

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would impact the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments are not expected to impose any reporting, recordkeeping, or compliance requirements on small businesses or to require them to engage any professional services they would not otherwise need to engage. Many carnivals and amusement parks are considered to be small businesses, and clarifying the definition of serious injury/illness is expected to result in fewer reported incidents to the Department. As such, this should remove some burden from the owners and operators of carnival-amusement rides.

Housing Affordability Impact Analysis

It is not expected that the proposed amendments will have any impact on the affordability of housing in New Jersey or evoke a change in the costs associated with production of affordable housing, as the amendments clarify the definition of serious injury or illness.

Smart Growth Development Impact Analysis

It is not expected that the proposed amendments will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan, as the amendments clarify the definition of serious injury or illness.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State.

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

SUBCHAPTER 1. GENERAL PROVISIONS

5:14A-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise or the term is redefined for a specific section or purpose.

...
[“First aid” means the one-time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, contusions and minor complaints. For purposes of these rules, “first aid” shall not include first response to a serious injury.]

...
“**Illness**” means **personal discomfort resulting in treatment, including a personal illness, food poisoning, drug abuse, toxic inhalation, insect sting, or other similar occurrence.**

...
“**Injury**” means **sustained bodily harm resulting in treatment, such as trauma, cuts, bruises, burns, and sprains.**

...
“**Minor injury/illness**” means **injuries and illnesses that may or may not require emergency first-aid or significant treatment, or both, but cannot otherwise be classified as a serious injury or illness. This category includes incidents where treatment is limited to such things as the dispensation of over-the-counter medication or plastic adhesive strips, cleaning, rest, and other similar duties or assistance.**

...
[“Serious injury” means any injury in which the injured person has lost consciousness, broken a bone, was transported to an emergency medical facility or an injury for which medical treatment by a physician beyond first aid was required.]

...
“**Serious injury/illness**” means **a personal injury/illness that results in death; dismemberment; significant disfigurement; permanent loss of the use of a body organ, member, function, or system; a compound fracture; or other significant injury/illness that requires immediate admission and overnight hospitalization and observation by a licensed physician.**

...

SUBCHAPTER 4. OWNER RESPONSIBILITY

5:14A-4.13 Accident, incident, or mechanical breakdown reporting

(a) Shut down and report: When [any] **an** incident [occurs] **has occurred** involving [a death or serious injury,] ejection from [the] a ride, [or] failure of a critical structural or mechanical component, [regardless of cause] **or serious injury/illness that can be attributed to an amusement ride that is regulated by this chapter,** the owner shall:

1.-3. (No change.)

4. Prepare [a written incident report] **an Incident Report form** and send it to the Department by [telefacsimile at the telefacsimile number or electronic mail at the e-mail address provided for this purpose] **email** within 24 hours of the incident.

i. [A copy of the report submitted to the Department shall be sent] **The ride owner shall send a copy of this report** to the ride manufacturer.

(b) Report within 24 hours: When any incident occurs involving any mechanical malfunction, or an emergency evacuation of the ride, the owner shall:

1. Report the incident to the Department within 24 hours of the incident by telephone [, telefacsimile, or electronic mail at the numbers/e-mail address provided for this purpose] **or email;**

2. Prepare a written incident report and send it to the Department by [facsimile at a number provided for this purpose] **email** within five days of the incident or by mail at PO Box [816] **808**, Trenton, NJ 08625 postmarked within five days of the incident [or by electronic mail at an address provided for this purpose]. The written incident report shall be on a form designed by the Department and shall include a description of any planned corrective action and a time frame for its completion; and

3. (No change.)

[4. An evacuation due to an area-wide power failure or an evacuation at the normal discharge location of the ride shall not be considered an emergency evacuation for purposes of this subsection.

i. The removal of an individual rider or riders at other than the normal discharge location at the rider’s request or due to rider behavior and having nothing to do with the operation or functioning of the ride shall be recorded in accordance with (c) below.]

4. Rider removal due to an area-wide power failure, or at the request of rider, or due to rider misbehavior, shall not be considered evacuation for the purposes of this subsection.

(c) Record: When any incident occurs that is not covered by (a) or (b) above involving any type of ride-related **minor injury or illness** or complaint that was observed by the owner or operator or reported to the owner or operator by the rider, the owner shall keep a record of such incident, including pertinent information, in a form that is easy to access and read and that is readily available for inspection by the Department.

1. The information shall include at least the following:

i.-vi. (No change.)

[2. The removal of an individual rider or riders as described in (b)4i above shall be recorded.]

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendment: N.J.A.C. 5:23-6.8

Authorized By: Lieutenant Governor Sheila Y. Oliver,
Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

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

Proposal Number: PRN 2021-034.

Submit written comments by June 18, 2021, to:

Geraldine Callahan
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PO Box 800
Trenton, New Jersey 08625

Fax No. (609) 984-6696
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The agency proposal follows:

Summary

The Department of Community Affairs (Department) proposes amendments to the Rehabilitation Subcode (N.J.A.C. 5:23-6) of the Uniform Construction Code to address the sizing of replacement mechanical equipment and the need for equipment guards for elevated surfaces within the fuel gas subcode.

With regard to replacement sizing, the residential materials and methods, N.J.A.C. 5:23-6.8(h)13i and 20i, refer to applying specific sections of the 2018 International Mechanical Code (IMC) to an existing situation when the scope of work entails an increase in the input ratings of the equipment. Existing N.J.A.C. 5:23-6.8(h)10i applies to increases and also applies for decreases in input ratings. To be consistent with N.J.A.C. 5:23-6.8(h)13i and 20i, the Department proposes to amend N.J.A.C. 5:23-6.8(h)10i to apply to just increases. This would also account for replacement equipment having better or higher efficiency ratings. The elimination of decreases in input ratings means that replacement equipment having better, or higher, efficiency ratings will no longer be subject to N.J.A.C. 5:32-6.8(h)10i. At N.J.A.C. 5:23-6.8(e)1i, Section 312 of the mechanical subcode would also be amended as described above.

Regarding equipment guards, the IMC and International Fuel Gas Code (IFGC) included the standard for the need for a guard for equipment on a roof/elevated surface at different times. The IMC contains the requirement at Section 304.11, included as a material and method at N.J.A.C. 5:23-6.8(e)1, and the IFGC contains the requirement at Section 306.6, which is not currently included as a material and method within the Department’s rehabilitation subcode. This has been an inconsistency since the adoption of the 2000 IFGC; prior to this, there was no fuel gas code. When the fuel gas subcode was added to the rehabilitation subcode, it should have included this section as a material and method.

A section-by-section summary of the proposed amendments follows.

1. At N.J.A.C. 5:23-6.8(h)10i and (e)1i, the word “decreases” would be deleted to ensure that when a project replaces existing equipment with that of a higher efficiency, it would not be required to comply with new, higher input ratings.

2. At N.J.A.C. 5:23-6.8(f)1, the proposed amendment would add language to ensure that Section 306.6 of the fuel gas subcode would be included as a material and method in the rehabilitation subcode.

As the Department has provided a 60-day comment period on 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 proposed amendments to the Uniform Construction Code are expected to have a positive social impact. This rulemaking will ensure that the rehabilitation subcode is internally consistent. In addition, by not having input standards apply to decreases due in part to higher efficiencies, it will reduce the time and costs associated with inspections related to the inconsistent sections. Thus, the Uniform Construction Code will provide code users with the most accurate and consistent information.

Economic Impact

The proposed amendments update the rehabilitation subcode for consistency and are not expected to have an economic impact.

Federal Standards Statement

No Federal standards analysis is required because the proposed amendments are not being proposed under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or a State statute that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The proposed amendments update the rehabilitation subcode for consistency and are not expected to have an impact on the creation or loss of jobs, as the implementation of the amendments will be executed in the ordinary course of construction.

Agricultural Industry Impact

The Department does not anticipate that the proposed amendments would have any effect on the agricultural industry.

Regulatory Flexibility Statement

The proposed amendments update the rehabilitation subcode for consistency. The proposed amendments do not impose any new reporting, recordkeeping, or compliance requirements on “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The proposed amendments update the rehabilitation subcode for consistency. It would not have an impact on the affordability of housing in New Jersey or evoke a change in housing production costs.

Smart Growth Development Impact Analysis

The proposed amendments update the rehabilitation subcode for consistency and would not have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State.

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

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.8 Materials and methods

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

(e) Mechanical Materials and Methods: The following sections of the mechanical subcode (N.J.A.C. 5:23-3.20) shall constitute the mechanical materials and methods requirements for this subchapter:

1. All of Chapter 3, entitled “General Regulations” except Sections 301.2, 301.10, 301.11, 301.16, 301.18, 303.5, 303.6, 303.7, 306, 307.2.3, 309, and 312;

i. Section 312 shall apply when appliance/equipment input ratings are [increased/decreased] **increased**.

2.-12. (No change.)

(f) Fuel Gas Materials and Methods: The following sections of the fuel gas subcode (N.J.A.C. 5:23-3.22) shall constitute the fuel gas materials and methods requirements of this subchapter:

1. All of Chapter 3, entitled “General Regulations” except Sections 301.2, 301.6, 301.11, 301.12, 303.7, and 306 (**excluding Section 306.6**);

i. (No change.)

2.-5. (No change.)

(g) (No change.)

(h) Residential Materials and Methods: The following sections of the one- and two-family dwelling subcode (N.J.A.C. 5:23-3.21) shall constitute the residential materials and methods requirements for this subchapter:

1.-9. (No change.)

10. All of Chapter 14, entitled “Heating and Cooling Equipment,”[,] except Sections M1401.2, M1401.3, and M1401.5;

i. Section M1401.3 shall apply when appliance/equipment input ratings are [increased/decreased] **increased**.

11.-20. (No change.)

(i)-(l) (No change.)