer, with their addresses or the change in the name of the pit or quarry.

12:185-10.2 Permanent record

The plan [so] filed under N.J.A.C. 12:185-10.1 shall be preserved as a permanent record, but no persons except officials of the Department shall be permitted, without the consent of the owner, to see the plans so filed until after a lapse of [ten] 10 years of abandonment, except when in the opinion of the Commissioner it is necessary in the interests of safety to show the plan to the owner of the adjoining property or of surface rights.

12:185-10.4 Safeguard requirements

[Such] The fence referred to in N.J.A.C. 12:185-10.3 shall be not less than six feet high and signs marked "Danger—Keep Out" shall be placed thereon or in the vicinity of any excavation.

12:185-10.5 Responsibility for work and expense

When the Commissioner finds that any [such] fencing or other safeguards are required in order to avoid danger to persons or property, he or she may cause the work to be done and all expenses incurred thereby shall be chargeable to and shall be paid by the owner, agent or lessee.

12:185-11.2 Contents

All [such] maps required under N.J.A.C. 12:185-11.1 shall include a surface plan showing the boundaries of the property, the location of all plant buildings, railroads, roads, excavations, and elevations.

12:185-11.3 Fine

At least once every year, the employer shall cause to be shown clearly and accurately on [the] each map [or maps] of [such] each quarry all the excavations made therein.

SUBCHAPTER 12. FIRE PROTECTION

12:185-12.1 General provisions

Recodify existing 12.1.1 through 12.1.7 as (a) through (g) (No change in text.)

[12.1.8 All operations involving the use of welding and cutting equipment shall be conducted in accordance with requirements of Chapter 160 (Welding and cutting) of this Title.]

[12.1.9] (h) (No change in text.)

12:185-12.2 Electrical equipment

Recodify existing 12.2.1 through 12.2.3 as (a) through (c) (No change in text.)

12:185-14.3 Safety belt

No employee shall be permitted to enter any bin, bunker or other storage place containing materials which may cave or run unless he or she is provided with, and is wearing, an approved safety belt with life line attached. He or she shall be attended by another [workman] worker, who shall keep the life line reasonably taut and secured at all times. [All work in or about confined spaces shall conform with the requirements of Chapter 170 (Work in confined spaces) of this Title.]

12:185-15.3 Stretchers and blankets

In all pits or quarries employing less than 25 [men] workers per shift there shall be at least one stretcher and two blankets. If more than 25 [men] workers are employed per shift an additional stretcher and blankets for each 25 [men] workers or fraction shall be provided.

12:185-15.4 First-aid station

Any pit or quarry which employs more than 50 [men] workers per shift shall have a principal first-aid station with a trained [man] worker available at all times.

12:185-15.7 Personnel

In every pit or quarry where there are less than five [men] workers employed per shift at least one person shall be instructed in and capable of administering first aid.

12:185-16.1 Sanitation

[16.1.1] (a) The operator shall provide sufficient and suitable sanitary conveniences in accordance with the following standards:

Recodify existing a. and b. as 1. and 2. (No change in text.)

Recodify existing 16.1.2 through 16.1.4 as (b) through (d) (No change in text.)

12:185-16.2 Change house

[16.2.1] (a) The operator of every pit or quarry employing 15 or more [men] workers per shift shall provide a wash and change house at each and every place which necessitates employees changing from work clothes to other wearing apparel, or where the lack of such facilities constitute a hazard to health.

[16.2.2] (b) [These wash] **Wash** and change houses shall be available to the [men] **workers** at all times when they are going on or coming off shift, and shall be equipped with washing and shower facilities. For every [ten] **10** employees per shift there shall be at least one washing unit and for every [ten] **10** employees per shift there shall be at least one shower bath.

[16.2.3] (c) Pits or quarries which employ less than [ten men] **10 workers** per shift and which have no suitable water available on the property for washing and bathing purposes shall be exempt from the shower bath provision of [subsection 16.2.2 of this Section] (b) **above**, but shall provide their employees with washing facilities that are reasonably clean and sanitary.

[16.2.4] (d) (No change in text.)

12:185-16.3 Drinking water

Recodify existing 16.3.1 through 16.3.4 as (a) **through** (d) (No change in text.)

[12:185-16.4 General provisions

16.4.1 All sanitation facilities shall be constructed and maintained in accordance with the New Jersey Department of Labor and Industry Rules and Regulations governing Sanitation in Places of Employment, effective December 27, 1948, or the latest revision thereof.

16.4.2 Plan examination and approval of sanitation facilities shall be in accordance with the rules and regulations governing plan examination and approval, promulgated by the Commissioner.]

12:185-17.1 Clothing

Recodify existing 17.1.1 and 17.1.2 as (a) **and** (b) (No change in text.)

[17.1.3] (c) Safety shoes shall be worn by every employee whose work exposes him **or her** to foot injuries from falling objects or material.

[17.1.4] (d) Safety hats shall be worn by every employee whose work exposes him **or her** to head injuries from falling objects or material.

[17.1.5] (e) (No change in text.)

12:185-17.2 Goggles

[17.2.1] (a) Every employee shall wear suitable safety goggles or eye protectors when his **or her** duties or the orders of his **or her** employer require that he **or she** work on operations hazardous to his **or her** eyes.

[17.2.2] (b) (No change in text.)

12:185-17.3 Safety belts and life lines

[17.3.1] (a) (No change in text.)

[17.3.2] (b) Some of the places where such equipment shall be worn are:

[a.] 1. When working in rock-storage bins[.];

[b.] 2. When drilling on narrow benches[.]; **or**

[c.] 3. When scaling quarry faces.

Recodify existing 17.3.3 through 17.3.5 as (c) **through** (e) (No change in text.)

12:185-18.2 Employee responsibility

The employee shall be responsible for the safe condition of tools he **or she** furnishes and shall not use any such tools which are not in safe condition for use.

12:185-18.3 Replacement

The employee shall promptly report to his **or her** immediate supervisor any tool being used by him **or her** which is defective, and said tool shall be promptly replaced or made safe.

SUBCHAPTER 19. CRUSHERS

12:185-19.1 General protection

(a) Every employee working at a crusher shall be protected from falling into the crusher by one of the following means:

[a.] 1. (No change in text.)

[b.] 2. Use of a working platform located in such position that material hung-up in the crusher can be safely dislodged by the employee on the platform. The platform shall have a standard railing; **or**

[c.] 3. (No change in text.)

SUBCHAPTER 20. CONVEYORS

[12:185-20.1 General provisions

All conveyors shall be constructed, operated and maintained in accordance with requirements of Chapter 140 (Conveyors, Cableways and Related Equipment) of this Title.]

Recodify existing N.J.A.C. 12:185-20.2 through 20.11 as **20.1 through 20.10** (No change in text.)

12:185-[20.12]**20.11** Tunnels and sheds

Conveyor tunnels or conveyor sheds constructed after the effective date of this [Chapter] **chapter** shall have an unobstructed passageway at least three feet wide and 6 1/2 feet high at one side of the conveyor.

12:185-[20.13]**20.12** Tunnel—repaired or rebuilt

When a conveyor tunnel constructed before the effective date of this [Chapter] **chapter** is extensively repaired or rebuilt, an unobstructed passageway shall be provided, as required in [Section 20.12 (Tunnels and sheds) of this Chapter] **N.J.A.C. 12:185-20.11**.

Recodify existing N.J.A.C. 12:185-20.14 through 20.17 as **20.13 through 20.16** (No change in text.)

SUBCHAPTER 21. GUARDING OF EQUIPMENT AND MACHINERY

12:185-21.1 General provisions

Recodify existing 21.1.1 through 21.1.8 as (a) **through** (h) (No change in text.)

12:185-21.2 Keys, set-screws and other projections

Recodify existing 21.2.1 through 21.2.4 as (a) **through** (d) (No change in text.)

12:185-21.3 Fly wheels

[21.3.1] (a) Fly wheels so located that any part is seven feet or less above the floor or platform shall be guarded in one of the following ways:

[a.] 1. With an enclosure of sheet, perforated or expanded metal or woven wire[.]; **or**

[b.] 2. With guard rails placed not less than 15 inches from the rim.

Recodify existing 21.3.2 and 21.3.3 as (b) **and** (c) (No change in text.)

12:185-21.4 Shafting

[21.4.1] All exposed parts of horizontal shafting seven feet or less from a floor or working platform, excepting runways used exclusively for oiling, or running adjustments, shall be guarded by a stationary casing enclosing the shaft completely, or by a trough enclosing sides and top or sides and bottom of shafting, as location requires.

12:185-21.5 Grinding wheels

[21.5.1] All grinding wheels shall be constructed, operated and maintained in accordance with the requirements of Chapter 144 (Abrasive Wheels) of this Title.]

Recodify existing 21.5.2 through 21.5.9 as (a) **through** (h) (No change in text.)

12:185-21.6 Pulleys and belts

[21.6.1] All mechanical power transmission apparatus shall be constructed, operated and maintained in accordance with requirements of Chapter 145 (Safeguarding of Mechanical Power Transmission Apparatus) of this Title.]

[21.6.2] (a) All pulleys, parts of pulleys, horizontal belts and chains, which are seven feet or less from the floor or the floor of a platform shall be guarded for their entire length, if located over passageways of work places and if the center distance between pulleys is [ten] **10** feet or more.

Recodify existing 21.6.3 through 21.6.6 as (b) **through** (e) (No change in text.)

12:185-21.7 Miscellaneous equipment and machinery

Recodify existing 21.7.1 through 21.7.5 as (a) **through** (e) (No change in text.)

12:185-21.8 Design of guard rails

Recodify existing 21.8.1 through 21.8.3 as (a) **through** (c) (No change in text.)

SUBCHAPTER 23. ELECTRICAL EQUIPMENT

12:185-23.1 General provisions

Recodify existing 23.1.1 through 23.1.3 as (a) through (c) (No change in text.)

[23.1.4] (d) All electrical circuits, machinery and equipment shall be in charge of a [man] worker fitted for the job by ability, training and experience.

Recodify existing 23.1.5 through 23.1.18 as (e) through (r) (No change in text.)

12:185-23.2 Transformers

Recodify existing 23.2.1 through 23.2.9 as (a) through (i) (No change in text.)

12:185-23.3 Switchboards

[23.3.1] (a) Switchboards shall:

Recodify existing a. through g. as 1. through 7. (No change in text.)

Recodify existing 23.3.2 through 23.3.4 as (b) through (d) (No change in text.)

12:185-23.4 Switches

Recodify existing 23.4.1 through 23.4.7 as (a) through (g) (No change in text.)

12:185-23.5 Motors and generators

Recodify existing 23.5.1 through 23.5.3 as (a) through (c) (No change in text.)

12:185-23.6 Power circuits

Recodify existing 23.6.1 through 23.6.7 as (a) through (g) (No change in text.)

12:185-23.7 Trailing power cables

Recodify existing 23.7.1 through 23.7.6 as (a) through (f) (No change in text.)

SUBCHAPTER 25. MATERIAL STORAGE

12:185-25.1 Storage bins

Recodify existing 25.1.1 through 25.1.5 as (a) through (e) (No change in text.)

[25.1.6] (f) Loading devices shall be locked so they cannot be operated while [men] workers are working inside rock storage bins.

12:185-25.2 Storage piles

Recodify existing 25.2.1 and 25.2.2 as (a) and (b) (No change in text.)

12:185-25.3 General provisions

[25.3.1] (a) Flammable material shall be stored in accordance with [Subchapter] N.J.A.C. 12:185-13 [(Flammable Materials) of this Chapter].

Recodify existing 25.3.2 through 25.3.4 as (b) through (d) (No change in text.)

[25.3.5] (e) All chemicals which may cause injury to any employee or other person if exposed to contact, shall be stored in safe containers. [The container should be properly labeled so as to give warning of the hazard in accordance with Chapter 130 (Precautionary Labeling Of Hazardous Chemicals) of this Title.]

12:185-27.1 Trucks

Recodify existing 27.1.1 through 27.1.8 as (a) through (h) (No change in text.)

[27.1.9] (i) No [workman] worker shall be permitted under the raised body of a truck until such body is secured in its raised position.

Recodify existing 27.1.10 and 27.1.11 as (j) and (k) (No change in text.)

12:185-27.2 Railroad haulage

[27.2.1] (a) All rail haulage on private property, and not operated or maintained by a common carrier, shall conform to the requirements of this [Section] section.

Recodify existing 27.2.2 through 27.2.11 as (b) through (k) (No change in text.)

[27.2.12] (l) The minimum clearance for standard gauge tracks shall be:

Recodify existing a. through d. as 1. through 4. (No change in text.)

[27.2.13] (m) The minimum overhead clearance shall be as follows:

Recodify existing a. and b. as 1. and 2. (No change in text.)

[27.2.14] (n) (No change in text.)

[27.2.15] (o) Tracks having less clearance from buildings, poles or other structures for a [man] worker on the side of a car than is specified in [subsection 27.2.13 a. and b. of this Section] (m) above shall have suitable warning signs erected to indicate the danger of inadequate clearance.

[27.2.16] (p) When the minimum clearance required in [subsections 27.2.13 and 27.2.14 of this Section] (m) and (n) above are not existing at the effective date of this [Chapter] chapter, it shall not be mandatory to remove or relocate existing structures to provide the necessary clearances. However, any extensive repairs or rebuilding of that portion of the structure affecting the above mentioned clearances shall be so made as to meet the clearance requirements.

12:185-28.1 Hoisting equipment and practices

[28.1.1] (a) The hoisting equipment and hoisting practices for slopes or inclines and aerial tramways shall be in compliance with this [Section] section.

Recodify existing 28.1.2 through 28.1.11 as (b) through (k) (No change in text.)

[28.1.12] (l) The hoistman shall not be permitted to engage in conversation while hoisting or lowering [men] workers.

[28.1.13] (m) (No change in text.)

[28.1.14] (n) A qualified hoistman shall be in immediate charge of the hoist at all times. He or she shall be familiar with the details and workings of hoists and experienced in their operation.

[28.1.15] (o) After the effective date of this [regulation] rule, no person shall be employed as a hoist engineer until an examination by a licensed physician shows him or her to be free of physical defects which in the opinion of the physician, would disqualify him or her for reasons of safety.

[28.1.16] (p) After the effective date of this [regulation] rule, all hoist men shall be given a thorough physical examination at least once a year by a licensed physician to assure their continued physical fitness to serve in that position.

Recodify existing 28.1.17 through 28.1.23 as (q) through (w) (No change in text.)

[28.1.24] (x) All cable used in hoisting [men] workers and material shall be lubricated at frequent intervals and shall be maintained in a properly lubricated condition.

Recodify existing 28.1.25 and 28.1.26 as (y) and (z) (No change in text.)

[28.1.27] (aa) Hoisting ropes shall be discarded when they show any of the following conditions:

[a.] 1. (No change in text.)

[b.] 2. If the wires on the crown are worn to 65 [per cent] percent of their original diameter.

Recodify existing c. and d. as 3. and 4. (No change in text.)

[e.] 5. If more than three wires have been reduced by wear more than 30 [per cent] percent in cross section or are broken in one strand of a rope lay.

[f.] 6. (No change in text.)

[28.1.28] (bb) When any hoisting cable is placed in service the following information shall be entered in a book termed the "Rope Record Book" by the master mechanic or other employee designated by the employer:

Recodify existing a. through l. as 1. through 12. (No change in text.)

[28.1.29] (cc) No tools, explosives or other material shall be carried in conveyances transporting [men] workers.

[28.1.30] (dd) (No change in text.)

12:185-28.2 Aerial tramways

Recodify existing 28.2.1 through 28.2.4 as (a) through (d) (No change in text.)

[28.2.5] (e) Deep pit quarries shall be provided with at least two man-boxes for hoisting and lowering [men] workers out of and into the pit or quarry.

[28.2.6] (f) These boxes shall be not less than 14 inches high by four feet wide by six feet, six inches long, and shall be equipped with four corner chains. All corner chains shall be permanently secured to the man-box and shall be connected with a king ring which in turn shall be attached to the cable hook when [men] workers are being hoisted or lowered in a pit or quarry. Man-boxes shall be built of best grade material, and shall be of sufficient strength to carry six persons.

Recodify existing 28.2.7 and 28.2.8 as (g) and (h) (No change in text.)

12:185-28.3 Slopes or inclines

Recodify existing 28.3.1 through 28.3.3 as (a) through (c) (No change in text.)

[28.3.4] (d) [Men] Workers shall be transported in special cars equipped with safety devices to prevent cars from running away in case of hoist failure, or cable coupling or drawbar breaking.

[28.3.5] (e) The [man] worker cars shall have level seats and be provided with handholds.

12:185-28.4 Cranes, draglines, shovels and stifle derricks

Recodify existing 28.4.1 through 28.4.9 as (a) through (i) (No change in text.)

12:185-28.5 Overhead cranes

Recodify existing 28.5.1 through 28.5.12 as (a) through (l) (No change in text.)

12:185-29.1 Trestles

Recodify existing 29.1.1 through 29.1.4 as (a) through (d) (No change in text.)

[29.1.5] (e) Safety belts and lines shall be used by [men] workers working around hoppers if the opening is not protected.

12:185-29.2 Runways, elevated walks, platforms

[29.2.1] (a) (No change in text.)

[29.2.2] (b) Railings shall be provided on all runways, elevated walkways and platforms, except on the loading and unloading sides as follows:

Recodify existing a. through c. as 1. through 3. (No change in text.)

[29.2.2d.] 4. Railings shall be:

Recodify existing (1) through (3) as i. through iii. (No change in text.)

[29.2.2e.] 5. (No change in text.)

[29.2.3] (c) (No change in text.)

12:185-29.3 Stairways

[29.3.1] (a) Stairways shall conform to the [State Building Code] **Uniform Construction Code, N.J.A.C. 5:23.**

[29.3.2] (b) (No change in text.)

[29.3.3] (c) Flights of stairs having four or more risers shall be provided with handrails as follows:

Recodify existing (1) through (4) as 1. through 4. (No change in text.)

Recodify existing 29.3.4 through 29.3.6 as (d) through (f) (No change in text.)

12:185-29.4 Ladders

Recodify existing 29.4.1 through 29.4.19 as (a) through (s) (No change in text.)

12:185-30.1 General provisions

[30.1.1] (a) The operator of every pit or quarry shall appoint a competent [man] worker who shall be personally in charge of the pit or quarry excavation.

Recodify existing 30.1.2 and 30.1.3 as (b) and (c) (No change in text.)

[30.1.4] (d) When pits or quarries are worked at night, there shall be sufficient illumination in all working places, so that the movement of [men] workers and equipment can readily be observed. Stripping, loading and drilling equipment shall be well illuminated and tractors shall be equipped with sufficient headlights.

Recodify existing 30.1.5 through 30.1.7 as (e) through (g) (No change in text.)

[30.1.8] (h) The employer or some competent employee designated by him, shall inspect the pit or quarry face for dangerously loose material as follows:

Recodify existing (1) through (4) as 1. through 4. (No change in text.)

Recodify existing 30.1.9 through 30.1.15 as (i) through (o) (No change in text.)

12:185-30.2 Pits

Recodify existing 30.2.1 and 30.2.2 as (a) and (b) (No change in text.)

[30.2.3] (c) When determining the maximum permitted slope and height of the face, consideration shall be given to:

Recodify existing (1) through (3) as 1. through 3. (No change in text.)

[(4)] 4. Type and size of the equipment used at the face and amount of protection this equipment affords the operator; and

[(5)] 5. (No change in text.)

12:185-30.3 Quarries

Recodify existing 30.3.1 and 30.3.2 as (a) and (b) (No change in text.)

[30.3.3] (c) The height of benches for quarries covered by [subsection 30.3.2 of this Section] (b) above shall be governed by the following:

Recodify existing (1) and (2) as 1. and 2. (No change in text.)

SUBCHAPTER 31. DUST CONTROL

12:185-31.1 General provisions

[31.1.1] (a) (No change in text.)

[31.1.2] (b) All pit and quarry operations shall be so conducted that there shall be no exposure to atmospheric dust concentrations in excess of those concentrations limited by [the provisions of subsection 31.1.3 of this Section] (c) below.

[31.1.3] (c) The maximum allowable atmospheric dust concentration, expressed as the total number of particles of dust per cubic foot of air, shall not exceed the values given in the following table:

Substance	MPPCF*
Aluminum oxide	50
Asbestos	5
Dust (nuisance, no free silica)	50
Mica (below five [per cent] percent free silica)	20
Portland cement	50
Talc	20
Silica	
High (above 50 [per cent] percent free S:O ₂)	5
Medium (five to 50 [per cent] percent free S:O ₂)	20
Low (below five [per cent] percent free S:O ₂)	50
Silicon carbide	50
Soapstone (below five [per cent] percent free silica)	20

*Millions of particles per cubic feet of air

12:185-31.2 Dust control

[31.2.1] (a) Sampling and determination

Recodify existing 31.2.1.1 through 31.2.1.4 as 1. through 4. (No change in text.)

[31.2.2] (b) Methods

[31.2.2.1] 1. Wherever it is required to control the concentration of atmospheric dust, such method of dust control shall be by one of, or combinations of, the following methods:

Recodify existing a. through e. as i. through v. (No change in text.)

[31.2.3] (c) Approval and tests

Recodify existing 31.2.3.1 through 31.2.3.3 as 1. through 3. (No change in text.)

[31.2.3.4] 4. All tests for atmospheric dust concentrations shall be made in accordance with [subsection 31.2.1 of this Section] (a) above.

12:185-31.3 Local exhaust systems

[31.3.1] (a) General provisions

Recodify existing 31.3.1.1 through 31.3.1.3 as 1. through 3. (No change in text.)

Recodify existing 31.3.2 through 31.3.7 as (b) through (g) (No change in text.)

PROPOSALS

12:185-31.4 Wet method of dust control

Recodify existing 31.4.1 through 31.4.3 as (a) through (c) (No change in text.)

12:185-31.5 General ventilation

[31.5.1] When general ventilation is employed as the principal method of dust control, it shall be designed to function properly in accordance with the provisions of [subsection 31.1.3 (General provisions) of this Chapter] N.J.A.C. 12:185-31.1(c).

12:185-31.6 Respiratory protective equipment

Recodify existing 31.6.1 through 31.6.3 as (a) through (c) (No change in text.)

[31.6.4] (d) The employer shall provide each [workman] **worker** requiring the use of personal respiratory protective equipment with not less than one such device, suitably identified; and the employer shall further provide and employ facilities for the inspection, cleansing, sterilizing and repair of all such respiratory protective equipment as may be required by the standards prescribed by the Bureau in its approval of such respiratory protective devices and equipment. Personal respiratory protective equipment, when not in use, shall be stored in a clean, dustproof container.