

Summary of Agency-Initiated Changes:

1. Corrections have been made at N.J.A.C. 5:10-29.1(a)1 and (c) upon adoption to update the website URL related to the location of the training video and poster.

2. Corrections have been made at N.J.A.C. 5:10-1.12(d)1 and 29.1(a), (a)2, (b), and (c) upon adoption to clarify that both hotels and motels are meant to be in the scope of the sections referenced above. At certain places where only “hotels” are specified, either “and motels” or “or motels” is added. At certain other places where only “hotels” are specified, the term “hotels” is removed, thereby expanding the scope to include motels.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rule are not being adopted under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or under a State statute that incorporates or refers to a Federal law, standards, or requirements.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks *thus*; deletion from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT

5:10-1.12 Certificate of inspection

(a)-(c) (No change.)

(d) Every application for a certificate of inspection shall be signed by at least one individual owner or, in the case of a partnership, corporation or other entity, by a duly authorized representative of the owner, in which case the signer’s relationship to the owner shall be stated. The name of the person signing shall be printed or typed beneath the signature in a legible manner.

1. For hotels ***and motels***, the application shall include a certification on a form supplied by the Bureau that all employees required to be trained to recognize and to report suspected human trafficking, pursuant to N.J.A.C. 5:10-29.1, have viewed the informational video.

(e)-(h) (No change.)

SUBCHAPTER 28. CARBON MONOXIDE ALARMS

5:10-28.1 Carbon monoxide alarms

(a) Carbon monoxide alarms shall be installed and maintained in full operating condition in the following locations:

1. (No change.)

2. As an alternative to the requirements in (a)1 above, carbon monoxide alarms may be installed in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23). A copy of the certificate of approval issued by the local construction code enforcing agency shall be provided to the Bureau at the time of installation, at or after the time of inspection, or at any other time, as proof of installation, in accordance with the Uniform Construction Code.

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

SUBCHAPTER 29. HUMAN TRAFFICKING

5:10-29.1 Training on recognizing and reporting suspected human trafficking

(a) All employees of hotels ***and motels*** working in *[hotel]* management, at the front desk or in registration, in janitorial or housekeeping services, or in *[hotel]* security shall be required to view an informational video on recognizing and reporting suspected human trafficking, and to verify to the owner or agent of the hotel ***or motel*** that they have done so.

1. The video is available in English and in Spanish on the Department’s website at *[<http://nj.gov/dca/divisions/codes/resources/>]* ***<http://www.nj.gov/dca/divisions/codes/resources/humantrafficking.html>***.

2. A list of the names and positions of the current employees and the dates when the employee viewed the video shall be maintained with the hotel’s ***or motel’s*** records.

(b) The owner of a hotel ***or motel*** or manager acting as agent of the owner, pursuant to N.J.A.C. 5:10-11.2 shall complete a certification on a form to be supplied by the Bureau attesting to the fact that all employees currently working in the areas listed in (a) above have viewed the informational video. The certification shall be submitted with the application for a certificate of inspection required pursuant to N.J.A.C. 5:10-1.12.

(c) An informational sheet on reporting suspected human trafficking, including the contact information for the Hotline, New Jersey Commission on Human Trafficking, or other applicable telephone number, shall be posted in conspicuous and visible locations in areas accessed by hotel ***or motel*** employees, including, but not limited to, laundry rooms and employee break rooms. The poster, distributed by the New Jersey Office of the Attorney General, Division of Criminal Justice, Human Trafficking Task Force, is available in English ***and in Spanish*** on the Department’s website at *[<http://nj.gov/dca/divisions/codes/resources/>]* ***<http://www.nj.gov/dca/divisions/codes/resources/humantrafficking.html>***.

(a)

DIVISION OF CODES AND STANDARDS

Liquefied Petroleum Gas

Adopted Amendment: N.J.A.C. 5:18-1.6

Proposed: August 7, 2017, at 49 N.J.R. 2326(a).

Adopted: November 17, 2017, by Charles A. Richman,

Commissioner, Department of Community Affairs.

Filed: December 11, 2017, as R.2018 d.022, **without change**.

Authority: N.J.S.A. 21:1B-2, 21:1B-15, 34:1-20, and 34:1A-3(e); and Reorganization Plan No. 002-1998.

Effective Date: January 16, 2018.

Expiration Date: August 1, 2024.

Summary of Public Comments and Agency Responses:

The following comments were received from Ed Ferguson, Director of National Reconditioning, AmeriGas.

COMMENT: The commenter states that including a second warning label may distract the user of the liquid petroleum gas (LPG) tank from the original warning label, thus leading users away from important safety information.

RESPONSE: Because the additional warning label would be in a visual form, it should reinforce rather than distract from the safety information.

COMMENT: The commenter inquires as to whether the manufacturers of the label may produce a single label with both warnings, rather than two separate labels.

RESPONSE: Yes, the labels may be produced as such.

COMMENT: The commenter inquires about whether the Department performed a study that proves the additional visual label will make the intended safety information more apparent.

RESPONSE: The Department believes a study is not necessary to come to the conclusion that an additional warning in visual form will encourage safer gas tank management.

COMMENT: The commenter inquires about whether there was a recent event related to LPG tank safety that motivated the administrative rule change.

RESPONSE: The change in label requirements is motivated by a proactive desire to improve the safety of the conditions in which LPG tanks are handled, rather than a reactive response to a prior event.

COMMENT: The commenter states that the administrative rule change does not provide guidelines related to the label’s required color, size, or shape, and requests further instruction on this issue.

RESPONSE: The manufacturers of the visual label may use their own judgment and expertise to construct the guidelines related to the label’s color, size, or shape to the extent that the label complies with N.J.A.C. 5:18-1.6(e).

Federal Standards Statement

A Federal standards analysis is not required because the amendment is not being adopted under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or under a State statute that incorporates or refers to a Federal law, standards, or requirements.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

5:18-1.6 Container markings

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

(e) Prior to filling any cylinder of four to 40 pounds LP-Gas capacity, except fork lift cylinders, the operator of the fill plant or distribution plant shall affix a label to the collar of the cylinder that includes the following warning printed in English and in Spanish: "Flammable Gas—Never Use or Store Indoors/Gas Inflammable—Nunca Se Use o Guarde Adentro." In addition to this written warning, a label that graphically depicts the prohibition on bringing a cylinder indoors shall be affixed to the collar of the cylinder.

(a)

DIVISION OF CODES AND STANDARDS**Carnival-Amusement Rides****Definition of Super Ride, Update of Standards, Professional Engineer Equivalent, Operating on Last Year's Permit, and Accident/Incident Reporting****Adopted Amendments: N.J.A.C. 5:14A-1.2, 1.3, 2.4, 2.5, 2.6, 2.7, 2.10, 2.11, 2.14, 2.15, 4.13, 5.5, 7.1, 7.7, 7.8, 9.11, 10.7, 10.8, 13.3, 13.8, 13.9, and 14.5**

Proposed: August 7, 2017, at 49 N.J.R. 2319(a).

Adopted: November 17, 2017, by Charles A. Richman, Commissioner, Department of Community Affairs.

Filed: December 11, 2017, as R.2018 d.020, with non-substantial changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 5:3-36.

Effective Date: January 16, 2018.

Expiration Date: March 25, 2022.

Summary of Public Comments and Agency Responses:

Comments were received from Mitchell Malec, a retired former employee of the Department of Community Affairs; Lawrence P. Powers, Esq., General Counsel at the New Jersey Society of Professional Engineers; and James Valenti, Esq., PE, President of the State Board of Professional Engineers and Land Surveyors.

1. COMMENT: The commenter indicates that the proposed amendment includes an error related to the title of ANSI B77.1.

RESPONSE: The Department of Community Affairs (Department) made a correction on adoption at both N.J.A.C. 5:14A-1.3 and 7.1.

2. COMMENT: The commenter questions why the Department is using the ANSI/IAF-9 standard, and advises that the International Aquatic Foundation was incorporated into the Association of Pool and Spa Professionals. The commenter recommends the Department avoid using the Association of Pool and Spa Professionals (APSP) standard, and instead should consider adopting the International Swimming Pool and Spa Code (ISPSA), 2015 edition, Chapter 6 Aquatic Recreation Facilities.

RESPONSE: The Department thanks the commenter for the suggestion, but as the reference mentioned by the commenter is in N.J.A.C. 5:14A-12, it is beyond the scope of this rulemaking; however, the Department will consider updating the standard when it performs a comprehensive review that subchapter.

3. COMMENT: The commenter requests an explanation as to why the Department has not yet updated the editions of ASTM F1487, F1773, F1957, F2007, F2291, F2376, and asks why the Department is adopting a withdrawn standard, such as ASTM F1775.

RESPONSE: The standards referenced by the commenter are for go-karts, water parks, and climbing walls. Each of these areas is covered by a specific subchapter in the rules. The references by the commenter are not addressed in this rulemaking, and are, therefore, beyond the scope of this rulemaking. The Department plans to undertake a review of these subchapters and at that time will consider updating the standards in them. The Department is not adopting ASTM F1775, as it already exists as a standard; it is relocating it from existing N.J.A.C. 5:14A-1.3(a)5xxv in an effort to list the standards in numerical order for ease of reference.

4. COMMENT: The commenter claims that the referenced standards editions in N.J.A.C. 5:14A-7.2 conflict, in several cases, with the proposed updated editions of the standards. The commenter makes references to ASTM F770 and ASTM F1193. The commenter also asked why the Department did not update standards within the rules such as 11.4, 12.5, and 12.7.

RESPONSE: The Department agrees that ideally all versions of the standards referenced in the rules would match; however, that is not always possible. The Department's goal is to use the most up-to-date versions of the standards available. The Department performs a comprehensive review of ASTM F2291 prior to its adoption and uses it as the primary design basis for amusement rides. The Department has not performed this review for the 2017 version of the standard at this time. In order to avoid potential conflicts, the Department has retained the versions of the standards that were in effect at the time that ASTM approved ASTM F2291-14 in N.J.A.C. 5:14A-7.2. For other than design, the Department is adopting the most up-to-date versions of ASTM F770 and F1193. The Department, at this time, has not updated the standards referenced in subchapters for specific types of rides such as go kart operations, climbing wall amusement rides, and water amusement rides. The Department intends to perform a comprehensive review of these sections and will update the standards in these subchapters at that time.

5. COMMENT: The commenter recommends that the Department utilize the USA standards for artificial climbing walls in lieu of the European standards.

RESPONSE: As the only amendment to Subchapter 14 was to delete the year from a document reference at N.J.A.C. 5:14A-14.5(f), as it was redundant of incorporation information codified at N.J.A.C. 5:14A-1.3, the commenter's suggestion is beyond the scope of this rulemaking. However, the Department will be conducting a comprehensive review of the standards referenced in Subchapter 14 of the rules in the future and will take the commenter's suggestion under advisement.

6. COMMENT: The commenter indicates that the proposed amendment includes a minor misspelling related to the title of NFPA 261.

RESPONSE: The Department has made a correction on adoption at N.J.A.C. 5:14A-1.3.

7. COMMENT: The commenter requests that the Department explain its intent with respect to updating certain standards, including ASTM F2291-14, F1159-11, ANSI B11.TR3 (2000), and NFPA 101 (2009).

RESPONSE: The Department agrees with the commenter that the use of the most current standards is preferable and will continue to work to update the standards throughout the rules.

8. COMMENT: The commenter recommends that the Department include the complete definition of "high speed" in the revised definition of "super ride" or that the Department consider using metric units within the definition.

RESPONSE: The Department agrees that the metric equivalent could be helpful to users of the rules and has included the metric equivalent and the rest of the existing definition of "high speed" upon adoption.

9. COMMENT: The commenter asked if the reference to N.J.A.C. 5:14A-7.2 is necessary in the definition of "super ride" since it is not clear that any amendment to the way the accelerometer test is performed is made in that section.

RESPONSE: At N.J.A.C. 5:14A-7.2(c)2i(4) the Department specifies the edition of ASTM F2137 to be used to perform the accelerometer test. That is the purpose of the reference to N.J.A.C. 5:14A-7.2.