

CHAPTER 172

AN ACT prohibiting the dry cutting and dry grinding of masonry in certain instances and supplementing P.L.1962, c.45 (C.34:5-166 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.34:5-182 Dry cutting, grinding of masonry, certain circumstances; prohibited.

1. In order to protect the health and safety of employees against the effects of silicosis and other respiratory diseases, the dry cutting of masonry units by means of hand-held, gas-powered or electrical, portable chop saws or skill saws and the dry grinding of masonry materials shall be prohibited, except in instances in which it is determined, in a manner consistent with all applicable standards promulgated pursuant to the federal Occupational Safety and Health Act of 1970 (29 U.S.C.s.651 et seq.), that the use of water in the cutting or grinding is not feasible. In any instance in which it is determined pursuant to this section that the use of water in the cutting or grinding is not feasible:

a. The employer shall use engineering and work practice controls to control the dust, such as a vacuum with high efficiency particulate air filter, or other dust control system;

b. Any dry cutting which occurs shall be done in a designated area away from craftworkers if possible; and

c. The employer shall provide workers with full face respirators as part of a complete respiratory program which includes training, the proper selection of respiratory cartridges and fit-testing to ensure that the workers are able to wear the respirators.

The provisions of this section shall not apply to emergency service personnel responding to emergency situations.

2. This act shall take effect immediately.

Approved December 9, 2004.