

# Construction Code Communicator



State of New Jersey  
 Chris Christie, Governor  
 Kim Guadagno, Lt. Governor

Department of Community Affairs  
 Richard E. Constable III, Commissioner

Volume 24, Number 2

Summer 2012

## The 31<sup>st</sup> Annual Building Safety Conference of New Jersey

The 31<sup>st</sup> Annual Building Safety Conference was held May 9<sup>th</sup> through 11<sup>th</sup> at Bally's Atlantic City. Our focus this year was on building new connections and welcoming new friends in our code enforcement community. We had a very successful conference this year with over 600 people in attendance to honor our inspectors and technical assistant of the year.

The kickoff event for the Conference, as always, was the "Crackerbarrel." We tried a new format wherein there were two rooms instead of one, with each room separated by similar areas of interest. This was intended to allow our guests a better opportunity to find presenters based upon areas of interest and help in providing a quieter atmosphere to be able to ask and have answered their questions by over 35 experts. The topics ranged the code enforcement spectrum from a brief overview of the newly adopted 2011 National Electrical Code to an examination of the requirements for gas piping systems.

The centerpiece of the Conference was, of course, the opportunity to recognize and honor those selected by their associations as Inspectors of the Year and as the Technical Assistant of the Year. We were very honored to have both Commissioner Richard E. Constable III and Director Edward M. Smith make the award presentations this year at the annual luncheon, along with the Presidents of the respective associations.

See Building Safety Conference- page 2

## Light Pollution and Municipal Ordinances

The Department of Community Affairs has received questions about the enforcement of a municipal ordinance addressing light pollution; a brief explanation might be helpful.











At N.J.A.C. 5:23-6.2(g)1i, the Rehabilitation Subcode states that "Exterior light fixtures that replace existing light fixtures shall comply with a municipal ordinance adopted to control light pollution." For a municipality with such an outdoor lighting ordinance for the replacement of existing fixtures, enforcement takes place through the Uniform Construction Code (UCC). The question that is asked is whether there is a UCC process for enforcement of a municipal ordinance for new lighting installations.

Municipal ordinances may cover only items that are not within the jurisdiction of the Uniform Construction Code (UCC). An ordinance establishing limitations on the intensity of exterior lighting would be such an ordinance. If a municipality were to make all exterior lighting installations subject to the outdoor lighting ordinance, the ordinance would be enforced as a prior approval.

The local code officials do not enforce prior approvals, but a permit may not be issued until the conditions of all prior approvals have been met. For a project involving exterior lighting, the municipal official

See Light Pollution - page 4

### In This Issue

The 31 <sup>st</sup> Annual Building Safety Conference of New Jersey .....	1	Light Pollution and Municipal Ordinances .....	1
Automatic Lighting Shutoff for Tenant Spaces  .....	7	Notice to Fire Official: Roof-mounted Photovoltaic Systems   .....	4
Dept. of Labor: The Removal of Asbestos Containing Material ...	9	POTS to MFVN Service   .....	7
Elevator Devices: Permits and Permit Updates   .....	3	Property Maintenance Ordinances .....	5
General Information Signs  .....	4	Two Barrier Free Questions Answered  .....	6
High-efficiency Lighting in New Homes  .....	3		

**Building Safety Conference**

*continued from page 1*

The following awards were presented:

**Building Officials Association of New Jersey**  
Building Inspector of the Year  
**Lawrence Scorzelli**

**New Jersey State Plumbing Inspectors Association**  
Plumbing Inspector of the Year  
**Thomas Walsh**

**New Jersey Fire Prevention and Protection Association**  
Fire Protection Inspector of the Year  
**James Mercready**

**Municipal Electrical Inspectors Association of New Jersey**  
Electrical Inspector of the Year  
**Edward Reed**

**New Jersey Association of Technical Assistants**  
Technical Assistant of the Year  
**Deborah Simone**

Congratulations to all for your hard work and dedication to the betterment of code enforcement here in New Jersey!

The Building Safety Conference is a terrific opportunity to broaden your knowledge of cutting edge code enforcement and building construction techniques, and also, to meet with officials from throughout the state to share ideas and promote camaraderie among our community. We hope to see you all next year at Bally's Atlantic City May 1<sup>st</sup> through 3<sup>rd</sup>, 2013. Please save the date!

Source: John Delesandro  
Supervisor, Licensing and Education



Above, NJPIA's 2012 honoree Thomas Walsh, (3<sup>rd</sup> l.), accompanied by NJPIA President William Olinger (2<sup>nd</sup> l.), DCA Commissioner Richard E. Constable III (l.) and Codes and Standards Director Edward M. Smith (r.).



Above, NJFP&PA's 2012 honoree James Mercready, (2<sup>nd</sup> l.), accompanied by NJFP&PA President Stanley Sickels (3<sup>rd</sup> l.), DCA Commissioner Richard E. Constable III (l.) and Codes and Standards Director Edward M. Smith (r.).



Above, BOANJ's 2012 honoree Lawrence Scorzelli, (2<sup>nd</sup> l.), accompanied by BOANJ President Thomas Pinand (3<sup>rd</sup> l.), DCA Commissioner Richard E. Constable III (l.) and Codes and Standards Director Edward M. Smith (r.).



Above, MEIA's 2012 honoree Edward Reed, (2<sup>nd</sup> l.), accompanied by MEIA President Jean F. Verrier (3<sup>rd</sup> l.), DCA Commissioner Richard E. Constable III (l.) and Codes and Standards Director Edward M. Smith (r.).

*See Building Safety Conference- page 3*



Building Safety Conference

continued from page 2

## Elevator Devices – Permits and Permit Updates



Above, NJATA's 2012 honoree Deborah Simone, (2<sup>nd</sup> l.), accompanied by NJATA President Linda Aiello (3<sup>rd</sup> l.), DCA Commissioner Richard E. Constable III (l.) and Codes and Standards Director Edward M. Smith (r.).



Above, Commissioner Constable, Director Smith and all 2012 honorees.



## High-efficiency Lighting In New Homes

(Reprinted courtesy of the U.S. Department of Energy's Building Energy Codes Program, <http://www.energycodes.gov/help/notes.stm>)

Lighting consumes more than 10% of electric energy used in homes, presenting a substantial opportunity for lowering residential energy consumption. The 2009 International Energy Conservation Code (IECC) requires that half of the permanent lighting in a new home have high-efficiency lamps.

See HE Lighting - page 6

The Elevator Safety Unit (ESU) has received a number of inquiries regarding Permit requirements for the installation of elevator devices; as you know, a Construction Permit or a Permit Update is the authorization to proceed with construction work, and one or the other is required before elevator work may begin.

It is important to understand that the Elevator Subcode Technical Sections (i.e., UCC-F150 and UCC-F155) themselves are not Permits nor are they Permit Updates; they are simply a part of an applicant's Permit application as is, for example, the Electrical Subcode Technical Section.

The following demonstrates how a Permit Update would apply to elevator devices during the construction of a new building containing an elevator. A Construction Permit application, including building plans and specifications, is submitted to the local enforcing agency.

- The submitted documents are reviewed for code compliance and released by the various subcode officials according to their responsibilities as outlined in N.J.A.C. 5:23-3.4.
- Plans are released, and a Permit (i.e., UCC-F170) issued, granting permission to perform *Building, Electrical, Plumbing and Fire Protection* work; the Construction Permit, however, does not authorize the installation of the elevator device(s).
- As part of the *Building* work authorized by the Permit, the elevator shaft, machine room and control room/space are also authorized to be built. The Permit, however, did not authorize the installation of elevator equipment; therefore, a Permit Update (i.e., UCC-F190) is required before the elevator equipment may be installed.
- To obtain the required Permit Update, elevator layout drawings, Elevator Subcode Technical Section(s), and, when applicable, an Application for a Variation (UCC-F160) must be submitted for the project, and must be reviewed and released by an Elevator Subcode Official. Upon release, a Permit Update allowing the installation of the elevator equipment is issued by the Construction Official at the local level.

**Without the Permit Update, the installation of elevator equipment is not authorized, and the elevator may not be inspected or approved for use.**

Questions about the Elevator Subcode may be directed to the Elevator Safety Unit at (609) 984-7833.

Source: Paulina Caploon  
Elevator Safety Unit

Light Pollution

Continued from page 1

charged with enforcing the outdoor lighting ordinance would be required to submit a letter to the construction official attesting to compliance with the ordinance before a permit could be issued. The letter would be required to state that (1) the plans and specifications for the exterior lighting have been reviewed and have been determined to comply with the outdoor lighting ordinance and (2) any changes to the outdoor lighting as presented on plans or specifications are required to be re-approved. This process is similar to the operation of a zoning approval as a prior approval.

Questions on prior approvals may be directed to the Code Assistance Unit at (609) 984-7609.

Source: Emily W. Templeton  
Division of Codes and Standards

### Notice to Fire Official: Roof-Mounted Photovoltaic Systems

A new code provision that takes effect July 16, 2012 requires the Construction Official to notify the local Fire Official when a permit has been issued for the installation of a roof-mounted photovoltaic system. The Construction Official must issue the notification in writing within 10 business days.

Photovoltaic systems present a special hazard for firefighters. This notice is intended to ensure that the presence of the system is known. This is a very important notification and it will allow the Fire Official to alert his local fire companies of the presence of these secondary power sources.

The adopted changes can be found at N.J.A.C. 5:23-4.5(h)1xx.

The new code provisions are found at the link below.

[http://www.nj.gov/dca/divisions/codes/codreg/pdf\\_rule\\_proposals/p2012\\_5\\_23\\_2\\_15.pdf](http://www.nj.gov/dca/divisions/codes/codreg/pdf_rule_proposals/p2012_5_23_2_15.pdf)

If you have any questions, please feel free to call me at (609) 984-7609.

Source: Michael E. Whalen  
Code Assistance Unit

## General Information Signs

The National Fire Protection Association (NFPA) now requires fire sprinkler systems that are installed in accordance with NFPA 13, *Installation of Sprinkler Systems*, to have “General Information Signs.”

The installation contractor must provide permanent, general information signs that provide design information that is relevant to the inspection, testing, and maintenance requirements of NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*.

The signs must be weatherproof metal or rigid plastic and permanently marked. They must be installed with corrosion-resistant wire, chain, or other acceptable means and they must be placed at each system control riser, antifreeze loop, and auxiliary system control valve.

The signs shall include the following information:

- 1) Name and location of the facility protected
- 2) Presence of high-piled and/or rack storage
- 3) Maximum height of storage planned
- 4) Aisle width planned
- 5) Commodity classification
- 6) Encapsulation of pallet loads
- 7) Presence of solid shelving
- 8) Flow test data
- 9) Presence of flammable/combustible liquids
- 10) Presence of hazardous materials
- 11) Presence of other special storage
- 12) Location of auxiliary drains and low point drains
- 13) Original results of main drain flow test
- 14) Name of installing contractor or designer
- 15) Indication of presence and location of antifreeze or other auxiliary systems

This new sign requirement is in addition to the Fire Sprinkler Hydraulic Data Plate, UCC Form F380. This sign will provide additional information that will assist with maintenance inspections required by NFPA 25.

Following is a sample of the new general information sign that is required for all main risers, antifreeze systems or other auxiliary systems that are installed in accordance with the International Building Code (IBC)/2009 and NFPA 13. Some of the information will not be applicable to single riser residential systems, but the sign is required for all risers.



General Information Signs

continued from page 4

**FIRE SPRINKLER SYSTEM**  
**GENERAL INFORMATION SIGN**

NAME: ABC Corporation

ADDRESS: 101 Broad Street, Trenton, NJ 08652

HIGH PILED or RACK STORAGE: YES X TYPE: Double Row Rack

MAXIMUM HEIGHT OF STORAGE PLANNED: 28' 0"

aisle width planned: 8' 0"

COMMODITY CLASSIFICATION: High Hazard

ENCAPSULATION of PALLETS: No

PRESENCE OF SOLID SHELVES: No

FLOWTEST: Q = \_\_\_\_\_ GPM;     Static PSI: \_\_\_\_\_     Residual PSI: \_\_\_\_\_

PRESENCE OF FLAMMABLE/COMBUSTIBLE LIQUIDS: No

PRESENCE OF HAZARDOUS MATERIALS: Yes     TYPE: Level 3 Aerosols

PRESENCE OF OTHER SPECIAL STORAGE: Yes     TYPE: Idle plastic pallets

AUXILIARY or LOWPOINT DRAIN LOCATIONS: 1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

ORIGINAL MAIN DRAIN TEST: Static PSI: \_\_\_\_\_     Residual PSI: \_\_\_\_\_

REQUIRED SPRINKLER DEFLECTOR CLEARANCE: 36 inches

ANTIFREEZE SYSTEM: No     LOCATION OF SYSTEM: \_\_\_\_\_

AUXILIARY SYSTEMS: No     TYPE/LOCATION: \_\_\_\_\_

INSTALLATION/DESIGNER CONTRACTOR: 123 Fire Protection, Trenton, NJ 08652

If you have any questions, please feel free to call me at (609) 984-7609.

Source: Michael E. Whalen  
Code Assistance Unit

**Property Maintenance  
Ordinances**

The Division of Codes and Standards is conducting a review of local property maintenance ordinances and resale inspection ordinances whether applicable to single-family, multi-family or non-residential structures. We also are interested in change of tenancy ordinances that contain provisions requiring building upgrades or some form of compliance with one of the adopted subcodes of the UCC or a fire safety code.

See Ordinances at right

**Ordinances**

Continued from left

Please submit the ordinances to the Office of Regulatory Affairs at PO Box 818, Trenton, New Jersey 08625-0818. Ordinances may also be sent via e-mail to [susan.lydon@dca.state.nj.us](mailto:susan.lydon@dca.state.nj.us). If the municipality has no such ordinances, please respond and let us know this.

Should you have any questions, you may contact Susan Lydon of the Office of Regulatory affairs at (609) 984-7672. Thank you for your anticipated cooperation.

Source: Lou Mraw  
Office of Regulatory Affairs

**HE Lighting**

Continued from page 3

**Requirements**

Section 404.1 of the 2009 IECC states that a minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be high-efficiency lamps. The IECC defines high efficiency in Section 202 as: 60 lumens/W for lamps over 40W; 50 lumens/W for lamps over 15W to 40W; 40 lumens/W for lamps 15W or less.

These efficiency minimums are above the level of current incandescent products. However, many compact fluorescent lamps, all T-8 or smaller diameter linear fluorescent lamps, and most metal halide lamps meet these requirements. A "lamp" is simply the light bulb or tube itself; it is not the fixture. So a chandelier is one fixture but may have many lamps.

The count is based on the number of lamps and includes both pin-based fixtures (fluorescent tubes and pin-based compacts) and standard screw-base fixtures. The provision applies to indoor spaces and outdoor facades of all residential buildings, including accessory structures and garages. The code permits up to 50% of the lamps to be of a standard efficiency, providing flexibility to allow lighting for certain applications that cannot be met with high-efficiency lamps.

**Benefits**

Compact fluorescent lamps (CFLs) have become more available and have dropped in price. A 60-watt replacement CFL can be purchased for about \$1.50 per lamp. CFLs use about 80% less energy than standard incandescent lighting and last 6 to 10 times longer. At \$1.50 per lamp with electricity at 9 cents per kwh, the payback time is less than two years, assuming that each light is on a half hour each day.

**CFLs offer versatile lighting solutions**

CFLs are available in a variety of shapes and sizes so they can be used in most areas of the home where standard incandescent lamps would be used. Their longer life makes them ideal for high ceilings and other hard-to-reach spots. Reflector CFLs are now available for recessed downlighting; the best models have passed Elevated Temperature Life Testing, lasting over 6,000 hours without failure (see [www.pnl.gov/rlamps](http://www.pnl.gov/rlamps)).

**Energy-efficient chandeliers**

While incandescent lamps have traditionally been used in chandeliers because of their ability to dim and their small size possibilities, dimmable high-

See HE Lighting at right

**HE Lighting**

Continued from left

efficiency CFLs designed for candelabra-sized sockets and other specialty applications are also readily available.

For more information on lighting, see the ENERGY STAR® web page.

**Plan Review**

- Verify that 50% of all lamps will be high-efficiency according to the count of lamps as shown on the plans. Confirm each lamp type's efficiency by requiring manufacturer's or independent test data for each lamp type indicating its efficiency rating. If the manufacturer or product packaging has only separate ratings for lumen output and wattage, simply divide the lumen rating by the wattage to get lumens per watt.

**Field Inspection**

- Inspect representative CFL lamps, linear fluorescents, and other lamps to ensure that at least 50% of all lamps are high-efficiency by comparing the installed lamp make/model number to the ones on the approved plans. Non-specified lamps should have efficiency rating information supplied at inspection.

**Code Citations**

(see "Requirements" above)

If you have any questions about the Energy Subcode, please contact me at (609) 984-7609.

Source: Rob Austin  
Code Assistance Unit

## Two Barrier Free Questions Answered

Two questions have recently arisen concerning two separate provisions of the Barrier Free Subcode. One is a requirement that is drawn from the Americans with Disabilities Act (ADA) and from the Barrier Free enabling legislation; the second deals with the scoping of the accessibility requirements in the Barrier Free/Council of Affordable Housing (COAH) low and moderate income housing law.

At N.J.A.C. 5:23-7.4(a)2, the Barrier Free Subcode requires that an elevator be provided in a building that is 10,000 square feet or more total gross enclosed floor area. There is an exception to this requirement for "floors that are less than 3,000 square feet or floors that

See Barrier Free –page 7



**Barrier Free**

*Continued from page 6*

contain only mechanical equipment.” The following theoretical question has arisen: Is a seven-story building with 2,999 square feet per floor required to have an elevator? The answer is No.

The second question deals with the scoping of the Barrier Free Subcode/COAH law for accessible affordable housing. It has come to the Department’s attention that there is some confusion as to whether this law applies only to townhouses and multistory dwelling units or whether it also applies to flats (single story dwelling units). At N.J.A.C. 5:23-7.5(a)1, the Barrier Free Subcode provides that “Multistory dwelling units, which are ground floor dwelling units and for which credit is sought for low and moderate income housing through the Council on Affordable Housing (COAH) and that are attached to at least one other dwelling unit, shall comply with the applicable provisions of this section.”

## Plain Old Telephone Service (POTS) to Managed Facility Voice Network (MFVN) Service

Many people are switching over from POTS to MFVNs. A new code provision that takes effect July 16, 2012 will make it easier for them to make the switch. Currently, when someone wishes to change their POTS line to a MFVN, they need a full permit.

The changes found at N.J.A.C. 5:23-2.17A, 4.18 and 4.20 allow MFVNs to be used without making the owner of a building apply for a full permit to change phone lines. A new verification form U.C.C. F391 contains a compliance checklist. This form must be completed by a licensed/certified alarm service provider and submitted to the Fire Protection Subcode Official of the Local Enforcing Agency within 24 hours of conversion.

The new form can be found on the Division of Codes and Standards webpage at <http://www.nj.gov/dca/divisions/codes/resources/constructionpermitforms.html>

The new code provisions dealing with this change are found at the link below.

[http://www.nj.gov/dca/divisions/codes/codreg/pdf\\_rule\\_proposals/p2012\\_5\\_23\\_2\\_15.pdf](http://www.nj.gov/dca/divisions/codes/codreg/pdf_rule_proposals/p2012_5_23_2_15.pdf)

The adopted amendments at N.J.A.C. 5:23-4.18(c)4

*See POTS to MFVN at right*

**Barrier Free**

*Continued from left*

The Barrier Free/COAH law was passed to ensure that townhouses and multistory dwelling units, which had become the most commonly constructed form of affordable housing, would be required to serve all New Jersey’s low and moderate income citizens, with or without disabilities. At N.J.A.C. 5:23-7.5(b), townhouses are exempt from the Barrier Free Subcode. The Barrier Free/COAH law created an exception to that exemption, which is codified at N.J.A.C. 5:23-7.5(a)1 and 6). Single story dwelling units, more commonly called “flats,” are required to be accessible when there are four or more dwelling units in a single structure (N.J.A.C. 5:23-7(a)). The Barrier Free/COAH law does not address flats.

If you have any questions on the Barrier Free Subcode, please contact the Code Assistance Unit at (609) 984-7609.

Source: Emily Templeton  
Division of Codes and Standard

**POTS to MFVN**

*Continued from left*

and 4.20(c)2iv(10) also set a minimum fee for the transmission line change.

If you have any questions, please feel free to call me at (609) 984-7609.

Source: Michael E. Whalen  
Code Assistance Unit

## Automatic Lighting Shutoff for Tenant Spaces

*(Reprinted courtesy of the U.S. Department of Energy’s Building Energy Codes Program, <http://www.energycodes.gov/help/notes.stm>)*

Automatic shutoff capability for all interior building lighting (with exceptions) is required by ANSI/ASHRAE/IESNA Standard 90.1-2007 (as well as previous versions back to 1999) for buildings over 5,000 square feet. The energy-saving intent of the requirement is to be sure that unnecessary lights are turned off, such as those not needed after the end of the business day. The requirement itself ensures that the control is available so that occupants can set up automatic shutoff of lighting.

*See Automatic Shutoff –page 8*

**Automatic Shutoff**

*Continued from page 7*

The requirement does have important exceptions including: lighting intended for 24-hour operation, lighting in spaces where patient care is rendered, and lighting in spaces where automatic shutoff would endanger the safety or security of the room or occupants. AHSRAE 90.1 considers sleeping units within hotels, motels, boarding houses, and similar buildings exempted under the 24- hour-operation exemption.

**The size threshold issue and tenant spaces**

The 5,000-square-foot threshold was originally included because of the potential impracticality and relative high cost of whole-building control systems for smaller buildings. This threshold is easy to apply for single-tenant buildings and for buildings with structured or uniform operating hours because the building schedule can be easily programmed into a whole building system that applies to the entire building.

However, some building types with multiple tenant occupancies do not lend themselves to practical application of whole-building control. One classic example is the typical retail strip mall. If a strip mall is over 5,000 square feet in total, the code language as written in the controls section technically requires complete automatic shutoff for the building as a whole. Because each retail business will typically have different operating schedules, it is difficult and often impractical to apply a whole-building control system.

Typically, individual tenant businesses (such as those in a strip mall structure) will have separate electrical feeds and firewalls between adjoining tenants, making them effectively separate business entities. In these cases, the whole building automatic shutoff is intended to be applied on a tenant business basis and those individual businesses less than 5,000 square feet would not have to comply with the automatic lighting shutoff requirement. The intent in ASHRAE 90.1 is to apply this requirement in a practical manner. ASHRAE 90.1 interpretations are likely to focus on the uniqueness of business schedules and separate electrical services in determining appropriate application of the 5,000-square-foot threshold.

**Plan Review**

- Verify that the lighting and/or electrical control plans specify controls to be installed that meet the provisions of the code, including the control area limitations. Check individual tenant space sizes for applicable exemption.
- Verify from the design submission (plans and specifications) that the control has appropriate

*See Automatic Shutoff at right*

**Automatic Shutoff**

*Continued from left*

scheduling capability in sufficient detail for the intended use of the space or building. An appropriate scheduling control should be capable of maintaining the type of day (weekday or weekend) and appropriate lighting schedule for that day type.

**Field Inspection**

- Verify that controls installed meet the capabilities and requirements as shown on the plans.
- Verify the automatic control device will shut off during the designated or programmed times as scheduled for each day of the week.

**Code Citation**

ASHRAE Standard 90.1-2007, Section 9.4.1.1, Automatic Lighting Shutoff

Interior lighting in buildings larger than 5000 ft<sup>2</sup> shall be controlled with an automatic control device to shut off building lighting in all spaces. This automatic control device shall function on either:

1. a scheduled basis using a time-of-day operated control device that turns lighting off at specific programmed times--an independent program schedule shall be provided for areas of no more than 25,000 ft<sup>2</sup> but not more than one floor,
2. an occupant sensor that shall turn lighting off within 30 minutes of an occupant leaving a space, or
3. a signal from another control or alarm system that indicates the area is unoccupied.

The following shall not require an automatic control device:

1. Lighting intended for 24-hour operation,
2. Lighting in spaces where patient care is rendered, and
3. Lighting in spaces where an automatic shutoff would endanger the safety or security of the room or building occupant(s).

If you have questions about the energy subcode, please contact me at (609) 984-7609.

Source: Rob Austin  
Code Assistance





## Dept. of Labor: The Removal of Asbestos Containing Material

It has come to the attention of the Department of Labor that there is some misinformation surrounding renovations and demolitions involving asbestos containing materials (ACM). Navigating the maze of federal and state asbestos regulations can leave even the most conscientious contractor dazed and confused. In order to avoid problems, for each project, the contractor should answer some basic questions in order to determine which regulations are applicable.

It is the **contractor's responsibility** to determine whether the project involves the disturbance of asbestos containing material (ACM) before proceeding with work. Any material containing more than 1% asbestos meets the regulatory definition of ACM. If the contractor is working with more than 3 linear feet or 3 square feet of ACM, then the project falls within the jurisdiction of the New Jersey Department of Labor and Workforce Development (DOL). The removal or repair of ACM during such projects must be completed by a licensed asbestos abatement contractor. The demolition of a structure containing ACM also falls within the jurisdiction of DOL since the ACM is disturbed during the demolition process.

DOL regulations focus on the quantity, not the quality, of ACM. There is no distinction between friable and non-friable ACM in determining whether DOL regulations apply. The DOL regulates both friable ACM and non-friable ACM.

There are a few very limited exceptions to the DOL licensing requirement. One of those exceptions involves asbestos containing roofing and siding materials in renovation projects. The removal of asbestos containing roofing or siding in a **rehabilitation project** is not regulated by DOL and, therefore, does not require a licensed asbestos abatement contractor. However, it is important to note that the removal of asbestos containing roofing or siding **must be completed by a licensed asbestos abatement contractor if the structure will be demolished.**

*See Asbestos at right*

### Asbestos

*Continued from left*

In addition to DOL regulations, a contractor must be concerned with federal regulations (National Emission Standards for Hazardous Air Pollutants, which applies to residential buildings with 5 or more dwelling units and commercial buildings involving the stripping or removal of at least 160 square feet or 260 linear feet of regulated ACM), Occupational Safety and Health Administration (OSHA) requirements, New Jersey regulations for asbestos projects in educational facilities and public buildings (Asbestos Hazard Abatement Subcode of the Uniform Construction Code) and New Jersey Department of Environmental Protection regulations pertaining to the transport and disposal of ACM. DOL regulations can be found at N.J.A.C. 12:120, Asbestos Licenses and Permits. (Exceptions and exemptions can be found at N.J.A.C. 12:120-1.4 and N.J.A.C. 12:120-4.2).

Code enforcement officials should be aware that at N.J.A.C. 5:23-8.6, the Asbestos Hazard Abatement Subcode, requires that before work may be undertaken in an existing building or before a building may be demolished, a certification must be provided by the architect, engineer, or contractor specifying the extent to which ACM will be disturbed. If ACM will be disturbed, an assessment by the New Jersey Department of Health (DOH), local or county health department, or a private business authorized by DOH to perform an assessment is required before a permit may be issued for the rehabilitation or demolition project. Obtaining the DOH assessment and ensuring that, where required, the work will be performed by a licensed DOL contractor is a prior approval before a permit may be issued for a rehabilitation or demolition project in which ACM will be disturbed.

For further assistance on the DOL contractor licensing requirements, please call DOL at (609) 633-2159. For assistance on code enforcement, please contact Jim Amici of the Bureau of Code Services at (609) 633-6224.

Source: Tom Voorhees  
Department of Labor

James Amici  
Bureau of Code Services

---

The Construction Code Communicator is an online publication of the New Jersey Department of Community Affairs' Division of Codes and Standards. It is published four times a year.

Copies may be read or downloaded from the division's website at: [www.nj.gov/dca/divisions/codes](http://www.nj.gov/dca/divisions/codes).

Please direct any comments or suggestions to the NJDCA, Division of Codes and Standards, Attention: Code Development Unit, PO Box 802, Trenton, NJ 08625-0802.

New Jersey Department of Community Affairs  
Division of Codes and Standards  
101 South Broad Street  
P.O. Box 802  
Trenton, NJ 08625-0802

BULK RATE  
US POSTAGE  
PAID  
PERMIT NO.  
XXXXX

**FIRST-CLASS MAIL**

Mail to: 