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SPECIAL ADOPTIONS

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

48 N.J.R. 2499(a)

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

Safety and Health Standards for Public Employees

CFR Correction

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.159.

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 the attached "CFR Correction." Specifically, the Federal Occupational Health and Safety Administration (OSHA) has announced that in Title 29 of the Code of Federal Regulations, Parts 1900 to Sec. 1910.999, revised as of July 1, 2015, on page 243, in Sec. 1910.106, paragraph (a)(14) introductory text is reinstated to read as follows:

Sec. 1910.106 Flammable liquids

(14) Flashpoint means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid and shall be determined as follows:

...

Adoption of the correction 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 Em-

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

Federal Standards Statement

The adopted correction does not contain any standards or requirements that exceed standards or requirements imposed by Federal law. The correction 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:

In Title 29 of the Code of Federal Regulations, Parts 1900 to § 1910.999, revised as of July 1, 2015, on page 243, in § 1910.106, paragraph (a)(14) introductory text is reinstated to read as follows:

§ 1910.106 Flammable liquids.

* * * * *

(14) *Flashpoint* means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid, and shall be determined as follows:

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