

NEWS

NEW JERSEY DEPARTMENT OF

LWD

LABOR AND WORKFORCE DEVELOPMENT
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**RE: Joint Proposed Readoption with Amendments:
N.J.A.C. 8:60 and 12:120 Asbestos Licenses and Permits**

Attached please find the above-referenced matter which was published in the Monday, June 6, 2005 *New Jersey Register*.

If you have any questions, please contact Frederick S. Cohen, Executive Director at 609-777-2960.

(a)

**PUBLIC HEALTH PROTECTION AND EMERGENCY
PREPAREDNESS
LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF PUBLIC SAFETY AND OCCUPATIONAL
SAFETY AND HEALTH**

Asbestos Licenses and Permits

**Joint Proposed Readoption with Amendments:
N.J.A.C. 8:60 and 12:120**

Authorized By: Fred M. Jacobs, M.D., J.D., Commissioner, Department
of Health and Senior Services and Thomas D. Carver, Commissioner,
Department of Labor and Workforce Development.

Authority: N.J.S.A. 34:5A-32 et seq.

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

Proposal Number: PRN 2005-193.

Submit written comments by August 5, 2005 to:
 Joseph D. Eldridge, M.P.H.
 Research Scientist I
 Consumer and Environmental Health Services
 New Jersey Department of Health and Senior Services
 PO Box 369
 Trenton, New Jersey 08625-0369

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, N.J.A.C. 8:60 and 12:120, Asbestos Licenses and Permits, are scheduled to expire on October 28, 2005. The Departments of Health and Senior Services and Labor and Workforce Development have jointly reviewed these rules and have determined that they remain necessary, adequate, reasonable, efficient, understandable, responsive and proper for the purpose for which they were promulgated with non-substantive amendments to reflect the formal name change of the Department of Labor to the Department of Labor and Workforce Development and are therefore proposing their readoption with amendments.

The Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq., (the Act) was enacted in 1984 and the rules promulgated at N.J.A.C. 8:60 and 12:120 have provided and will continue to provide standards for the application, enclosure, encapsulation, removal, storage, sale, disposal and use of asbestos and asbestos-containing materials. These rules include general provisions, definitions, rules of administration, standards for licensing of employers, issuance of worker and supervisor permits, certification of required asbestos training courses and asbestos work notification, appeals and complaints and referenced standards.

Every employer and employee engaged in the application, enclosure, encapsulation and/or removal of asbestos-containing materials must be licensed, in the case of employers, or permitted, in the case of employees. The Department of Health and Senior Services maintains training and test records that are reviewed and substantiated by the Department of Labor and Workforce Development prior to its issuance of any licenses or permits.

It is necessary to readopt N.J.A.C. 8:60 and 12:120 to ensure that building owners hire qualified and competent asbestos contractors and supervisors and workers are properly trained and can protect the public's health.

N.J.A.C. 8:60-1 and 12:120-1 indicate where within the Administrative Code (citation) and under what name (title) these chapters appear; address the statutory authority pursuant to which the chapters are promulgated; set forth the purpose and scope of the chapters; state that the availability of standards and publications referred to in the chapters is set forth at N.J.A.C. 12:120-9 and 8:60-9; and, provide that if any section, paragraph, sentence or word of these chapters is determined to be invalid by any court of competent jurisdiction, such determination shall not affect or impair the validity of the remainder of the chapters.

N.J.A.C. 8:60-2 and 12:120-2 provide the definitions and terms used throughout the chapters.

N.J.A.C. 8:60-3 and 12:120-3 address the administration of the licensing, permitting and certification standards required by the chapters.

N.J.A.C. 8:60-4 and 12:120-4 set forth the licensure requirements for employers.

N.J.A.C. 8:60-5 and 12:120-5 set forth the requirements and procedures for obtaining an asbestos worker or an asbestos supervisor permit.

N.J.A.C. 8:60-6 and 12:120-6 establish the procedures and qualifications required to obtain, maintain, or renew certification to conduct training courses for asbestos abatement.

N.J.A.C. 8:60-7 and 12:120-7 establish the requirements for notifying the Departments of Labor and Workforce Development and Health and Senior Services as to when and where asbestos work will be undertaken.

N.J.A.C. 8:60-8 and 12:120-8 set forth the procedures for appealing any action or inaction by the Commissioner of Health and Senior Services or the Commissioner of Labor and Workforce Development under the Act. These subchapters also establish procedures for filing citizen complaints alleging violations of the Act.

N.J.A.C. 8:60-9 and 12:120-9 list standards and publications referred to in the chapters.

Amendments are proposed throughout the rules to reflect that the Department of Labor is now the Department of Labor and Workforce Development, and the title of the Commissioner of the Department is likewise updated. Agency addresses have also been updated as necessary.

The Department has provided a 60-day comment period for this rulemaking. Therefore, pursuant to N.J.A.C. 1:30-3.3(a)5 and (b), this

rulemaking is exempt from the calendar listing requirement provided at N.J.A.C. 1:30-5.1(b)7.

Social Impact

These rules are necessary for the implementation of a statute that is intended to assure that only properly qualified people are involved in asbestos abatement work. Airborne asbestos fibers constitute a serious health hazard and it is, therefore, necessary for the protection of public health and safety that, if asbestos in buildings is removed or encapsulated, it be done by knowledgeable and competent workers, supervisors and contractors operating in accordance with scientifically accepted engineering practices so that building occupants and members of the public who are in or around those buildings will not be endangered. Building owners who contract with licensed asbestos contractors who employ permitted workers and supervisors are provided assurance that asbestos remediation is being performed by persons who have been properly trained and successfully tested.

The certification of asbestos training programs has provided prospective license and permit applicants with the necessary information, competence, knowledge and skill to safely perform asbestos remediation without hazard to their health, to the health of building occupants, or to the environment. The public benefits from these rules through prevention of asbestos-related diseases and disabilities that might result from improperly performed asbestos work.

In Fiscal Year 2004, the Department of Health and Senior Services certified 14 training providers, who offered 54 approved courses, and 2,913 individuals completed these courses. During this same period, the Department of Labor and Workforce Development (DOLWD) received 172 new and renewal applications from asbestos contractors and approved and issued licenses to 63. DOLWD also received 2,770 new and renewal applications from asbestos workers and supervisors and issued performance permits to 2,884.

Economic Impact

Building owners will continue to benefit from the assurance that they are hiring qualified, competent, knowledgeable licensed and permitted individuals to perform asbestos abatement work. Contractors, workers and supervisors will continue to benefit from the elimination of unfair competition from unlicensed persons performing asbestos abatement work in violation of the rules. Training providers will continue to benefit from the existence of a certification program that will allow potential enrollees to have confidence in their course offerings.

Employer license application fees remain at \$1,000 per year. Worker permit application fees remain at \$50.00 per year and supervisor permits remain at \$75.00 per year. These fees are necessary in order to offset anticipated enforcement and administrative costs. Similarly, the Department of Health and Senior Services, which will continue to charge an application fee of \$500.00 per discipline for training provider certification, needs the revenue thereby generated to offset the cost of the training and certification program.

The general public will benefit from reductions in wage loss, insurance, medical expenses, disability compensation payments, and other costs attributable to asbestos-related disabilities.

Federal Standards Statement

In 1986, the Federal government enacted the Asbestos Hazard Emergency Response Act (AHERA), which mandated a regulatory program to address asbestos hazards in schools and which also mandated the training and accreditation of persons to perform asbestos work in schools. AHERA required the United States Environmental Protection Agency (USEPA) to develop a Model Accreditation Plan (MAP) for training those individuals and further required the states to adopt state accreditation programs at least as stringent as described in the MAP. In 1990, the Federal government amended and extended training and accreditation requirements under AHERA to persons performing asbestos work in public and commercial buildings, as well as in schools, by enacting the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).

Readoption of this chapter is necessary in order to allow New Jersey to continue to participate in the USEPA's model Accreditation Program for persons engaged in asbestos abatement. The provisions of this chapter do not exceed any relevant Federal standards. Those relevant Federal standards include the following:

USEPA Model Accreditation Plan, 40 C.F.R. Part 763;
 USEPA Asbestos Hazard Emergency Response Act (AHERA), Title II of the Toxic Substance Control Act, 15 U.S.C. §§2601 et seq., P.L. 99-519; and

USEPA Asbestos School Hazard Abatement Reauthorization Act of 1990 (ASHARA), P.L. 101-637.

New Jersey was one of the first states recognized by USEPA as meeting USEPA requirements under the MAP and has continued to maintain that recognition to date.

Jobs Impact

Readoption of these rules is necessary in order to retain the jobs of thousands of New Jersey workers who are engaged in asbestos abatement.

Agriculture Industry Impact

These rules do not affect the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption impose reporting, recordkeeping and compliance requirements on asbestos abatement contractors, workers, supervisors and training agencies. Most of the contractors and training agencies are "small businesses," as defined under the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

The compliance requirements involved in obtaining licensing or certification are necessary in order to assure that these services are provided by competent persons. Persons seeking licensing must have the necessary training and demonstrate competency by passing a required test. These requirements are necessary to protect the public interest and cannot be waived or modified based on the size or form of organization of the business entity. Costs imposed by the rules are limited to license and permit fees and fees for training certification. No recordkeeping requirements are imposed that would exceed the recordkeeping that a business would maintain as part of its ordinary activities. Reporting requirements are limited to the information included in license, permit and certification applications. Additional professional services are not required to comply with the rules.

Smart Growth Impact

The rules proposed for readoption at N.J.A.C. 8:60 and 12:120 will have no impact on the achievement of smart growth and 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. 8:60 and 12:120.

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

SUBCHAPTER 1. GENERAL PROVISIONS

12:120-1.1 (8:60-1.1) Title and citation

(a) This chapter, as a Department of Labor and Workforce Development rule, shall be known and may be cited as N.J.A.C. 12:120, Asbestos Licenses and Permits.

(b) (No change.)

(c) These rules are a joint adoption of the Department of Labor and Workforce Development and the Department of Health and Senior Services.

SUBCHAPTER 2. DEFINITIONS

12:120-2.1 (8:60-2.1) Definitions

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

"Approved" means acceptable to the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be.

"Commissioner" means the Commissioner of Labor and Workforce Development or his or her authorized designee.

"Division of Public Safety and Occupational Safety and Health" means the Division of Public Safety and Occupational Safety and Health of the New Jersey Department of Labor and Workforce Development, PO Box 386, Trenton, New Jersey 08625-0386.

"Supervisor" means any person who has completed an asbestos supervisor training course approved by the Department of Health and Senior Services and who has successfully passed a written asbestos

supervisor examination devised and administered under the approval of the Department of Health and Senior Services for the position of supervisor and who possesses a valid asbestos supervisor permit issued by the Department of Labor and Workforce Development.

"Worker" means a person who has completed an asbestos worker training course approved by the Department of Health and Senior Services and who has successfully passed a written asbestos worker examination devised and administered under the approval of the Department of Health and Senior Services for the position of worker and who possesses a valid asbestos worker permit issued by the Department of Labor and Workforce Development.

SUBCHAPTER 3. ADMINISTRATION

12:120-3.2 (8:60-3.2) Compliance

(a) Every employer falling within the scope of this chapter, who performs any of the functions of application, enclosure, repair, removal or encapsulation of asbestos in any structure, or who enters into any contract with the owner or owner's representative for the employer to perform such work or services, shall comply with the provisions of this chapter and shall be issued a nontransferable license by the Commissioner of Labor and Workforce Development.

(b) Every employee falling within the scope of this chapter who performs the functions of application, enclosure, repair, removal or encapsulation of asbestos shall procure a performance permit issued by the Commissioner of Labor and Workforce Development pursuant to this chapter.

(c) Every employer and employee shall take all prudent measures to comply with written recommendations made by the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be.

12:120-3.3 (8:60-3.3) Interface of State agencies

(a) The Department of Labor and Workforce Development, under the provisions of this chapter, shall:

1.-6. (No change.)

(b) (No change.)

12:120-3.4 (8:60-3.4) Enforcement

(a) (No change.)

(b) The Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be, as an alternative to or in addition to the fines and imprisonment authorized in (a) above, may employ the following powers and remedies in enforcing their respective responsibilities under the Act:

1. Whenever either the Commissioner of Labor and Workforce Development or Health and Senior Services find that a person has violated any provision of the Act for which that Commissioner has the responsibility to enforce, that Commissioner may issue an administrative order to abate the violation. The administrative order must:

i. (No change.)

ii. Give notice of the person's right to an informal conference or hearing pursuant to N.J.A.C. 12:120-8 and 8:60-8, on the matters contained in the order. Upon a request for an informal conference or formal hearing, the Commissioner of Labor and Workforce Development or Health and Senior Services may grant a stay of the administrative order following review of a written request which includes a factual basis and clearly supports the appropriateness of the stay.

2. Either the Commissioner of Labor and Workforce Development or Health and Senior Services may institute an action or proceeding in the Superior Court for injunctive or other relief for any violation of this Act for which that Commissioner has the responsibility to enforce and the court may proceed in the action in a summary manner.

(c) Either the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services may assess a civil administrative penalty in accordance with N.J.A.C. 12:120-3.5 and 8:60-3.5, not to exceed \$25,000 for each violation of this Act for which that Commissioner has the responsibility to enforce.

1.-3. (No change.)

4. Payment of the assessment of a civil administrative penalty is due upon issuance of a final order by the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services.

5. The Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services may file a civil action to recover a civil administrative penalty with costs pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

(d)-(e) (No change.)

12:120-3.5 (8:60-3.5) Civil administrative penalties

(a)-(b) (No change.)

(c) In assessing a civil administrative penalty pursuant to this chapter, the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be, may consider the following factors, where applicable, in determining what constitutes an appropriate penalty for the particular violations:

1.-6. (No change.)

(d) In addition to other sanctions in the Act or this chapter, the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be, shall have the authority to require:

1.-5. (No change.)

SUBCHAPTER 4. LICENSING OF EMPLOYERS

12:120-4.3 (8:60-4.3) Application for license

(a)-(i) (No change.)

(j) The application fee for a license shall be paid by certified check or money order made payable to the Commissioner of Labor and Workforce Development.

(k)-(l) (No change.)

(m) Upon written request from the applicant, the Commissioner of Labor and Workforce Development may, at his or her discretion, waive the fees for licensing identified in (h) above.

1.-2. (No change.)

12:120-4.4 (8:60-4.4) Eligibility for employer license

(a) The applicant, to be eligible for a license as an employer, shall:

1.-2. (No change.)

3. Disclose in and attach to the application form all information including, but not limited to, (a)4i through x below and such other information as shall demonstrate the applicant's reliability, responsibility, capability, competence, and knowledge to perform asbestos work safely and to minimize unnecessary health hazards to citizens:

i. A copy of the employer's certificate of insurance specifying the name of the insurance carrier, policy number, policy period under which the entire New Jersey Workers' Compensation obligation is insured, and which specifies both the New Jersey Department of Labor and Workforce Development, Asbestos Control and Licensing, and the New Jersey Department of Health and Senior Services, Environmental Health Services, as certificate holders of the insured;

ii.-x. (No change.)

12:120-4.5 (8:60-4.5) Granting of employer license

(a) (No change.)

(b) The license for an employer shall:

1.-5. (No change.)

6. Be signed by the Commissioner of Labor and Workforce Development or his or her designee; and

7. (No change.)

i.-ii. (No change.)

(c)-(e) (No change.)

12:120-4.6 (8:60-4.6) Identification of licensee

(a) The license shall be available at the worksite for examination by the Commissioner of Labor and Workforce Development, Commissioner of Health and Senior Services, the contracting agency, and the owner or the owner's representative.

(b) (No change.)

(c) All vehicles in use commercially by an employer performing the functions of application, enclosure, encapsulation, repair, or removal of asbestos-containing material shall be visibly marked with the employer's New Jersey Department of Labor and Workforce Development-issued license number.

(d) The employer shall have a New Jersey Department of Labor and Workforce Development-issued duplicate of the original license available at each job site.

(e) (No change.)

12:120-4.8 (8:60-4.8) Suspension or revocation of employer license

(a) (No change.)

(b) Any employer shall have his or her license suspended or revoked for:

1.-5. (No change.)

6. Any violation of an administrative order lawfully issued by the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services as the case may be.

(c)-(g) (No change.)

(h) In all cases where the Commissioner of Labor and Workforce Development proposes to revoke or suspend a license, or denies an application for a license, the employer shall have the right to an informal conference or formal hearing, or both, pursuant to N.J.A.C. 12:120-8.

12:120-4.9 (8:60-4.9) Renewal of employer license

(a)-(d) (No change.)

(e) The application fee for renewal of a license shall be paid by certified check or money order made payable to the Commissioner of Labor and Workforce Development.

(f)-(k) (No change.)

SUBCHAPTER 5. REQUIREMENTS AND PROCEDURES FOR OBTAINING AN ASBESTOS WORKER OR AN ASBESTOS SUPERVISOR PERMIT

12:120-5.3 (8:60-5.3) Requirements for obtaining an asbestos worker or an asbestos supervisor permit

(a) The Commissioner shall issue a permit to each applicant who satisfies the requirements listed below. The applicant shall:

1.-2. (No change.)

3. Complete the permit application, a copy of which may be obtained from the Department of Labor and Workforce Development.

12:120-5.5 (8:60-5.5) Procedures for completing permit application

(a)-(b) (No change.)

(c) Each applicant is requested to voluntarily provide his or her social security number in his or her permit application to assist the Commissioner in the enforcement of the provisions of N.J.S.A. 34:5A-32 et seq.

1. (No change.)

2. Each social security number collected shall remain confidential to the Department of Labor and Workforce Development.

(d) (No change.)

(e) The applicant for a worker permit shall submit a \$50.00 non-refundable fee (certified check or money order made payable to the Commissioner of Labor and Workforce Development) with the permit application. The Commissioner may, by amendment to this section, reduce this fee based on a decrease in program costs.

(f) The applicant for a supervisor permit shall submit a \$75.00 non-refundable fee (certified check or money order made payable to the Commissioner of Labor and Workforce Development) with the permit application. The Commissioner may, by amendment to this section, reduce this fee based on a decrease in program costs.

(g) Upon written request from the applicant, the Commissioner of Labor and Workforce Development may, at his or her discretion, waive the fees for permit identified in subsections (e) and (f) above.

1.-2. (No change.)

12:120-5.7 (8:60-5.7) Contents of permit

(a) Each permit for an asbestos worker or asbestos supervisor shall be issued in writing, signed by the Commissioner of Labor and Workforce Development, and shall contain:

1.-3. (No change.)

4. The worker's or supervisor's unique identification number supplied by the Department of Labor and Workforce Development.

12:120-5.8 (8:60-5.8) Identification of permit holder

(a) Each worker or supervisor performing asbestos work shall have their permits available at the job site and readily available for inspection by representatives of the Commissioners of the Department of Labor and Workforce Development and Health and Senior Services and of the contracting agency.

(b)-(g) (No change.)

12:120-5.9 (8:60-5.9) Suspension and revocation of permit

(a) (No change.)

(b) The Commissioner may order the immediate suspension or revocation of an asbestos abatement worker or an asbestos abatement supervisor permit if there is an imminent danger to the health and safety of the public or the employees.

1. Any asbestos abatement worker or asbestos abatement supervisor who has his or her permit suspended or revoked pursuant to this section shall not perform asbestos work until such permit is restored by the Department of Labor and Workforce Development.

(c)-(f) (No change.)

12:120-5.10 (8:60-5.10) Renewal of permit

(a) An application for renewal of a permit shall be submitted at least 30 days prior to its expiration date. When the application for renewal is submitted within the required time period, the permit may continue in effect until the Commissioner renders a determination regarding the application. The applicant shall be notified in writing by the Department whether a valid extension has been granted. This validation together with the expired permit shall be carried upon the worker's person and be readily available for inspection by representatives of the Commissioners of the Departments of Labor and Workforce Development and Health and Senior Services and the contracting agency.

(b)-(d) (No change.)

SUBCHAPTER 7. ASBESTOS WORK NOTIFICATION REQUIREMENTS

12:120-7.1 (8:60-7.1) Purpose and scope of subchapter

(a) The purpose of this subchapter is to establish the requirements for notifying the Department of Labor and Workforce Development and Health and Senior Services as to when and where asbestos work will be undertaken.

(b) (No change.)

12:120-7.2 (8:60-7.2) Notification requirements

(a) Every employer under the scope of this subchapter who plans to perform asbestos work in New Jersey shall submit a written notification of intent to perform asbestos work at least 10 calendar days prior to beginning such work on forms specified by the Department of Health and Senior Services except where such work is exempted at N.J.A.C. 12:120-1.4(b) (8:60-1.4(b)).

1. (No change.)

2. If the postmark is not legible, or if metered mail is used, the date of submission of the notice is determined to be the date of receipt by either the Commissioner of Labor and Workforce Development or Health and Senior Services.

3.-5. (No change.)

(b) The written notification required by (a) above shall include:

1.-8. (No change.)

9. Any other relevant information which the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be, determines to be necessary.

(c) Amended written notifications shall be submitted in accordance with and pursuant to N.J.A.C. 12:120-7.2(a) and (b) and 8:60-7.2(a) and (b). Amended notifications to the Commissioner of Labor and Workforce Development and the Commissioner of Health and Senior Services are required when:

1.-4. (No change.)

(d) The Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be, may allow less than 10 calendar days prior notification where emergency circumstances warrant less than a 10 calendar day prior notification.

1. To enable the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services to determine whether a waiver of the 10 calendar day prior notification may be granted, the notifying party shall:

i. Submit a written explanation from the facility owner or from the third party environmental engineer representing the facility owner to both the Commissioner of Labor and Workforce Development and the Commissioner of Health and Senior Services which details:

(1)-(2) (No change.)

ii. (No change.)

2. A request for a waiver of the 10 calendar days prior notification may be reviewed for approval by the Commissioner of Labor and Workforce Development or Health and Senior Services when received by facsimile transmission or express delivery. Only after the Commissioner of Labor and Workforce Development or Health and Senior Services has determined and has authorized that the emergency circumstance warrants a waiver, may the asbestos work proceed as notified.

(e) Written notifications required pursuant to this subchapter shall be submitted to:

New Jersey Department of Labor and Workforce Development

Asbestos Control and Licensing Section

1 John Fitch Plaza, 3rd Floor

PO Box 392

Trenton, NJ 08625-0392

and

New Jersey Department of Health and Senior Services

Consumer and Environmental Health Services

PO Box [360] 369

Trenton, NJ 08625-[0360] 0369

SUBCHAPTER 8. APPEALS AND COMPLAINTS

12:120-8.1 (8:60-8.1) Scope of subchapter

This subchapter shall apply to the procedures for appealing any action or inaction by the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, under the Act, including, the revocation, suspension or refusal to renew a license or permit, or denial of an application for a license or permit; the denial, revocation or suspension of a training agency certification or instructor approval; and the assessment of a civil administrative penalty. It shall also apply to the procedures for filing a citizen complaint alleging a violation of the Act.

12:120-8.2 (8:60-8.2) Appeals

(a) Any individual who is aggrieved by any action or inaction of the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services or his or her designee, under this chapter, shall have the right to an informal conference under (c) below or a formal hearing under (d) below or both upon receipt by the Commissioner of Labor and Workforce Development or Health and Senior Services, as the case may be, of a written request within 10 calendar days of receipt of notice of the proposed agency action.

(b) In the interest of protecting employee or public health and safety, the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services may suspend a license, permit, instructor approval or training agency certification prior to a hearing. When the license, permit, training agency certification or instructor approval has been suspended, the aggrieved person shall have the right to a hearing within 10 calendar days of the notice of suspension.

(c) Upon receipt of the written request, an informal conference shall be held before a designee of the Commissioner of Labor and Workforce Development or Health and Senior Services, as the case may be, within 30 calendar days. The designee of the Commissioner of Labor and Workforce Development or Health and Senior Services as the case may be, shall render a decision within 45 calendar days of the conference.

Such decision shall state the findings and conclusions and shall be transmitted to the aggrieved person.

(d) Any party who disagrees with the decision of the Commissioner of Labor and Workforce Development or Health and Senior Service's designee may submit a written request for a formal hearing in accordance with subsection (d) below.

(e)-(g) (No change.)

12:120-8.3 (8:60-8.3) Citizen complaints

(a) Any person who believes a violation of the provisions of the Act has occurred may file a citizen complaint petitioning the Commissioner of Labor and Workforce Development or Health and Senior Services to bring an enforcement action. The citizen complaint shall specify:

1.-3. (No change.)

(b)-(c) (No change.)

SUBCHAPTER 9. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

12:120-9.2 (8:60-9.2) Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Public Safety and Occupational Safety and Health between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

New Jersey Department of Labor and Workforce
Development
Division of Public Safety and Occupational Safety and Health
[225 East State Street] 1 John Fitch Plaza, 3rd Floor
PO Box 392
Trenton, New Jersey 08625-[0054] 0392

12:120-9.3 (8:60-9.3) Availability of documents from issuing organization

Copies of the standards and publications referred to in this chapter may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning, and are the organizations issuing the standards and publications listed in N.J.A.C. 12:120-9.1 and 8:60-9.1.

CFR— Code of Federal Regulations
Copies available from:
Superintendent of Documents
Government Printing Office
Washington, D.C. 20402

N.J.A.C.— New Jersey Administrative Code
Copies available from:
Division of Public Safety and Occupational Safety
and Health
New Jersey Department of Labor and Workforce
Development
PO Box 392
Trenton, NJ 08625-0392

N.J.S.A.— New Jersey Statutes Annotated
Copies available from:
Division of Public Safety and Occupational Safety
and Health
New Jersey Department of Labor and Workforce
Development
PO Box 392
Trenton, NJ 08625-0392