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SPECIAL ADOPTIONS

**LABOR AND WORKFORCE DEVELOPMENT
PUBLIC SAFETY AND OCCUPATIONAL SAFETY AND HEALTH**

48 N.J.R. 2495(a)

Special Adopted Amendment: *N.J.A.C. 12:100-4.2*

Safety and Health Standards for Public Employees

Occupational Exposure to Respirable Crystalline Silica; Approval of Collections of Information

Adopted: October 20, 2016, by Aaron R. Fichtner, Ph.D., Acting Commissioner, Department of Labor and Workforce Development.

Filed: October 20, 2016, as R.2016 d.157.

Authority: *N.J.S.A. 34:1-20, 34:1A-3(c)*, and *34:6A-25* et seq.

Effective Date: November 21, 2016.

Expiration Date: May 25, 2017.

Take notice that the Department of Labor and Workforce Development is adopting a final rule issued by the Federal Occupational Safety and Health Administration (OSHA) with regard to standards for occupational exposure to respirable crystalline silica. Specifically, OSHA explains that this rule is a technical amendment announcing that the Office of Management and Budget (OMB) has approved the collections of information contained in OSHA's standards for Occupational Exposure to Respirable Crystalline Silica and revising OSHA's regulations to reflect that approval. The OMB approval number is 1218-0266.

Adoption of the final rule discussed above is necessary in order to comply with *N.J.S.A. 34:6A-30*, which requires that the Commissioner of Labor and Workforce Development adopt all OSHA standards by reference upon adoption of those standards by the United States Secretary of Labor. The statutory requirement ensures that the State's Public Employees Occupational Safety and Health (PEOSH) program is at least as effective as OSHA, thereby making the State program eligible for Federal approval and funding under the 1970 Federal Occupational Safety and Health Act.

N.J.S.A. 34:6A-30 provides that the adoption of Federal standards are not subject to the formal rulemaking requirements of *N.J.S.A. 52:14B-4*, but shall be duly adopted upon publication in the New Jersey Register. As a result, the De-

partment has not held a public hearing, nor has it requested formal written comments on its adoption of the amended Federal standards.

[page=2496] **Federal Standards Statement**

The adopted final rule does not contain any standards or requirements that exceed standards or requirements imposed by Federal law. The final rule fulfills the State Legislature's mandate that the Department of Labor and Workforce Development adopt OSHA standards for its PEOSH program.

Full text of the adopted amendments follows:

For the reasons stated in the preamble, the Occupational Safety and Health Administration amends 29 CFR parts 1910, 1915, and 1926 as follows:

PART 1910--[AMENDED]

-- 1. The authority citation for part 1910 continues to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order Numbers 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31159), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable.

Sections 1910.6, 1910.7, 1910.8 and 1910.9 also issued under 29 CFR 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Public Law 106-113 (113 Stat. 1501A-222); Public Law 11-8 and 111-317; and OMB Circular A-25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

Subpart A--General

-- 2. Amend § 1910.8 by adding to the table, in the proper numerical sequence, the entry "1910.1053" to read as follows:

§ 1910.8 OMB control numbers under the Paperwork Reduction Act.

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29 CFR citation

OMB control No.

* * * * *

1910.1053.....

1218-0266

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PART 1915--[AMENDED]

-- 3. The authority citation for part 1915 continues to read as follows:

Authority: Section 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable; 29 CFR part 1911.

Subpart A--General

-- 4. Amend § 1915.8 by adding to the table, in the proper numerical sequence, the entry "1915.1053" to read as follows:

§ 1915.8 OMB control numbers under the Paperwork Reduction Act.

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29 CFR citation

OMB control No.

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1915.1053.....

1218-0266

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PART 1926--[AMENDED]

-- 5. The authority citation for part 1926 continues to read as follows:

Authority: 40 U.S.C. 3701 et seq.; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), 5-2007 (72 FR 31160), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

Subpart A--General

-- 6. Amend § 1926.5 by adding to the table, in the proper numerical sequence, the entry "1926.1153" to read as follows:

§ 1926.5 OMB control numbers under the Paperwork Reduction Act.

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29 CFR citation

OMB control No.

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1926.1153.....

1218-0266

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