

ASSEMBLY, No. 2553

STATE OF NEW JERSEY

INTRODUCED DECEMBER 9, 1996

By Assemblyman GEIST

1 AN ACT concerning construction site safety officers and
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq).

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

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7 1. The Legislature finds and declares that it is necessary to
8 promote the health, safety and welfare of individuals engaged in
9 construction activity while promoting the health, safety and welfare of
10 the public. It is the intent of this act to mandate the designation by
11 contractors of site safety officers who shall be legally responsible for
12 the enforcement of all site safety requirements.

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14 2. As used in this act:

15 "Contractor" means a person, company or corporation engaged to
16 perform a construction activity for a governmental agency, private
17 developer or other party.

18 "Construction activity" means the improvement, expansion or repair
19 of an existing site improvement, building or facility or the construction
20 of a new site improvement, building or facility.

21 "Site safety officer" means a person certified to possess knowledge
22 of applicable site safety practices and designated by the contractor
23 pursuant to section 3 of this act. The person shall be capable of
24 identifying existing and predictable hazards, including the lack of
25 personal protective measures in the surroundings or working
26 conditions which are unsanitary, hazardous, or dangerous to
27 employees.

28 "Site safety practices" means all applicable federal and state laws
29 and regulations pertaining to occupational safety and health, and the
30 Manual of Uniform Traffic Control Devices.

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32 3. a. Each contractor shall designate a site safety officer. In the
33 case of multiple contractors present on the same work site, a single
34 site safety officer shall be designated to be responsible for the
35 enforcement of all site safety practices.

36 b. The site safety officer shall:

37 (1) be responsible for the effective enforcement of all site safety

1 practices;

2 (2) make appropriate changes to work site conditions including,
3 but not limited to, measures which may include stopping work in order
4 to correct or eliminate a hazardous condition, and giving appropriate
5 direction to employees of the contractor and any other parties on the
6 site, including members of the public;

7 (3) ensure that all persons present on the work site possess
8 adequate training in site safety practices; and

9 (4) report and respond to appropriate public agencies regarding
10 hazardous conditions at the work site.

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12 4. a. The issuance of a construction permit shall be conditioned on
13 contractor certification to the enforcing agency or construction official
14 that the person designated as the site safety officer has received
15 sufficient training to perform assigned duties.

16 b. The contractor shall verify compliance with this section by
17 preparing a written certification record. This record shall contain the
18 name or other identity of the employee trained, the dates of the
19 training, and the signature of the person who conducted the training
20 or the signature of the contractor if different. If the contractor relies
21 on training conducted by another contractor or completed prior to the
22 effective date of this act, the certification record shall indicate the date
23 the contractor determined the prior training was adequate rather than
24 the date of the actual training. A copy of the latest training
25 certification shall be maintained for the municipality in which the site
26 is located. Training and certification shall be in accordance with any
27 federal and state requirements for site safety practices.

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29 5. The Commissioner of Community Affairs may promulgate,
30 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-1 et seq.) rules and regulations necessary to effectuate this
32 act.

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34 6. This act shall take effect on the first day of the seventh month
35 after enactment.

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STATEMENT

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40 This bill is designed to reduce occupational injuries and deaths at
41 construction work sites by assigning responsibility for identifying
42 existing and predictable hazards on such sites to a knowledgeable
43 person designated by the contractor. This person, who would be
44 known as a "site safety officer," would be authorized to take prompt,
45 corrective measures to correct or eliminate hazards.

46 The site safety officer also would be responsible for ensuring that
47 workers at the construction site have been properly trained in site

1 safety practices. He also must serve as the contractor's liaison to
2 government agencies on safety matters.

3 The issuance of a construction permit would be contingent on
4 action by the contractor to certify the sufficiency of the training of the
5 site safety officer. A written certification record of training must be
6 maintained for municipal inspection.

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11 Requires trained site safety officer at construction site prior to
12 issuance of construction permit.