



njea

Health & Safety  
Manual

*Working to make public schools  
healthy & safe*

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# NJEA Approach to Health and Safety



## Background

NJEA has made a concerted effort to examine the conditions of our schools. Aging buildings, cuts in maintenance personnel, and a lack of funding for building renovations and construction by the state and local boards of education have resulted in steadily deteriorating working conditions for all NJEA members and the communities that we serve. Poor indoor air quality, asbestos, mold, violence, vandalism, and bloodborne pathogens are just the tip of the iceberg.

All who enter a school building in the morning, whether as a student, teacher, support professional, administrator or a volunteer, should leave work at the end of the day just as healthy as when they arrived. Yet routinely, our members complain about headaches, nausea, fatigue, and other serious conditions that disappear on the weekend or during the summer months. Additionally, a higher incidence of asthma is present in the student population than ever before.

Despite this reality, too many school administrators refuse to accept that these conditions exist and take no responsibility for making working conditions better.

Too often local associations' efforts to work cooperatively with administrators are met with resistance or denial of the existence of any health hazards in the schools. Members and local leaders become frustrated with this lack of responsiveness and look for other avenues for relief. Unfortunately, state agencies such as the New Jersey PEOSH (Public Employees Occupational Safety and Health) Program are overburdened and as a result are extremely slow to act. Frequently, the frustration of the locals and their members about the administration's refusal to act turns to apathy on such issues.

Conditions continue to deteriorate and the administration continues to dodge its obligation to provide a safe and healthy workplace for all staff and students.

**Make no mistake about it – it is the administration's responsibility to provide a safe and healthy workplace.** But when administrators discourage employees from filing health and safety complaints, when they identify an injured employee as “accident prone” or “negligent,” when they refuse to take action in the face of violent students or other hazardous conditions, management is trying to transfer its responsibility to the members of the association.

## Publications with more information

*Guidelines for Occupational Safety and Health Programs*, PEOSH

<https://www.nj.gov/health/workplacehealthandsafety/documents/peosh/shguide.pdf>

In this publication, PEOSH recommends that employers take these actions:

**Take an active role:** Employers should take active steps that demonstrate that worker protection is an important priority. Employers should periodically evaluate the effectiveness of their approach and take steps to improve their efforts as necessary.

**Communicate with workers:** Employers should communicate with workers on a regular basis and encourage workers to identify hazards, suggest solutions, and report incidents, injuries, and illnesses promptly.

**Find and fix hazards:** To protect their workers, employers should find and fix hazards. This involves a workplace inspection, a review of safety and health information, and an investigation of incidents. Hazards covered by PEOSH standards must continue to be identified and addressed as required by the standards.

**Train workers exposed to hazards:** Employers are required to make sure that workers who are exposed to hazards are informed of their exposure and are trained to recognize those hazards, take protective measures, and follow emergency procedures.

## Attitudes about health & safety

**MYTH ONE: Most accidents happen at work because workers are careless or just accident prone.**

**FACT:** The truth is that workers are not accident prone. Accidents happen because workers are improperly trained, overworked, understaffed, or don't have the proper equipment to complete the job. If a custodian is repeatedly injured it may be because:

- ❖ The district has cut the maintenance and custodial budget and wants more work done by fewer employees.
- ❖ The custodian was not properly trained in lifting techniques.
- ❖ Management has not provided the necessary equipment to make heavy lifting safer and easier.

This business of calling workers accident prone – who do you think invented that kind of response? To whose advantage is it to call workers accident prone? By identifying employees as accident prone, employers are transferring their responsibility for that individual getting hurt by blaming the worker.

Health and safety is the employer's responsibility – an accident is not the worker's fault. The employer too often doesn't provide training, sets unrealistic goals, and doesn't allow people to properly pace themselves.

**MYTH TWO: Often the problem with health and safety is that the membership will not take the subject seriously enough. They are apathetic.**

**FACT:** Members' complaints about poor working conditions are routinely ignored by administrators. After a while, the members give up. If we allow the members to remain apathetic then we allow the district to continue unsafe practices. We have to organize all our members to be active and support each other on health and safety issues just as we do during contract negotiations for improvements in salaries, health benefits, and other terms of employment.

**MYTH THREE: Management already knows that "safety pays," therefore health and safety are not as important a union issue as wages and benefits.**

**FACT:** There may be some examples of management providing training, such as Hazard Communication training, but this is what unions fought for and made a legal requirement. Relying on management for safety and health is a paternalistic notion that usually fails. Another way management attempts to make it look like they are looking out for you is through a district environmental committee. Remember, this is a committee formed by the district to, in essence, keep the lid on things. Who chooses the representatives? You can bet it is not the union.

**MYTH FOUR: The best way to improve health and safety at work is to use PEOSH.**

**FACT:** PEOSH was modeled after OSHA, which was designed to protect workers in industrial settings. Many standards relate to safety issues such as cranes and forklift trucks and have little relevance to conditions in a school building. There is a PEOSH Indoor Air Quality (IAQ) standard but there are no standards to protect workers from ergonomic hazards, temperature extremes, or workplace violence. PEOSH is most effective when used as part of a local plan for health and safety that includes member education, a health and safety committee, active rank-and-file involvement, and contract enforcement.

*Many employers attempt to discount staff concerns regarding health and*

*safety. Too often, management attempts to shift the blame for unsafe working conditions from the workplace to the worker. In far too many cases, public school employees have been brainwashed into believing unsafe conditions are their fault.*

*Here are a few misconceptions about workplace health and safety.*





## Recognizing Hazards by Job Classification

School employees are subject to a wide range of workplace hazards. Some affect all job categories while others are associated with specific jobs. Below is a list of job classifications and a partial list of the associated hazards.

### All Staff

- ❖ Airborne Pathogens
- ❖ Communicable Diseases
- ❖ Disasters
- ❖ Emergent Situations
- ❖ Excessive heat and cold
- ❖ Lockdowns and Evacuations
- ❖ Mold and mildew
- ❖ Pandemics
- ❖ Pests and pesticides
- ❖ Poor indoor air quality
- ❖ Stress
- ❖ Violence and vandalism

### Bus Drivers

- ❖ Conflicts between students
- ❖ Diesel engine exhaust
- ❖ Excessive noise
- ❖ Injured students - bloodborne pathogens
- ❖ Noise
- ❖ Non-adjustable seats
- ❖ Vibration

### Custodial and Maintenance Employees

- ❖ Asbestos
- ❖ Chemical based products
- ❖ Electrical problems
- ❖ Heavy lifting
- ❖ Ladders
- ❖ Lead
- ❖ Noise
- ❖ Slips and falls
- ❖ Working outdoors

### Educators

- ❖ Abusive students and caretakers
- ❖ Bloodborne pathogens
- ❖ Heavy lifting
- ❖ Noise

### Food Service Staff

- ❖ Burns
- ❖ Lifting, stocking, and repetitive motion
- ❖ Slips and falls
- ❖ Standing for long hours

### Nurses

- ❖ Bloodborne pathogens
- ❖ Aerosol Generating Procedures
- ❖ Responsibility for the chronically ill
- ❖ Stress – Recordkeeping

### Office Workers

- ❖ Contact with the public
- ❖ Ergonomic issues – computer screens, carpal tunnel syndrome, eye strain

### Security Officers

- ❖ Abusive students
- ❖ Injured students – Bloodborne pathogens
- ❖ Weapons

## Publications with more information

Series of brochures by job title at:

<https://www.njea.org/health-safety-publications/>

1. *Health and Safety For Bus Drivers*
2. *Health and Safety For Custodial and Maintenance Employees*
3. *Health and Safety For Food Service Employees*
4. *Health and Safety For Paraeducators*
5. *Health and Safety For Secretaries*
6. *Health and Safety For Security Officers*
7. *Health and Safety For Teachers*
8. *Health and Safety for Nurses*

*Common Hazards Found in Public Schools,*  
PEOSH Fact Sheet, online at

<https://nj.gov/labor/safetyandhealth/resources-support/forms-publications/index.shtml>



## Common Problems Have Solutions

In order to advocate for change, local associations need to be aware of the possible solutions for health and safety problems commonly found in schools. District administrators often claim that it is too expensive to fix problems and staff must just live with them. In reality, there are almost always inexpensive short-term fixes as well as what may be more expensive long-term remedies that will help alleviate problems. Worker training, for example, is almost always an affordable initial control measure. Examples of solutions for common problems are:

### Moisture and mold

**Short-term solutions:** Dry water damage within 24 hours before mold growth can begin; preventive maintenance on roof, plumbing, exterior walls, foundation; control humidity between 30 and 60 percent with dehumidifiers; assure rainwater discharges away from foundation; discard moldy sheetrock, ceiling tiles, paper products, and other porous materials; clean mold off hard surfaces with detergent and water.

**Long-term solutions:** Permanently fix all water entry problems; control humidity between 30 and 60 percent with air conditioning.

### Slips and falls

**Short-term solutions:** Clear ice, water, grease, debris, cords, lines, and hoses.

**Long-term solutions:** Nonslip surfaces, stair rails and treads. Repair loose or uneven flooring.

### Dirty buildings

**Short-term solutions:** Clean daily outside and inside the building at every entrance; use cleaning methods that don't raise dust, like wet wiping and mopping, microfiber mopping, and HEPA vacuuming.

**Long-term solutions:** Walk-off mats at every entrance; adequate custodial staff – one full-time person per 15,000 square feet of school.

### Dust and noise from construction

**Short-term solutions:** Schedule the most hazardous operations when school is not occupied; inspect, clean, and ventilate work areas before re-occupancy.

**Long-term solutions:** Prevent dust, vapors, and gases from migrating from construction areas to occupied areas by sealing work areas and placing them under negative pressure.

### Insufficient outdoor air supply

**Short-term solutions:** Open windows, window fans, open louvers on outdoor air supply vents.

**Long-term solutions:** Repair or replace mechanical ventilation system

### Too hot or too cold

**Short-term solutions:** Floor and ceiling fans; shades, blinds, solar film; window or floor air conditioners; extra break periods, reduced hours, reduced activities; relocation to cooler or air-conditioned areas of the school.

**Long-term solutions:** Replacement windows that block heat and cold (known as “low-e” windows); central air conditioning; repair or replace mechanical ventilation system

### Solvent-based paints, cleaners, art and shop supplies

**Short-term solutions:** Increase general ventilation, use least-toxic, water-based substitutes.

**Long-term solutions:** Local exhaust ventilation in art and shop areas.

### Heavy lifting

**Short-term solutions:** Two-person lift. Train workers in proper lifting techniques.

**Long-term solutions:** Mechanical lifting devices, ergonomic design of work areas.

### Electrical hazards

**Short-term solutions:** Nonconductive clothing and mats.

**Long-term solutions:** De-energize equipment before work, drain current, and lock and tag out.

### Machine pinch points

**Short-term solutions:** Hair-nets, no loose clothing, training.

**Long-term solutions:** Guards, emergency shutdown mechanisms.

### Flammable materials

**Short-term solutions:** Store and use minimum amounts; water-based substitutes.

**Long-term solutions:** Safety storage cabinets.





## Hand and power tools

**Short-term solutions:** Regular inspection and maintenance.

**Long-term solutions:** Ground-fault circuit interrupters, constant pressure cut-off switch.

## Pests

**Short-term solutions:** Store food and garbage in covered containers, fill cracks and crevices.

**Long-term solutions:** Integrated Pest Management (IPM).

## Publications with more information

*EPA Indoor Air Quality Problem Solving Wheel.*  
June 2009.

The problem-solving wheel is an interactive, user-friendly tool that EPA designed to help school staff identify IAQ emergencies and determine actions to take in an emergency IAQ situation. This resource was designed to help school staff understand various factors related to the indoor environment, such as odors, temperature and humidity problems, illnesses, symptoms of health problems, explanations of and solutions to common problems. The problem-solving wheel is included in the IAQ TFS Action Kit (EPA document number 402-K-09-005) and is available for order separately visit <https://www.epa.gov/sites/default/files/2015-04/documents/ensuringriskreductionnejac.pdf> or [www.epa.gov/iaq](http://www.epa.gov/iaq).

Call 800-490-9198 or fax your request to 301-604-3408. You can also e-mail your request to [nscep@bps-limit.com](mailto:nscep@bps-limit.com).

NJEA Publications online at <https://www.njea.org/health-safety-publications/>

Includes:

- ❖ *10 Steps to School Health & Safety.* April 2011, 12 pages. Offers step-by-step guidance for members to organize around health and safety issues and achieve lasting improvements.
- ❖ *Organizing for Better Indoor Air Quality.* February 2011, 27 pages. Provide in-depth IAQ information vital for local associations addressing problems with ventilation systems, mold and moisture, housekeeping and green cleaning, and temperature and humidity.

## Websites with more information

OSHA Topic Pages, <https://www.osha.gov/topics>

OSHA has created these pages on many health and safety subjects, from Asbestos to Walking/Working Surfaces. Each page has links to:

- ❖ Applicable OSHA standards, directives and interpretations.
- ❖ Applicable standards from standards organizations.
- ❖ Explanation of how to recognize the hazard.
- ❖ Examples of possible solutions.
- ❖ Related Topic Pages.
- ❖ Publications and other resources.

# What can your local association do?

## Develop a Plan to Improve Working Conditions

Improving working conditions takes many steps. First, the local association must make the health and safety of its members a priority on an organizational level. Local leaders and members must organize a grass-roots movement to take on the administration. Hazards must be researched and documented. Workers must be educated and those who have been hurt must be compensated. It is imperative that local associations negotiate health and safety language into the contract that gives specific rights that are enforceable in the grievance and arbitration procedure and with Public Employment Relations Commission (PERC). Making changes in the collective bargaining agreement around health and safety issues is much more likely if the membership sees health and safety as a priority. And this will only occur if the local officers take a leadership role on an on-going basis. How does this occur? Consider these ten steps.

### Ten Steps to Local Association Health and Safety Programs that Work:

1. **Commit** – Make membership health and safety a priority. Enlist the assistance of your UniServ field representative.
2. **Organize** – Form a local association health and safety committee. Establish a process to receive and respond to reports of hazards and health problems.
3. **Research** – Examine district injury and illness logs, review district health and safety policies and procedures. See if the district is in compliance with PEOSH requirements.
4. **Document** – Survey members. Conduct walkthrough evaluations. Take photos or videos. Use checklists.
5. **Educate** – Use the NJEA Health and Safety Manual. Distribute NJEA fact sheets. Hold training sessions. Show videos. Keep the membership informed and involved.
6. **Assist** – Assist sick and injured workers with treatment and compensation.
7. **Problem solve** – Prioritize problems and identify solutions. Pick winnable issues. Ask the district to implement solutions. Follow up to make sure changes are made.
8. **Mobilize** – Enlist the help of parents, students, community groups, elected officials, activist groups, the media, etc.
9. **Negotiate** – Negotiate and enforce contract language on health and safety.
10. **Use PEOSH** – File PEOSH complaints when necessary. Know what is regulated and what is not. Participate in inspections.





## Form a Health and Safety Committee

Every local association should form a union-only health and safety committee that works closely with local leadership and the UniServ field representative. The committee should be broad-based with members appointed by local leadership. Whenever possible, it should include someone from every school and each job classification. It may take awhile to develop such a committee. Three or four active, involved people make a great start. Consider asking your school nurse to join the team.

If there are several unions at the worksite representing different categories of workers, consider forming a multi-union health and safety committee. Try to get “buy-in” from the leadership of each union, and ask them to help by encouraging their members to get involved.

The main job of health and safety committees is to spot and correct hazards that pose a threat to staff. A common “trap” in determining the root cause of hazards is to blame worker carelessness instead of uncontrolled hazards. An approach known as “behavior safety” mistakenly points the finger at staff performance and stresses ineffective fixes, such as personal protective equipment, which do not eliminate the hazard at its source. This

### Criteria for Picking Problems to Tackle

#### Ideally, each problem will be:

**Winnable:** The problem must be some health and safety condition that can be improved if the administration acts. The local association’s first effort should be one that ensures victory – even if that victory is modest.

**Widely felt:** Many members should be affected.

**Deeply felt:** Members should care about the problem and see it as very important.

**Easy to understand:** Members should have experienced the problem firsthand.

**Result in a real improvement:** When the problem is corrected, it will truly make a difference in working conditions.

**Regulated:** ideally, there should be a law in place that can help force the district to take action on the problem.

**Able to win community support:** If necessary, the problem should also provide the opportunity to win community support.

“blame-the-staff” approach should be challenged by a local association safety committee, which should instead recommend eliminating the root causes of accidents and hazards.

Many times there are both a union-only committee and a joint labor-management committee in the same district. While a joint committee can provide a useful forum to work with administration, a union-only committee allows members to prepare for joint committee meetings and more freely discuss problems and strategies for preventing hazards.

An important early task is to provide training to committee members on:

- ❖ How to work as a committee
- ❖ Problem-solving techniques
- ❖ Hazard recognition
- ❖ Applicable laws

Next, develop a regular schedule of meetings, both within the local and with management.

Now it is time to get to work. There are many activities committees can undertake. The list below provides examples.

### Committee Activities

- ❖ Educate members about health and safety issues. Distribute health and safety information. Arrange for training programs.
- ❖ Set goals and prioritize. Don’t aim too high in the beginning. Set goals that are achievable. Have some successes and then move on to bigger issues. See the box on criteria for picking problems.
- ❖ Survey members about health and safety problems. Develop a hazard reporting form for staff.
- ❖ Conduct regular workplace inspections, investigate accidents and “near-misses” and respond to member complaints.
- ❖ Investigate the problems – start compiling information.
  - ◆ Illnesses and Injuries
  - ◆ Attendance records
  - ◆ PEOSH reports
  - ◆ Medical records
  - ◆ Testing results
- ❖ Develop a plan of action with the steps you will take, the order in which you will take them, and a timeline for each step.
- ❖ Review the district’s health and safety policies and programs.

- ❖ Check injury and illness records and logs maintained at the workplace for PEOSH and workers' compensation purposes.
- ❖ Set up regular lines of communication with the membership to let them know what you are doing. Post minutes of meetings and names and phone numbers of contact people. Report on activities, especially successes. Ask for feedback.
- ❖ Evaluate the employer's compliance with PEOSH health and safety standards.
- ❖ Search out allies you can work with on common issues:
  - ◆ Parents/PTA/PTO
  - ◆ Community organizations
  - ◆ Local politicians
  - ◆ Newspapers, radio and television
  - ◆ Public health departments
  - ◆ Fire department
  - ◆ Religious leaders
  - ◆ Civil rights leaders
  - ◆ Union and environmental groups
- ❖ Negotiate language into the contract and enforce the language in the grievance procedure:
  - ◆ Establish joint health and safety committees
  - ◆ General duty clause
  - ◆ Release time for committee members
  - ◆ Resources for hiring consultants and experts
  - ◆ Nurses in every building, every day
  - ◆ Training on new equipment
  - ◆ Work clothes

Develop a health and safety library with information on hazards and protective measures.

As much as possible, committee meetings and other activities should take place during work hours. Committee members should be released from work and receive their regular pay for all time spent on committee functions.

### Joint Committees

In joint labor-management committees, the local association should have at least as many members as the district, with the local choosing their own members. Each side should pick a co-chair. The committee should meet regularly, at least once per month. Either party should be able to call an emergency meeting. The local and administration should make up the agenda together. The minutes should be approved by both parties, distributed to both membership and administration, and include actions taken. There should be a neutral procedure for breaking tie votes.

## Publications with more information

*NJEA Health and Safety Facts: Health and Safety Committees.*

<https://www.njea.org/health-safety-publications/>

*Guide to Effective Joint Labor/Management Safety and Health Committees,* PEOSH.

*Guidelines for Occupational Safety and Health Programs,* PEOSH, <https://www.nj.gov/health/workplacehealthandsafety/peosh/>



### Local Associations Can Investigate Accidents

- ❖ The local association should interview the people involved and ask the following questions during any accident/incident investigation:
  - ❖ How did the incident really happen?
  - ❖ This includes a step-by-step description of events leading up to it.
  - ❖ How can the events be documented?
  - ❖ Can photos be taken?
  - ❖ Was the correct equipment available and accessible? Was it properly repaired and serviced?
  - ❖ Was there adequate training and/or supervision of staff?
  - ❖ Was the work assignment changed in ways that intensified pressure (speed-up, added work load or work duties, increased work pace, etc.)?
  - ❖ Was there adequate staffing?
  - ❖ Have all possible causes of the incident been identified and strategies developed for reducing each?
  - ❖ Were there events in the past that should have signaled a problem?
  - ❖ Was there a way to redesign the job to prevent the accident?
  - ❖ What are the lessons learned from this investigation that would prevent this incident from happening again?
  - ❖ Can these lessons be applied throughout the school?



## Find Educational Information

There is a wealth of free health and safety educational information. Many publications are just a phone call away.

It can often be quicker to obtain information by accessing the web. A web search can find publications to use immediately.

Useful phone numbers and websites are given throughout this manual, in the short list below, and in Part IV.

### PEOSH Health Publications

Phone: 609-984-1863

### PEOSH Safety Videos

Phone: 609-292-7036, 800-624-1644

### NYCOSH – New York Committee for Occupational Safety and Health

[www.nycosh.org](http://www.nycosh.org)

### National COSH Network

[www.coshnetwork.org](http://www.coshnetwork.org)

### Federal OSHA Publications

Phone: 202-693-1888

<https://www.osha.gov/publications>

### Federal NIOSH Publications

Phone: 800-232-4636

[https://www.cdc.gov/niosh/pubs/all\\_date\\_desc\\_nopubnumbers.html](https://www.cdc.gov/niosh/pubs/all_date_desc_nopubnumbers.html)

## Training and Education

### Training for Action

The important role of staff training in developing and maintaining safe and healthy schools is well established. There are many types of staff health and safety training programs available. Some types of training are required by statute and are provided by the district. Some wrongly promote “personal responsibility” as the solution to safety problems. Other training programs are useful, but very technical and emphasize detailed knowledge about specific hazards. Often the best training not only conveys information but also helps staff to do something to improve conditions. Such training provides useful technical information, but also encourages people to act on that information. Participants learn how to set goals, decide strategy, and work collectively to make things better. This is the type of training that can and should be arranged by the local association.

### Training Audiences and Formats

Staff training can target the entire workforce, the health and safety committee, or local association leaders. Training can take many forms, including:

- ❖ A one-time workshop.
- ❖ A hands-on practice session.
- ❖ A series of classes.
- ❖ A guest speaker at a local association meeting.
- ❖ A film or video with a discussion afterward.
- ❖ A speak-out or public hearing.
- ❖ A train-the-trainer program.

### Sources for Training for Action

**NJEA UniServ and NEA Health Information Network** – Contact your UniServ field representative

### New Jersey Work Environment Council (WEC)

Phone: 609-882-6100

[www.njwec.org](http://www.njwec.org)

### The Tony Mazzocchi Center for Safety, Health and Environmental Education (TMC) of the United Steelworkers

Phone: 412-562-2359

[www.uswtmc.org](http://www.uswtmc.org)

### Rutgers University Labor Education and Research Now (LEARN)

<https://smlr.rutgers.edu/LEARN>

## Union Leadership Academy

<https://smlr.rutgers.edu/content/union-leadership-academy>

## Occupational Training and Education Consortium

Phone: 732-235-9450

<https://ipo.rutgers.edu/rehs/njrtk>

## Sources for Technical Training

### Centers for Education and Training (CET)

#### UMDNJ School of Public Health

Phone: 732-235-9450

<https://rutgerstraining.sph.rutgers.edu/>

### DOH Right to Know Program – Right to Know Issues

Phone: 609-984-2202

<https://www.nj.gov/health/>

[workplacehealthandsafety/right-to-know/](https://www.nj.gov/health/workplacehealthandsafety/right-to-know/)

### DOH PEOSH Program – Health Issues

Phone: 609-984-1863

<https://www.state.nj.us/health/>

[workplacehealthandsafety/peosh/compform.shtml](https://www.state.nj.us/health/workplacehealthandsafety/peosh/compform.shtml)

### LWD PEOSH – Safety Issues, Recordkeeping

Phone: 609-633-3896, 609-292-7036, 800-624-1644

<https://www.nj.gov/labor/safetyandhealth/>

### EPA School IAQ Webinar

<https://www.epa.gov/iaq-schools>

## Staff Training Required by PEOSH

Some PEOSH standards require employers to provide exposed workers training covering the requirements of the standard, how to recognize the hazard, the nature of the hazard, and methods of protective control. The training must usually be provided at the time of initial assignment and periodically thereafter. Some standards require records of training to be kept, training to be appropriate in educational level, literacy, and language, training to be at no cost and during work hours. Some groups of school employees who may be covered under specific standards include:

- ❖ **All staff under Lead, (1910.1025):** Any school built before 1978 should be presumed to have been painted with lead paint inside. If the paint is peeling or chipping, there will be some airborne lead exposure from the dust this creates. Employees who may have airborne exposure at any level must be informed of the content of Appendices A (lead data sheet) and B (summary of the lead standard).
- ❖ **Custodians under Lead in Construction, (1926.62):** Employees exposed over the action level on any day or for whom the possibility of skin or eye irritation exists must be trained upon initial assignment and annually.

## Staff Training Required in Violence and Vandalism Reporting

Boards of Education are required by public school safety law (18A:17-46) to provide ongoing staff training, in cooperation with the Department of Education, in fulfilling violence and vandalism reporting requirements. Local associations should assure this training takes place and negotiate to expand the training to also cover violence prevention, how to deal with student disruptions, and staff self-protection.

- ❖ **Custodians under Asbestos in Construction, (1926.1101):** Employees who may be exposed over the exposure limit or who perform Class I through IV asbestos operations must be trained upon initial exposure and at least annually thereafter. Class I is removal of thermal insulation. Class II is removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics. Class III is repair and maintenance operations, where asbestos is likely to be disturbed. Class IV is maintenance and custodial activities during which employees contact but do not disturb asbestos and activities to clean up dust, waste and debris resulting from Class I, II, and III activities.
- ❖ **Nurses and First Aid Providers under Bloodborne Pathogens, (1910.1030):** Training by a knowledgeable person must be provided at time of initial assignment to tasks where exposure may take place and annually thereafter. Information on actions to take and persons to contact in an emergency involving blood or other potentially infectious material must be provided.
- ❖ **Custodians, Art, Science, and Vo-Tech Teachers under Hazard Communication, (NJAC 12:100-7):** Effective training by a technically qualified instructor must be provided to all employees exposed to hazardous chemicals upon initial assignment or introduction of a new hazard, with refresher training every two years.
- ❖ **Science Teachers under Occupational Exposure to Hazardous Chemicals in Laboratories, (1910.1450):** Employees shall be apprised of the hazards of chemicals present in their work areas upon initial assignment and prior to assignments involving new exposure situations. The training shall include the applicable details of the employer's written Chemical Hazard Plan.





- ❖ **Custodians and Vo-Tech Teachers under Control of Hazardous Energy (lockout/tagout), (1910.147):** The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees. Retraining shall be provided whenever there is a change in job assignments, a change in machines, equipment or processes that present a new hazard, or when there is a change in the energy control procedure.

### Publications with more information

Descriptions of training that employers are required to provide are found in more than 100 occupational safety and health standards. Some of these are listed below. These descriptions range from very detailed to very general. Page numbers below refer to *Training Requirements in OSHA Standards and Training Guidelines*, OSHA Publication 2254, 1998. Phone: 202-693-1888.

OSHA Publications Office

<https://www.osha.gov/pls/publications/publication.html>

[www.osha.gov/Publications/osha2254.pdf](http://www.osha.gov/Publications/osha2254.pdf)

### General Industry Standards

- ❖ Asbestos, 1910.1001
- ❖ Lead, 1910.1025
- ❖ Bloodborne Pathogens, 1910.1030
- ❖ Occupational Exposure to Hazardous Chemicals in Laboratories, 1910.1450

- ❖ Employee Emergency Plan and Fire Prevention Plans, 1910.38
- ❖ Hearing Protection, 1910.95
- ❖ Hazardous Waste – Emergency Responders, 1910.120
- ❖ Personal Protective Equipment, 1910.132
- ❖ Respiratory Protection, 1910.134
- ❖ Permit Required Confined Spaces, 1910.146
- ❖ Control of Hazardous Energy (Electrical Lockout/Tagout), 1910.147
- ❖ Medical Services and First Aid, 1910.151
- ❖ Portable Fire Extinguishers, 1910.157
- ❖ Fixed Extinguishing Systems, 1910.160
- ❖ Fire Detection Systems, 1910.164
- ❖ Employee Alarm Systems, 1910.165
- ❖ Mechanical Power Presses, 1910.217
- ❖ Welding, Cutting, and Brazing, 1910.252 to 1910.254
- ❖ Electrical Safety-Related Work Practices, 1910.331 to 1910.335

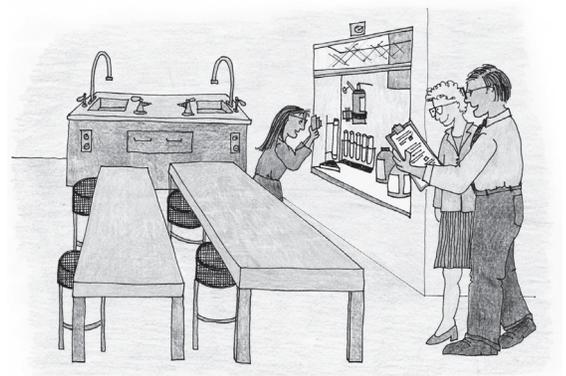
### Construction Standards

- ❖ Safety Training and Education, 1926.21
- ❖ Lead in Construction, 1926.62
- ❖ Fall Protection, 1926.503
- ❖ Ladders, 1926.1060
- ❖ Asbestos in Construction, 1926.1101

## Document problems

Common sense and a sharp eye can help identify many hazards. Others require more investigation. Whatever the hazards, it is crucial to gather evidence that will convince school management that hazards and health problems are real. The best way to collect information is through interviews and observations. Documentation will be essential later, when trying to solve problems. Key activities are to:

- ❖ Talk to members to find out if there are complaints of health symptoms, illnesses, injuries, or hazards.
- ❖ Observe members doing their jobs to see what tasks are involved and what chemicals and equipment they are using.



- ❖ Keep a notebook and take photos whenever possible.
- ❖ Encourage members to email photos of problems to the local association.
- ❖ Get a floor plan of the school and mark locations where problems have been identified.

## Survey members

Surveying local association members is an excellent way to find out their health and safety problems and concerns. Surveys can be written or conducted in person. Good planning is necessary when carrying out a survey. How will surveys be distributed to members and how will they be collected? Who will sort through the answers that come back? What will be done with the results?

A written survey can be distributed at a meeting, during a walkthrough, or by mail.

Keep these points in mind when using a written survey:

- ❖ Keep it as short as possible. A survey with just a few questions can be effective.
- ❖ Use language everyone will understand.
- ❖ Ask questions that can be answered yes or no, true or false, multiple choice, or with a check mark.
- ❖ Leave space for additional information and opinions.
- ❖ It is often effective to do a survey by asking members questions and writing down their responses. The benefits of a one-on-one survey are:
  - ◆ It's a good organizing technique since it gets people talking about their jobs.
  - ◆ It's a way to involve workers who do not read well without embarrassing them.
  - ◆ It often produces better results than sending out paper that may get lost or ignored.

Besides finding out what members are concerned about, surveyors should ask if they would be willing to help solve a problem. If no one is concerned enough about a problem to do anything about it, this may not be a good issue to work on.

### Confidentiality

To protect both the privacy and job security of respondents, survey results must not be used in any way that reveals the identities of individuals. Be sure members know their survey responses will be held in confidence and their names will not be revealed. Use results in summary fashion; for example, report that 10 of 40 staff have health problems. Use job titles rather than naming names. Use wings or floors of the school rather than room numbers.

### Helpful hint

Three sample NJEA members' survey forms are found in Part V.

- ❖ Health and Safety Complaint
- ❖ Work-Related Health Problems Report
- ❖ Indoor Air Quality Occupant Survey





## School Walkthroughs – A useful health and safety tool

Walkthroughs to evaluate school health and safety conditions first hand are a useful tool – and often an eye-opening experience – for local associations. They should be conducted as one of the activities of every association health and safety committee. If a committee has not yet been formed, walkthroughs should be used as part of the local leadership’s approach to health and safety issues.

Walkthrough evaluations systematically monitor school conditions, check that promised improvements have been made, and bring new problems to light. They also provide an opportunity to talk to members about their problems and show that the local association is active in taking them up.

Walkthroughs are a powerful “reality check.” There is nothing better than observing a hazard up close and in person to make it obvious to everyone involved.

There can be advantages to joint inspections with district administration as long as their presence doesn’t put members off. For example, joint union-management walkthroughs can accelerate the resolution of health and safety issues because both parties have seen the problem. Be sure all discussions with members are done in private. However, don’t let management rush the inspection process. If hazards get fixed immediately during a walkthrough, this sends an important message that the committee is effective.

### Walkthrough Checklists

A checklist can be a good aid for thorough inspections. When using a checklist to go through the workplace, the walkthrough team will not have to remember everything they are looking for. They can also use the checklist to go back later to see if problems have been corrected. However, checklists should never be used as a substitute for careful observations and talking to members.

### Helpful hints

Four NJEA school health and safety checklists are found in Part V.

- ❖ Comprehensive Walkthrough
- ❖ Indoor Air Quality (IAQ) Walkthrough
- ❖ Mold Walkthrough
- ❖ Construction and Renovation

### Publications with more information

Here are publications to find many other good checklists covering health and safety standards.

#### May Local Associations Investigate Hazards?

The local association has the right to investigate accidents and suspected health and safety hazards by conducting inspections. The local association has this right under labor laws in order to fulfill contract administration and bargaining responsibilities. If the administration refuses to allow such an inspection, the local association should work with the UniServ field representative to make a written request for an inspection and take other appropriate actions.

*NJ Safe Schools Manual.* The majority of these 79 checklists are on safety hazards. These were developed for schools and reflect PEOSH requirements.

<https://sph.rutgers.edu/training/nj-safe-schools/manual.html>

*Hazard Communication Checklist used by PEOSH inspectors*

<http://www.nj.gov/health/forms/occ-38.pdf>

*Indoor Air Quality Checklist used by PEOSH inspectors*

<https://www.state.nj.us/health/workplacehealthandsafety/documents/peosh/iaqchecklist.pdf>

#### Walkthrough Ground Rules

The following issues concerning walkthroughs must often be negotiated with the district. Negotiating contract language giving the local the right to perform regular inspections would be useful.

#### Where to do the Walkthrough

Don’t try to cover the whole school at once. It makes sense to start with areas having a known history of health and safety problems and with active and interested members. A health and safety survey can be useful in determining where to start your walkthrough. Smaller schools and parts of schools are more manageable while you are building your skills. Later, more can be covered. Consider creating a schedule that covers all areas of all schools over a period of time. Don’t forget to consider all the following type of areas:

- ❖ Classrooms, including special purpose classrooms.
- ❖ Chemical storage areas.
- ❖ Storage rooms and closets.
- ❖ Lounges and bathrooms.
- ❖ Cafeteria and food preparation areas.
- ❖ Gymnasiums.

- ❖ Custodial and maintenance areas.
- ❖ Ventilation equipment areas including outdoor fresh air intakes, roof, attic, basement, and boiler room, if applicable.
- ❖ Offices, including the nurses' office.
- ❖ Outdoor areas, including parking lots, playing fields, playgrounds, buses, bus loading areas, delivery areas, bus garages, and outbuildings.

Be sure to dress appropriately if you will be climbing ladders to the roof or visiting the boiler room.

### Length of Walkthrough

The more time that is spent, the more that can be accomplished. Most likely the inspection will take place at the end of the school day. Two hours should be the minimum time set aside for meaningful work to be done. You might want to conduct an inspection over several days to give the inspection team more time.

### Who Goes on the Walkthrough?

**For the local:** Local officers, local members of the health and safety committee, and a UniServ field representative. In addition, include members from specific job titles affected by the issues to be addressed, for example, teachers, clerical, nurse, paraeducators, custodial and maintenance, transportation, food services, skilled trades, security, and technical. If the association doesn't represent all titles, consider inviting interested individuals along anyway. It could prove to be a good organizing tool.

### EPA Checklists

<https://www.epa.gov/iaq-schools/indoor-air-quality-tools-schools-action-kit>

Through their Indoor Air Quality Tools for Schools program, the federal Environmental Protection Agency (EPA) has developed the following 11 checklists.

- ◆ Teacher Classroom Checklist
- ◆ Administrative Staff Checklist
- ◆ Health Officer/School Nurse Checklist
- ◆ Ventilation Checklist and Log
- ◆ Building and Grounds Maintenance Checklist
- ◆ Food Service Checklist
- ◆ Waste Management Checklist
- ◆ Renovation and Repairs Checklist
- ◆ Walkthrough Inspection Checklist
- ◆ Integrated Pest Management Checklist
- ◆ School Official's Checklist

**Technical support:** The local should invite staff familiar with the ventilation system, the boiler room, or whatever areas will need to be explained. If looking at IAQ, include the "designated person" under the PEOSH Indoor Air Quality Standard.

**On a joint inspection:** The district should bring the facilities person and the district members of the joint health and safety committee.

### What Are You Looking For?

This depends on your goals and the time available. You can choose from the topics listed below, use a checklist, or focus on one "hot" issue like indoor air quality or mold and moisture. Don't be afraid to lift a ceiling tile to look above the ceiling to see what is causing moisture on ceiling tiles.

- ❖ Ventilation and temperature
- ❖ Hazardous materials
- ❖ Lab safety
- ❖ Mold and moisture
- ❖ Housekeeping
- ❖ Pest Control
- ❖ Waste management
- ❖ Sanitation
- ❖ Lighting
- ❖ Noise
- ❖ Computer ergonomics
- ❖ Electrical safety
- ❖ Emergency preparedness
- ❖ Fire Safety
- ❖ Security and violence prevention
- ❖ Walking surfaces and railings

Notify members in advance of the walk-through and ask them to stay after school to point out problems in their work areas.

### Tools to Take Along

A notebook and pen are essential. Floor plans of the building and schematics of ventilation systems can be very useful. Be sure to have a camera to take pictures of problems. A powerful flashlight is essential for getting a good look into the back of the closets, inside of ventilation systems, the space above a suspended ceiling, or the dark corners of basements. A tape measure is useful for measuring the width of exits, the number of square feet of visible mold, or the height of computer monitors and keyboards. If focusing on indoor air quality (IAQ), smoke tubes or facial tissues can give a quick visual check of air current directional patterns around air intakes and supplies, and exhaust hoods. "Tell tales" made of 10 inch strips of narrow ribbon can be attached to ceiling air supply vents as visual indicators of whether or not the air is on. If the local association or district purchases special equipment, temperature, humidity, and carbon





### Tools for the Walkthrough

- ◆ Notepad and pen
- ◆ Floor plans
- ◆ HVAC schematics
- ◆ Flashlight
- ◆ Camera
- ◆ Tape measure
- ◆ Checklists
- ◆ Health survey forms
- ◆ NIOSH Sound meter app (<https://www.cdc.gov/niosh/topics/noise/app.html>)

### Special tools for Indoor Air Quality

- ◆ Tissue Test
- ◆ Smoke tubes or facial tissues
- ◆ Temperature meter
- ◆ Humidity meter
- ◆ Moisture meter
- ◆ Carbon dioxide meter
- ◆ NIOSH Sound Meter app <https://www.cdc.gov/niosh/topics/noise/app.html>

dioxide readings can be taken in each room. Two sources for purchasing smoke tubes and temperature, humidity, carbon dioxide meters are:

- ❖ Grainger – 800-323-0620, <https://www.grainger.com/>
- ❖ Raeco – 800-852-9795, <http://www.lesman.com/>

*Mention of these vendors does not constitute endorsement of any supplier or product by NJEA.*

### What to do During a Walkthrough

Because a walkthrough requires using all your senses and intelligence, it is imperative to concentrate fully on the task at hand. Much can be learned by focusing on:

- ❖ Observing the physical environment including walls, floors, ceilings, equipment, and furnishings.
- ❖ Smelling for unusual or objectionable odors.
- ❖ Feeling for uncomfortable air temperature, humidity, drafts.
- ❖ Listening for loud or unusual equipment noises, and echoes.
- ❖ Interviewing school employees regarding health and safety concerns.
- ❖ Recording your findings by taking notes and photos. Making sketches and notes on a floor plan can be useful.

### Follow-up after the Walkthrough

After the inspection, your priority is getting the district to address identified problems. It is best to put identified problems in writing soon after the walkthrough and send them to the appropriate district management. List each problem followed by recommendations to address the problem, and target dates for follow-up to be completed. Follow-up can be handled in the health and safety committee, by grievances, PEOSH complaints, etc. A follow-up walkthrough can be scheduled to check on whether or not problems have been corrected. Be sure to inform members about the problems identified and progress in getting them corrected.

### Videos with more information

*EPA IAQ Tools for Schools: Taking Action and Ventilation Basics* videos. Taking Action shows how one school successfully implemented the IAQ Tools for Schools Action Kit. Ventilation Basics explains how to operate and maintain school ventilation systems. EPA document number, 402-V-98-001. Free.

*EPA IAQ Tools for Schools Walkthrough Video: Four Schools Making a Difference*, EPA document number 402-V-01-004. The video illustrates some of the most common IAQ problems found in schools. Free

EPA videos and publications described at <https://www.epa.gov/iaq-schools/videos-about-indoor-air-quality-schools>, can be ordered individually or as part of the complete IAQ Tools for Schools Action Kit, EPA document number 402-K-05-001. Call 800-490-9198 or fax your request to 513-891-8409. You can also e-mail your request to [nscep@lmsolas.com](mailto:nscep@lmsolas.com).

*The Virtual School Walkthrough: Identifying and Solving Common Indoor Air Quality Problems.* <http://nwcleanairwa.gov/projects/indoor-air-quality/>

## Obtain health and safety records

### Usefulness of Records

Copies of the health and safety records that school districts must keep are available to employees and their local association. They are a starting place to find out whether injuries or illnesses are occurring in the school. These records may point to hazardous areas or to individual workers who may need medical help or have a potential workers' compensation claim. When asking for any safety and health information, create a "paper trail" by putting the request in writing and keeping a copy. Always include the specific information requested and the date by which it should be provided.



### Types of Records

#### Medical Testing and Exposure Monitoring Data

These are available from the school district under the PEOSH Access to Medical and Monitoring Data standard, 1910.1020. Access must be given within 15 working days after a request. Records must be kept for 30 years. Records from medical and monitoring contractors are also covered. Available data may include:

- ❖ Exposure monitoring, such as air, wipe, or bulk sampling results for asbestos or lead.
- ❖ Biological monitoring, such as blood lead tests.
- ❖ Chemical inventories and *Safety Data Sheets* (SDSs), which are information sheets developed by manufacturers about a particular chemical product.

#### Injury and Illness Records

These are available from the school district under the PEOSH recordkeeping standard, 1904.35(b) (2). Work-related injury and illness cases must be recorded by the employer within seven calendar days if they result in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. These records must be kept for five years.

- ❖ **Log 300 of Occupational Injuries and Illnesses.** This log lists injuries and illnesses and tracks days away from work, restricted work, or transfer to another job. Access must be provided by the end of the next business day after a request. The log must include employee names except for "privacy concern cases," such

as those involving employees who are HIV-positive.

- ❖ **Form 300A Summary of Work-Related Injuries and Illnesses.** This summary shows totals for the year in each category. It does not include employee names. This summary must be posted in a conspicuous place in the workplace from February 1 to April 30 each year.
- ❖ **Form 301 Injury and Illness Incident Report.** This report (or an equivalent workers' compensation or insurance form) provides details about the incident. Access to the complete report for a specific employee or former employee must be provided by the end of the next business day after request by that employee or former employee, or their personal representative (any person the employee or former employee designates in writing, including the union.) Local association representatives receive only the "Information about the case" section of the report within seven working days after the request unless they are designated as a personal representative.

### Helpful hint

Copies of these forms and two sample request letters to the district requesting their PEOSH Injury and Illness records are in Part V.

#### Toxic Substance Records

These are available from the school district under the PEOSH Hazard Communication (Haz Com) standard, N.J.A.C 12:100-7.

- ❖ *Safety Data Sheets* (SDSs).
- ❖ Employer's records of staff Haz Com training.





- ❖ Employer's written Haz Com program, including a list of all hazardous chemicals used in the workplace.

The following is available under the AHERA, Asbestos Hazard Emergency Response Act, 40 CFR 763:

- ❖ AHERA plan for managing asbestos and controlling exposure in each school based on inspecting the condition of asbestos in every school and re-inspecting every three years to update the plan.

The following is available under the PEOSH standard on Occupational Exposure to Hazardous Chemicals in Laboratories, 1910.1450:

- ❖ A Chemical Hygiene Plan, meaning a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace.

### Right to Know

The following is available from the school district or the New Jersey Dept of Health under New Jersey Worker and Community Right to Know regulations:

- ❖ Employer's *Right to Know Survey*, a report of substances designated hazardous by the State of New Jersey present at a school facility, including storage amounts, locations and containers types.
- ❖ *Hazardous Substance Fact Sheets* on each hazardous substance in the workplace.

### Helpful hint

A sample request letter to the RTK Program requesting the district's *Right to Know Survey* is in Part V.

### PEOSH Inspection Records

**Complete** inspection records are available from PEOSH under the New Jersey Open Public Records Act (OPRA) for public sector workplaces. Confidential information such as the names of complainants and interviewed workers are removed.

### Helpful hint

A sample request letter to PEOSH requesting complete inspection records is in Part V.

### Other Records

Other records available from the employer under labor laws and some local association contracts may include:

- ❖ Workers' compensation information: premiums, legal costs, administrative costs, number and nature of claims, lost time.
- ❖ Information on health and safety programs currently in use: instructions to supervisors and employees, training manuals, names of employees who have been trained.
- ❖ Minutes of health and safety committee meetings.
- ❖ Health and safety literature that the employer has received from manufacturers of equipment, or from designers of ventilation systems.
- ❖ Accident/incident reports and results of investigations.
- ❖ Studies of school health and safety conditions by the school district, consultants, or outside agencies.
- ❖ Information on anticipated changes in the school, including renovations and new construction, new chemicals, equipment and work processes that may affect health and safety.
- ❖ Safety suggestions submitted to the school district.
- ❖ Records of fire and building inspector inspections, citations, fines.
- ❖ Records of vehicle inspections and vehicle accident reports.

## Publications with more information

*Recording and Reporting of Occupational Injuries and Illnesses Recordkeeping Guidelines for the Log and Summary of Occupational Injuries and Illnesses (for public employers)*

N.J. Department of Labor and Workforce Development

Phone: 609-292-7036 and 609-633-3896

[https://www.state.nj.us/labor/forms\\_pdfs/lse/NJOSH300.pdf](https://www.state.nj.us/labor/forms_pdfs/lse/NJOSH300.pdf)

### School Districts Must Bargain over Health and Safety

In addition to individual and local association rights to safety and health information under PEOSH, local associations have rights to information under the New Jersey Employer-Employees Relations Act. Under this labor law, safety and health is a mandatory subject of bargaining. As part of this obligation, the administration must supply the union with requested safety and health information within a "reasonable" period of time. Note that this right to information is for the local association, not individual employees.

New Jersey's Open Public Records Act ("OPRA")  
Phone: 609-882-6100,  
New Jersey Work Environment Council  
[http://www.njwec.org/PDF/FactSheet\\_OPRA.pdf](http://www.njwec.org/PDF/FactSheet_OPRA.pdf)

## Websites with more information

New Jersey Open Public Records  
<http://www.state.nj.us/opra/>

## Review board of education policy

The New Jersey School Boards Association (NJSBA) includes language and legal references related to employee safety in its Critical Policy Reference Manual. NJSBA recommends that local boards of education create a policy for employee safety that includes safe working conditions and disclosure of hazardous

substances in the workplace. It also suggests establishing rules and practices that may include the use of protective devices, safety equipment, etc. The local association should request and review the health and safety language, if any, in local board of education policies.

## Communicate with members

Your members should be kept informed of the work of your health and safety committee. You can accomplish this in several ways.

**Your association newsletter:** If your local has a newsletter (and it should), talk to your editor about including a health and safety column in each issue. Make it a regular feature that members will seek. In the column, highlight the work of the committee and offer workplace safety tips. You can find plenty of tips in this manual and in health and safety section of the NJEA website, [njea.org](http://njea.org), under "Issues."

**Flyers and updates:** If you don't have an association newsletter, put together a flier or short newsletter on health and safety issues you can share with members. Send at least two a year, more if warranted.

**Your association website:** If you have an association website, create a health and safety page. Hot link to NJEA's health and safety page.

**Building visits:** Set aside a few days for members of your committee to visit school buildings to talk to members informally about their health and safety concerns. If this cannot be accomplished during the school day, notify members in advance of the day you will be visiting before or after school. Even if you visit each building once or twice a year, you will be raising member awareness about health and safety and showing your administrators that poor working conditions will not be tolerated by the association.

**Hold a 10-minute meeting:** Have committee members hold a short meeting before or after school in their buildings to keep members informed of major developments.

**Put together a phone chain:** Create an association phone chain and distribute to your members. If an emergency arises when school is not in session, you'll have a quick and efficient method for contacting your members.





## Insist on protective measures

After identifying hazards, the next step is to remove or reduce them. It is often useful to develop solutions to hazardous conditions rather than waiting for the district to do so. The best solutions are those that quickly and permanently eliminate or correct hazards at their source. Less desirable are those that require members to use protective equipment or follow cumbersome procedures. Sometimes short-term solutions will be needed until money can be obtained for longer-term repairs. Critical to any plan of action is a commitment from the district to a deadline for each proposed improvement.

Protective measures eliminate or limit exposure to a hazard. While there are many different types of hazards, there are general protective principles that apply to them all.

### Protective Measures: The District's Responsibility

The responsibility for designing jobs safely in the first place, or redesigning them when a hazard is detected, lies with the school district. It is the role of the local association to make sure that administrators are providing the most effective protective measures possible to reduce or eliminate the hazard.

### Fix the School Facility, Not the School Employee

The best way to control a hazard is to eliminate it. If a hazard cannot be eliminated altogether, there are several other ways to limit worker exposure. Some of these ways are more effective than others. When all of these different hazard control methods are put in a chart – from the most effective to the least effective – the chart portrays what is known as the “hierarchy of controls.”

### Examples of Protective Measures

Below are examples of protective measures using asbestos as an example, since it is present in almost every school facility.

#### Elimination of Hazards

The best way to control a hazard is to eliminate it and remove the danger. With asbestos this can be done by banning asbestos-containing materials in school construction and renovations.

#### Substitution

The second best way to control a hazard is to substitute something else in its place that would be nonhazardous or less hazardous. This can be done by asking the question “Why is it used?” and then brainstorming alternate ways to meet the require-

ment. Asbestos is most often used as insulation or filler. Pipes can be insulated with rigid foam. Asbestos-free flooring is available instead of vinyl asbestos floor tile.

### Engineering Controls (Safeguarding Technology)

If a hazard cannot be eliminated or a safer substitute cannot be found, the next best approach is to use engineering controls to keep the hazard from reaching the worker. For asbestos, this could include encapsulating or enclosing crumbling or “friable” asbestos. It could also include enclosing and wetting asbestos pipe insulation during removal. Or using local exhaust ventilation that captures and carries away air contaminants during asbestos removal.

### Administrative Controls (Training and Procedures)

If engineering controls do not completely control the hazard, administrative controls should be considered. They can include such things as:

- ❖ Warning alarms.
- ❖ Warning labels.
- ❖ Reducing the length of time of worker exposure.
- ❖ Increasing the distance between the worker and the hazard.
- ❖ Training.
- ❖ Restricting access to hazardous areas.
- ❖ Performing a hazardous operation when few people are present.
- ❖ Standard Operating Procedures (SOP) for performing dangerous tasks.
- ❖ SOP for First Aid, spill clean-up, good housekeeping.

With asbestos, warning labels should be placed on all asbestos-containing materials in school facilities. Boiler rooms and other areas with large amounts of asbestos should be off limits

#### Protective Measures – Best to Worst

Most Effective



Least Effective

- ❖ Eliminate the hazard
- ❖ Substitute something less dangerous for the hazard
- ❖ Engineering Controls (safeguarding technology)
- ❖ Administrative Controls (training and procedures, like moving workers away from dangerous conditions)
- ❖ Personal Protective Equipment





except to specially trained workers. There should be SOPs for work that involves:

- ❖ Removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics.
- ❖ Repair and maintenance operations where asbestos is likely to be disturbed.
- ❖ Maintenance and custodial activities during which employees contact but do not disturb asbestos and activities to clean up dust, waste and debris resulting from asbestos activities.

### Personal Protective Equipment

Use of personal protective equipment (PPE) limits hazards by placing protective equipment directly on workers' bodies. Examples of personal protective equipment are respirators, gloves, protective clothing and boots, hard hats, steel-toed shoes, goggles, and ear plugs.

Personal protective equipment, while a useful additional safeguard in some high-hazard jobs, is the least effective method for overall worker protection. PPE should be used only when there are no other more effective solutions. This is because:

- ❖ PPE does not eliminate the hazard.
- ❖ If the PPE is inadequate or fails, the worker is not protected.
- ❖ No PPE is foolproof. For example, respirators leak and hard hats protect against only very small falling objects.
- ❖ PPE is often uncomfortable and places a physical burden on a worker. For example, using a respirator for a long time can put a strain on the heart and lungs and chemical-resistant clothing can cause workers to become overheated.
- ❖ PPE can actually create hazards. For example, gloves can make hands clumsy.

There are some jobs, such as removing asbestos, that are so dangerous that adequate personal protective equipment, in addition to engineering controls, is essential and even life saving. Yet for every job like this, there are many more where school districts hand out PPE when they should provide more effective hazard control methods.

### Paying for Personal Protective Equipment

In some PEOSH standards (for example, Respiratory Protection, 1910.134 and Bloodborne Pathogens, 1910.1030) the employer is required to provide protective equipment at no cost to employees. Under these standards, the employer would be required to pay for the PPE. Otherwise, 2007 PEOSH policy is that paying for PPE is a matter for negotiations between workers and management. This may change with new rulemaking.

In the case of helath office procedures, nurses should use PPE based on the procedure that should be performed and/or when there is the concern of airborne contact exposure.

### Best Control Practices

OSHA Topic Pages contain good information on the best practices to regulate specific hazards. NIOSH Hazard Controls and other sources of best control practices are also available on the web, as shown below.

### Websites with more information

#### OSHA Topic Pages

<https://www.osha.gov/topics>

#### NIOSH Hazard Controls and Hazard IDs

<https://www.cdc.gov/niosh/index.htm>

#### OSHA eTools <https://www.osha.gov/etools>

**OSH Answers:** Hazards associated with specific tasks, occupations and workplaces – with recommendations for reducing the risks  
[www.ccohs.ca/oshanswers/](http://www.ccohs.ca/oshanswers/)

### Publications with more information

*Model School District Policies for Protection of Staff and Students During School Construction*, 2007. A report prepared by the New Jersey Work Environment Council containing recommendations for school districts on maintenance of good indoor air quality and a safe learning environment during school construction. <https://njwec.org>

*Public Employer's Guide and Model Written Program for the 2007 Indoor Air Quality Standard*, PEOSH, 2007. <https://www.nj.gov/health/workplacehealthandsafety/documents/peosh/labstand.pdf>

*Model Written Chemical Hygiene Program*, PEOSH, 1994, Provides an outline written format for a chemical hygiene plan that complies with the Occupational Exposure to Hazardous Chemicals in Laboratories Standard, 1910.1450. <https://www.nj.gov/health/workplacehealthandsafety/documents/peosh/labstand.pdf>

*Model Exposure Control Plan and Employer Guide for the Bloodborne Pathogens Standard*, PEOSH. Serves as an employer compliance guide to the Bloodborne Pathogens Standard, 1910.1030. Contains forms that may be used to comply with the recordkeeping requirements of the standard. <https://www.nj.gov/health/workplacehealthandsafety/documents/peosh/bbp.pdf>

*Respiratory Protection Model Program*, PEOSH. Designed to help public employers comply with the Respiratory Protection Standard, 1910.134.

This model program contains some questions and answers relating to this standard, checklists, a sample respiratory protection program, and a copy of the Respiratory Protection Standard. <https://www.state.nj.us/health/workplace-healthandsafety/documents/peosh/respromp.pdf>



## Involve allies

Local associations and their health and safety committees can reach out to potential allies and ask them to support their fight against unsafe conditions. Unsafe conditions that result in injury, illness, or death are unacceptable to most people. Hazardous workplace conditions may also be a danger to the students, parents and others who use school facilities.

Members lead double lives – as members of the workforce and members of the community. Many potential allies are actually their friends, neighbors, and families. These allies are often local, but may also include partners on a regional, state-wide or even national or international level. They can include:

- ❖ Civil rights leaders
- ❖ Community organizations
- ❖ Fire department
- ❖ Local politicians
- ❖ Newspapers, radio and television
- ❖ Parents/PTA/PTO
- ❖ Public health departments
- ❖ Religious leaders
- ❖ Union and environmental groups

## Publications with more information

*Local Union Lobbying: How to Support It with Coalition Building and Media Relations*, AFSCME <https://www.afscme.org/about/governance/document/Officers-Handbook.pdf>

*Organizing for Social Change; A Manual for Activities*, 3rd Edition, Kim Bobo, Jackie Kendall, and Steve Max, 2001, \$23.99, Seven Locks Press, 800-354-5348

## Involve Parents

Parents and school employees have a common cause in the struggle for safe and healthy schools. Here are some of the reasons to involve parents:

- ❖ **Protection of children.** Parents are rightfully protective of their own children and will fight long and hard to ensure they are safe and healthy. These efforts obviously have the simultaneous effect of safeguarding school staff.
- ❖ **Numbers.** There are often 30 to 40 times more parents than school staff.
- ❖ **Power.** Numbers often translate into power, especially during school board elections or when parents speak out to the press about health hazards.
- ❖ **Expertise.** Many parents have special training in engineering, architecture, medicine, nursing, construction – expertise that can benefit staff and students alike.
- ❖ **Student Involvement.** Parents can also play an important role in encouraging older students to help with action steps by documenting conditions, creating a web site, and other activities.
- ❖ **Ensuring a healthy school** is a wise investment in students, staff, and education.
- ❖ **Healthy students have an easier time learning.**
- ❖ **Healthy staff members** are more apt to stay in the district.
- ❖ **Healthy school facilities** maintain their financial value.



## Take action

With hazards and solutions identified and members and allies informed, the association is positioned to mobilize key partners to put pressure on the district if it becomes necessary. What you decide to do as a group will depend on the level of membership commitment to the issue, the strength of your links to parents and community, the responsiveness of the district, how long the problem has been unresolved, and how serious and widespread the problem is. Your UniServ field representative can provide strategic advice about mobilization and collective action.

### Inform Workers and Allies

Clear information can help school employees, parents and community leaders understand how serious job hazards are and how they can be controlled. With informed members and allies, the association can make a stronger case for improvements.

Effective communication is critical for winning safer and healthier workplaces. Creating and distributing notices and flyers and holding meetings and presentations are good ways to accomplish this. Informed members and allies can make a much stronger case for improvements.

Choose a spokesperson that can speak from personal experience and will deliver the desired message. The local association's core message should:

- ❖ Be honest and accurate.
- ❖ Connect with the public interest.
- ❖ Be short and easy to remember and repeat.
- ❖ Provide background and context, not just facts.
- ❖ Anticipate and neutralize the district's messages.
- ❖ Work with all possible allies, including parents/PTA/PTO, community organizations, union and environmental groups, religious leaders, civil rights leaders, and local politicians.
- ❖ Have some emotional punch.

### Approach the District

A necessary step is to meet with the administration about hazardous conditions and present possible solutions. Members should never do this alone! It is always best to work with co-workers through the health and safety committee and the local association.

#### When meeting with the administration:

- ❖ Show documentation of the dangers such as walkthrough notes, surveys, and photos, if available.

- ❖ Provide concrete solutions, explaining the proposed control measures.
- ❖ Remind them that preventing injuries and illnesses may save them money in workers' compensation costs and lost time.
- ❖ Note applicable PEOSH or other government standards. Remind them they can be cited by PEOSH if they fail to comply with health and safety standards.

### Conduct a Slogan Campaign

The local association can undertake a slogan campaign with buttons, T-shirts, armbands, bumper stickers, etc., that make their demands visible in the community. Court decisions allow districts to restrict school staff from wearing anything beyond union identification while working in the school. However, slogan-bearing materials as well as informational picketing are allowed adjacent to school property and in the wider community. Consult with your UniServ field representative about your legal rights in this area.

Getting the membership involved in picking a slogan is a good organizing tool. Below is a list of slogans for consideration.

- ❖ A Clean School is a Healthy School
- ❖ Asbestos Kills – Control It!
- ❖ Cool the School
- ❖ Fresh Air in Every Classroom
- ❖ Fresh Air – We Can't Breathe Without It
- ❖ Healthy Schools = Better Learning
- ❖ Health and Safety at School – A Right, NOT a Privilege
- ❖ No More Moldy Schools – Fix Leaky Roofs and No School Bus Idling
- ❖ No Sealed Schools – Classroom Windows Should Open
- ❖ Overheating Schools is Unhealthy and Wastes Money
- ❖ Plumbing NOW
- ❖ Renovations Should Not Interfere with Learning
- ❖ Safe Schools are the District's Responsibility
- ❖ School Construction Must Be Safe
- ❖ STOP Spraying Pesticides in Schools
- ❖ Students, Parents, and Staff All Want Healthy Schools
- ❖ You Have the Right to Know about Hazardous Chemicals in Your School

Newspapers, radio, television, and community blogs can help you publicize your case.

# Contract negotiations & enforcement

## Introduction

Once the association has established an organizational presence on the issue of health and safety, the local can make changes in the collective bargaining agreement that will give the association and its members specific rights and create concrete obligations for the board of education. **Under New Jersey law, all issues regarding workplace health and safety are mandatory subjects of bargaining.** This means that the board must negotiate with the union and a failure or refusal to discuss these issues would constitute an unfair labor practice by the board of education.

Proposals for changes concerning health and safety issues should be solicited from the members just as proposals are for changes in wages, fringe benefits and other terms and conditions of employment. The negotiating committee should research and cost out the proposals and set priorities for negotiations. The local health and safety committee would be a valuable resource in this area. They will have already performed much of this work.

Proposed contract language should be prepared for all the association proposals. The proposals can be as simple as a general duty clause which states that management has the sole responsibility to provide for a safe and healthy workplace up to and including joint decision making on building design and infrastructure.

### Some of the areas that should be considered are:

- ❖ A general duty clause – It is the obligation of the employer to provide a workplace free of recognized health and safety hazards.
- ❖ Joint decision making concerning the hiring of consultants, environmental testing, equipment purchases, etc.
- ❖ Establishment of a joint health and safety committee. Each party should appoint its members on the committee. A regular meeting schedule should also be established.
- ❖ Release time for committee members to allow them to attend meetings and perform committee work without loss of pay.
- ❖ Training for all committee members by an outside organization.
- ❖ Advanced notice posted on association bulletin boards about building renovations, areas of the school to be affected, and hazardous substances being used/removed. Sealing off the work area or relocating employees and students may be required.

- ❖ Standards to apply when measuring contaminants in the air or water.
- ❖ The purchase of personal protective equipment, uniforms, and safety equipment.
- ❖ Ergonomically appropriate desks, chairs, seats for bus drivers, etc.
- ❖ The right to investigate accidents and injuries to members.
- ❖ Access to any and all necessary information and statistics such as injury reports, PEOSH complaints, consultants' reports, etc.
- ❖ The board of education to bear the cost of all of the above.

Most important of all, none of the gains the association makes will help a single member if the local and the members do not enforce the rights they have secured under the law and under the contract. While an active, well-organized membership is the key to a successful health and safety campaign, vigorous enforcement is necessary to make sure the board of education lives up to its obligations and the contract.

## Samples Health & Safety Contract Language

The following are examples of contract language in existing local association contracts. Your local may want to consider including some provisions in your next contract.

### Board of Education Obligations

- ❖ The Board of Education shall provide a safe and healthful workplace, notify the Association and employees of all hazards, and immediately correct all hazards.
- ❖ The Board of Education shall supply staff with the equipment, materials, and facilities to safety accomplish its duties and responsibilities.
- ❖ No employee shall be required to work under unsafe or hazardous conditions or to perform tasks which endanger his/her health, safety, or well-being. Should a workplace health/safety dispute arise, the Health and Safety Committee shall investigate within 24 hours and issue a recommendation to the Facilities Director.
- ❖ The Board of Education will comply fully with all applicable health and safety regulations promulgated by agencies such as the Occupational Safety and Health Administration (OSHA) the Public Employees Occupational Safety and Health (PEOSH) Program, the New Jersey Right-to Know Program (RTK), the





New Jersey Department of Community Affairs (DCA), and the New Jersey Department of Education (DOE).

### **Drivers, Maintenance, Custodians, Groundskeepers**

- ❖ The Board shall provide all safety equipment such as, but not limited to, protective clothing and footwear.
- ❖ The Board shall provide ... negotiated number ... coveralls per year for employees on the boiler cleaning detail.
- ❖ The Board shall maintain ... negotiated number ... sets of foul-weather gear for each worksite and ... negotiated number ... sets of foul-weather gear for the garage.
- ❖ The Board shall provide each custodian with rubber gloves.
- ❖ The Board shall provide each custodian/maintenance employee with respiratory protective equipment for work on boilers or when otherwise necessary to prevent inhalation exposure to airborne contaminants.
- ❖ The Board shall provide safety glasses for employees required to work on boilers or whenever necessary.
- ❖ The Board shall provide ... negotiated number ... uniforms and tee shirts to all custodians during the school year.
- ❖ The Board shall provide all necessary equipment and supplies to be used by employees in fulfilling their obligations under the job descriptions contained in this agreement.
- ❖ The Board shall furnish maintenance employees assigned to work outside on a regular basis with insulated outerwear (jumpsuit), the cost of which shall not exceed ... negotiated amount ... . This item shall remain the property of the board and will be replaced as the board deems necessary.
- ❖ Employees shall be granted ... negotiated amount of time ... prior to the end of the workshift, in order to put away equipment and supplies and for personal clean up.

### **Fire Safety and Evacuation Plans**

- ❖ The Board shall provide all fire safety and evacuation plans to the association. A school safety plan shall be developed in consultation with the association and provided to the staff at the start of the school year.

### **Health and Safety Committee**

- ❖ A Health and Safety Committee shall be established and comprised of four (4) representatives from the Association, two (2) representatives selected by the Superintendent,

and two (2) members chosen by the Board President. The committee shall have two (2) co-chairs, one from the Association. The committee shall be empowered to:

- ♦ Review all complaints related to health and safety issues.
- ♦ Inspect the workplace.
- ♦ Investigate accidents and complaints.
- ♦ Comment on solutions to correct unsafe and hazardous conditions.
- ♦ Develop emergency procedures to be recommended for adoption by the Board.
- ♦ Inform the school community of its recommendations for improvement of the school environment as related to health and safety issues.
- ♦ Implement training programs and procedures in areas of concern to the parties.
- ❖ The Committee shall meet quarterly four (4) times per year during school hours and coverage will be provided.
- ❖ The Board shall provide the Committee with whatever clerical assistance may be necessary to fulfill its mission.
- ❖ Training for the Committee shall be jointly developed and the Board shall pay all costs.

### **Health and Safety Training**

- ❖ All required OSHA/PEOSH training shall be provided by the Board during the employees' regularly scheduled work hours.
- ❖ All employees shall receive training on new equipment and/or vehicles prior to use of same. All employees shall be provided with the necessary supplies and equipment to perform their duties.

### **Non-reprisals**

- ❖ Employees may exercise all of their legal rights to obtain a safe and healthful workplace without threats, loss of pay or benefits or reprisals of any kind.
- ❖ The Board shall assure that no employee is subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthy working condition, or for participation in occupational safety and health activity.
- ❖ The Board shall comply fully with the New Jersey Conscientious Employee Protection Act (CEPA), NJSA 34:19-4. The Board shall conspicuously display the CEPA Poster and distribute notice of the law to employees once a year.

## “Reasonable Person” Rights

- ❖ An employee may refuse to carry out a particular work assignment, if at the time he is given the work assignment, he reasonably believes that by carrying out such work assignment he will endanger his safety and health. In such instances the employee has the duty, not only of stating that he believes there is a risk to his safety and health, and the reason for believing so, but he also has the burden, if called upon, of showing by appropriate evidence that he had a reasonable basis for his belief.

## Reimbursement for Damage

- ❖ The board shall reimburse employees for any loss, damage, or destruction to their automobile, clothing, or personal property while said employees are on duty in the school, on the school premises, or on a school-sponsored activity.

## Security Personnel

- ❖ The Board shall provide uniforms and badges for all security personnel.
- ❖ The Board shall provide a public telephone at all worksites within ready access to all employees during work hours. All employees scheduled to work on the evening shift/night shift shall be provided with a communication system – radio, cellular phone, etc., for emergency use.

## Workplace Violence

- ❖ When absence arises out of, or from, such assault and injury, an employee shall not forfeit any sick leave or personal leave.
- ❖ Following an assault on an employee arising out the performance of their duties, the Board shall provide immediate legal representation and other assistance to facilitate the filing of criminal charges.
- ❖ Notice of assault shall be immediately forwarded to the superintendent who shall comply with any reasonable request from the employee for information in the possession of the superintendent relating to the incident or the persons involved, and shall act in appropriate ways as liaison between the employee, the police, and the courts.

## Publications with more information

*Collective Bargaining for Health and Safety – A Handbook for Unions*, 24 pages, 2000, \$20 from University of California at Berkeley, Labor Occupational Health Program

Phone: 510-642-5507

<https://lohp.berkeley.edu/collective-bargaining-for-health-and-safety/>





## Filing a Grievance of Unfair Labor Practice (ULP)

### Contract Enforcement

Health and safety issues are mandatory subjects of bargaining under New Jersey law. The board of education (BOE) cannot refuse to negotiate with the union about these issues. Creation of health and safety committees, providing personal protective equipment, training and release time for safety committee members are typical issues raised by the union during negotiations.

However, none of the gains the association makes will help a single member unless the local leadership and the members enforce the rights they have under the law and contract. An active, well-organized leadership and membership are the keys to a successful health and safety program. Vigorous enforcement is necessary to make sure the board of education lives up to its obligations under the law and the contract.

### The Grievance Procedure

Once you have negotiated language into the agreement, violations of those provisions become subject to a grievance filed by the union. All suspected violations of contractual health and safety provisions should be referred immediately to the local grievance committee for processing. The union will investigate the case and determine the most effective manner in which to prosecute the grievance. In the course of researching the case, the association will want to interview the members who are affected by the hazardous condition and develop the evidence that establishes that a contract violation occurred. In this effort, the health and safety committee can be invaluable. Much of the needed information (hazard reports, employee surveys, PEOSH complaints, etc.) may already have been collected. Members of

### Public Employment Relations Commission (PERC)

A failure or refusal by the BOE to enter into serious, good faith negotiations over health and safety issues could constitute an unfair labor practice. This situation should be reviewed with your UniServ field representative.

A complaint will be filed with PERC, and an investigation will be initiated. A conference will be scheduled in an effort to force a resolution. In the event a settlement cannot be reached, a hearing may be scheduled before the commission, which will determine the facts and order appropriate corrective action.

the committee may serve as witnesses for the association as the case proceeds through the grievance procedure.

If the grievance is not resolved between the parties during the grievance hearings, the association can move the case to arbitration, where the decision-making authority rests with a neutral third party appointed by PERC.

***A note of caution*** – the grievance and arbitration process can be time consuming.

The association should not rely on them as the exclusive means to remedy a problem. The association's best weapon will always be a well-organized and militant membership that is focused on fixing whatever problem they face from district administration.

# Health & Safety Legal Rights

## Health and Safety Laws

There are important health and safety laws that help to protect school employees:

- ❖ Perhaps the most important is the New Jersey Public Employees' Occupational Safety and Health Act (PEOSH Act), NJSA 34:6A-25 et seq. – pronounced "Pee-osh." Many specific health and safety standards have been promulgated under PEOSH.
- ❖ Another is the New Jersey Worker and Community Right to Know Act, NJSA 34:5A-1 et. seq. Public employers must comply with this act and the PEOSH Hazard Communication standard, which overlap. Both deal with chemical labeling, information, and training.
- ❖ The New Jersey Employer-Employees Relations Act, NJSA 34:13A-1 et seq. gives the right to act together with co-workers for better working conditions.
- ❖ The New Jersey Conscientious Employees' Protection Act (CEPA), NJSA 34:19-1 et seq. gives the right not to be discriminated against (being fired, given a worse job, etc.) for reporting safety and health hazards.
- ❖ The New Jersey Workers' Compensation Law, NJSA 34:15-1 et seq. gives workers the right to get medical and monetary benefits from the district if they are hurt or made ill by their job.
- ❖ There are several laws dealing with asbestos in schools. For more information see the NJEA pamphlet Asbestos in Schools.

It is critical to know members' legal rights to determine if districts are obeying the law. Keep in mind, these rights are limited – and they're not always easy to enforce. In fact, they are the minimum legal requirements and need to be supplemented by a complete school district health and safety program. It is also important to know there can be a risk of retaliation when using these rights.

The good news is that collective action, especially when backed by a strong local association, makes sounding the alarm about hazardous conditions less risky. But it is very important to work with others – and with the local association.

### Finding PEOSH Standards

PEOSH standards are regulations that New Jersey public employers have a legal obligation to follow. Most PEOSH standards are identical to OSHA standards. There is a set of OSHA standards for construction work found in 29 CFR, Part 1926. There is another set of regulations for General Industry, which apply to all other covered workplaces. They are found in 29 CFR, Part 1910. There are also recordkeeping standards in 29 CFR, Part 1904. OSHA standards are found at [www.osha.gov](http://www.osha.gov). CFR is the Code of Federal Regulations and Part 29 contains regulations promulgated by the U.S. Department of Labor.

Additional PEOSH-only standards are found at <https://www.nj.gov/labor/safetyandhealth/>.

### They include:

- ❖ Hazard Communication, NJAC 12:100-7
- ❖ Indoor Air Quality, NJAC 12:100-13
- ❖ Firefighters, NJAC 12:100-8
- ❖ Firing Ranges, NJAC 12:100-10

NJAC stands for New Jersey Administrative Code. Chapter 100 is Safety and Health Standards for Public Employees.





# School Employee Rights under PEOSH

## Under PEOSH, school districts must:

- ❖ Display the PEOSH Poster at all times
- ❖ Maintain Injury and Illness 300 Log and 301 Incident Reports
- ❖ Display a Summary of the Log February 1 to April 30 each year
- ❖ Give staff access to their own medical and monitoring data
- ❖ Notify PEOSH within 8 hours of a fatal injury or in-patient hospitalization
- ❖ Display orders to comply for at least 15 days or until abated

In using PEOSH, it is important for local associations to be aware of the following school employee rights.

## School employees have the right to information about:

- ❖ Injuries and illnesses experienced by them and their co-workers, required to be recorded by the employer on PEOSH Logs.
- ❖ The employer’s written health and safety program, if any.
- ❖ Any exposure they may have had to hazards such as chemicals, biological hazards or radiation.
- ❖ Medical records the district has concerning them.
- ❖ Hazardous materials they work with.
- ❖ Results of PEOSH inspections, including report and orders to comply, if any.

## School employees have the right to training about:

- ❖ Hazardous materials they work with and methods to control exposure.
- ❖ The proper care and use of required personal protective equipment, including gloves, eye protection, and respirators.
- ❖ Bloodborne disease they may be exposed to and control methods.
- ❖ Proper use of fire extinguishers and dangers of fighting incipient fires.

## School employees have the right to take the following actions:

- ❖ Complain to the employer about dangerous conditions.

- ❖ File complaints with PEOSH and request an inspection.
- ❖ Have any order to comply posted by the employer at or near each area where violations occurred.
- ❖ Appeal the violations, penalties, and abatement dates on orders to comply.
- ❖ Bring matters of concern before the PEOSH Advisory Board.

## School employees have the right to the following protections:

- ❖ Not be identified to the employer as the source of the complaint.
- ❖ Respond privately and confidentially to questions from a PEOSH inspector and point out hazards.
- ❖ Not be discriminated against for exercising their rights.

## School employees filing complaints have the right to:

- ❖ Be present at and participate in all phases of the inspection, from the opening conference through the closing conference, unless they have asked to remain anonymous.
- ❖ Receive payment for “normal wages” from the employer for the time spent during the PEOSH inspection.

## Local association leaders have the right to:

- ❖ Accompany the PEOSH inspector, point out hazards, and observe any PEOSH monitoring.
- ❖ Receive payment for “normal wages” from the employer for the time spent during the PEOSH inspection.

## Publications with more information

Your Rights under the NJ Public Employees’ Occupational Safety and Health Act.  
 Phone: 609-882-6100,  
 New Jersey Work Environment Council  
<https://njwec.org/PDF/PEOSH%20Rights%20Fact%20Sheet.pdf>

**You have the right to a safe and healthful workplace.**

**IT'S THE LAW!**    

**PUBLIC EMPLOYEES**

- You have the right to notify your employer or New Jersey Public Employees Occupational Safety and Health (NJPEOSH) about workplace hazards. You have a right to keep your name confidential upon request.
- You have the right to request a NJPEOSH inspection if you believe that there are unsafe and unhealthy conditions in your workplace. You or your representative are entitled to participate in that inspection.
- You have a right to file a complaint within 180 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the NJPEOSH Act (N.J.S.A. 34:5A-25 et seq.).
- You have a right to see NJPEOSH citations issued to your employer and your employer must post the citations at or near the place of the alleged violation.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.

**PUBLIC EMPLOYERS**

- You must report all work-related in-patient hospitalizations of three or more public employees and all fatalities within 8 hours. This information must be called into 800-624-1644 and filed in 800-302-5745.
- You must furnish your employees with a place of employment free from recognized hazards.
- You must comply with all occupational safety and health standards.
- You must correct identified workplace hazards and must certify that those hazards have been eliminated by the date indicated on the citation.
- You must post this notice in your workplace as per N.J.A.C. 12:110-3.5 (c).
- Through its on-site consultation and training program NJPEOSH offers employees free assistance in identifying and correcting hazards or complying with standards, without citation or penalty.

**24-hour Complaint Hotline (800) 624 - 1644**

FOR MORE INFORMATION:  
 Occupational Safety Reports  
 NJ Department of Labor & Workforce Development (NJPEOSH)  
 One of the NJ Department of Labor & Workforce Development Offices  
 Email: [njpeosh@doe.state.nj.us](mailto:njpeosh@doe.state.nj.us)  
 Website: [www.njpeosh.com](http://www.njpeosh.com)  
 Occupational Health Reports  
 NJ Department of Health (NJDOH)  
 NJ Department of Health, Attention: Occupational Health Program  
 Phone: (201) 261-0212  
 Email: [occupationalhealth@doh.state.nj.us](mailto:occupationalhealth@doh.state.nj.us)  
 Website: [www.nj.gov](http://www.nj.gov)

Additional copies of this poster may be obtained by contacting the New Jersey Department of Labor and Workforce Development, Office of Consultant Relations, PO Box 110, Trenton, NJ 08646-0110; (609) 777-7000. If you need this document in Braille or large print, contact the Office of Publications and General Inquiries at (609) 984-6100. TTY users can contact the office through the New Jersey Relay at 1-800-332-7363.

**Public Employees Occupational Safety and Health (PEOSH)**

5010 (01-11)

## Protection against Discrimination

Local associations and members attempting to improve workplace health and safety may experience discrimination or retaliation from the administration. There are a number of legal remedies if this happens. It makes sense to be cautious, however, and not rely on legal protections to protect jobs since they can be costly and time-consuming. Moreover, union and association activists know the chances a fired worker will be able to endure a long court battle are slim.

If a member experiences discrimination as a result of health and safety activity, he/she should immediately contact his/her local association and UniServ field representative to discuss utilizing the following protections.

### Protection under the Contract

It may be possible to file a grievance, arguing the district did not have just cause for action. The grievance can go to binding neutral arbitration. Contracts can include a variety of provisions for stopping unsafe work from general statements of the district's duty to provide a safe workplace to specific language about the right to refuse unsafe assignments. It's also legal to have a contract clause outlining procedures for challenging discharge or other retaliation for workers who exercise health and safety rights.

### Protection under Labor Law

It may be possible to file an Unfair Labor Practice (ULP) with the Public Employment Relations Commission (PERC.) You've got six months to do it, but beware – it can take years for the agency to settle a work refusal case.

Public Employees Relations Commission (PERC) Phone: 609-292-9830 [www.state.nj.us/perc/](http://www.state.nj.us/perc/)

### Protection under PEOOSH

It may be possible to file a discrimination complaint with PEOOSH. You've got just 30 days to do it and the outcome of this lengthy process will be a modest back-pay award and reinstatement. PEOOSH has a provision forbidding employers to fire, demote, threaten or harass workers exercising rights to a safe and healthy workplace. There's no time limit on the government's resolution of cases. As two OSHA inspectors recently put it, "Whistleblower cases can often languish in a bureaucratic black hole." And when cases are finally decided, nearly all are judged in favor of employers. Contact information for discrimination complaints is:

New Jersey Dept of Labor and Workforce Development (LWD) – Office of Public Employee Safety – Phone: 609-633-3896, 609-292-7036, 800-624-1644

<https://www.nj.gov/labor/safetyandhealth/>

### Protection under the NJ Conscientious Employees Protection Act (CEPA)

Under CEPA, NJSA 34:19-1, et seq., workers have a right to disclose and refuse to participate in unlawful employer activity without employer retaliation. First, however, a worker must give clear notice to his/her employer and give the employer a chance to fix the problem. A poster apprising employees of their CEPA rights is required in every school. An attorney is needed to utilize CEPA protections.

## Publications with more information

*Your Rights as a Whistleblower*, OSHA Factsheet, 2013. Phone: 202-693-1888, OSHA Publications Office <https://www.osha.gov/sites/default/files/publications/OSHA3638.pdf>

### COSH Network pamphlets on discrimination

**NOTE:** COSH groups are private, nonprofit coalitions of labor unions, health and technical professionals, and others interested in promoting and advocating for worker health and safety. In New Jersey, the COSH group is the New Jersey Work Environment Council (WEC).

- ❖ Using Section 11(c) of the Occupational Safety and Health Act
- ❖ Health and Safety and the National Labor Relations Act
- ❖ How to Protect Yourself from Retaliation if You Need to Complain about a Dangerous Job
- ❖ **Print only** – Phone: 609-882-6100, New Jersey Work Environment Council

WEC Poster about CEPA – *Speak Out about Workplace and Environmental Hazards*  
[www.njwec.org/PDF/WEC%20poster.pdf](http://www.njwec.org/PDF/WEC%20poster.pdf)

*You Have a Right to Disclose and Refuse to Participate in Unlawful Activity without Employer Retaliation* – CEPA. – Phone: 609-882-6100, [https://njwec.org/wp-content/uploads/2017/09/WEC\\_FactSheet\\_CEPA\\_Final\\_December2012.pdf](https://njwec.org/wp-content/uploads/2017/09/WEC_FactSheet_CEPA_Final_December2012.pdf)  
New Jersey Work Environment Council, [www.njwec.org](http://www.njwec.org)

Example of the CEPA Poster required to be posted in the workplace. [https://www.nj.gov/labor/forms\\_pdfs/lwdhome/CEPA270.1.pdf](https://www.nj.gov/labor/forms_pdfs/lwdhome/CEPA270.1.pdf)





### A New Jersey Work Environment Council Fact Sheet

## You Have A Right To Disclose and Refuse To Participate In Unlawful Activity Without Employer Retaliation.

New Jersey's Conscientious Employee Protection Act (CEPA), NJS 34:19-1, et seq protects you from employer retaliation if you:

**New Jersey's Conscientious Employee Protection Act (CEPA)**, NJS 34:19-1, et seq protects you from employer retaliation if you:

1. Disclose, or threaten to disclose, to a supervisor or to a public body an activity, policy, or practice of your employer or another employer, with whom there is a business relationship, that you reasonably believe violates a law, rule, or regulation.
2. Provide information to, or testify before, any public body conducting an investigation into any violation of law, rule, or regulation by your employer.
3. Object to, or refuse to participate in an activity that you reasonably believe violates a law or regulation, is fraudulent or criminal, or is incompatible with a clear mandate of public policy concerning public health, safety or welfare or protection of the environment.

**If you are a licensed or certified health care professional**, CEPA also protects your rights, in some cases, to object to, disclose, and/or refuse to participate in activities which you reasonably believe constitute improper quality of patient care.

### If you intend to use your rights under CEPA:

**Before reporting to a public body**, you must give written notice to your employer as to the activity, policy, or practice that you reasonably believe violates the law. You must also give your employer a reasonable chance to correct the problem before you report to any public body. Disclosure shall not be required if you are rea-

sonably certain that a supervisor or management knows of the problem. Written notice is unnecessary in cases of emergency or if you reasonably fear imminent physical harm.

**Do your homework.** Cases have been lost because employees could not clearly identify the law, regulation, or clear mandate of public policy on which employees were relying. A clear mandate of public policy cannot be based on a religious doctrine or an individual's personal belief, no matter how correct these principles may be. A code of ethics from a well-recognized source or a law's legislative intent may be used. You should also be able to explain the harm that will result from non-disclosure.

**Seek support of co-workers and your union.** If there is such support, the employer is more likely to correct their unlawful activity without retaliation. The judge is more likely to rule in your favor if co-workers agree with you.

**Document everything.** What you do must not only be reasonable, it must be proven in court. Document the conduct or condition that you believe violates the law or a clear mandate of public policy. Take notes and get witnesses. Keep a copy of all letters. In court, the burden of proof is on you.

**Use the least disruptive means** when asserting your rights under CEPA. If you refuse work, make it clear to your employer that you are refusing only a particular job because it is unlawful or it poses an imminent risk of serious physical harm or death. Offer to perform other work. Always maintain a calm and reasonable tone. Remember, if you go to court, you must defend your actions as objectively reasonable.

## If your employer retaliates:

Under CEPA, you may be able to recover compensatory and punitive damages, job reinstatement, attorney's fees and injunctive relief. A lawsuit under CEPA must be filed within one year.

## Other Remedies

In addition to CEPA, you may be protected under a variety of other laws. Choosing the best remedy is a difficult choice, so you should seek the advice of an experienced employment law attorney (see below) and a knowledgeable union representative.

You may file a complaint under other state or federal statutes.\* Some of these provide for administrative hearings. Others require going to court. Time limits vary but the complaint under many of these laws must be filed within 30 days. You may also file a lawsuit under New Jersey's common law, which must be filed within two years. Using these laws may preclude you from filing under CEPA.

You are more likely to resolve your claim sooner under the administrative proceedings, but you are less likely to receive the high monetary awards that courts sometimes provide. You may prosecute your case or you may reach a settlement without a lawyer. However, it is usually wise to retain a lawyer, particularly since your employer will certainly have one. Administrative proceedings are generally quicker than court proceedings under CEPA, largely because they do not include

- ◆ **Federal laws with administrative proceedings:** OSHA (Section 11(c)), Surface Transportation Assistance Act, Asbestos Hazard Emergency Response Act, Clean Air Act, Comprehensive Emergency Response Compensation and Liability Act, Energy Reorganization Act, Federal Water Pollution Control Act, International Safe Container Act, Safe Drinking Water Act, Solid Waste Disposal Act, Toxic Substance Control Act. You should file your complaint with the local office of the Occupational Safety & Health Administration (OSHA). The complaint should be in writing and include a full statement of the acts and pertinent dates that are believed to constitute the violation.

**Federal law requiring a lawsuit:** Title VII of the Civil Rights Act.

**New Jersey laws with administrative proceedings:** Public Employees Occupational Safety & Health Act, Worker and Community Right to Know Act.

**New Jersey law requiring a lawsuit:** Law Against Discrimination.

the extensive discovery proceedings provided by courts. However, the lack of administrative resources often limits these laws' effectiveness. An analysis of recent data for a seven-month period revealed that 74% of the 1,185 OSHA (Section 11(c)) complaints were either withdrawn by the complainant or dismissed by OSHA. An investigation under an administrative proceeding will influence the outcome of a lawsuit filed under CEPA or NJ's common law. You may also be protected by the National Labor Relations Act, especially if you acted with others.

You may also have a remedy pursuant to arbitration proceedings under your employment or union contract. The availability of arbitration under a contract may preclude you from suing under CEPA or other laws. Under most arbitration procedure for termination or discipline, the employer has the burden of proof, which makes success more likely. If your employer denies any adverse employment action or the presence of unsafe working conditions, however, the burden of proof may be on you. Monetary awards under arbitration may not be as large as under CEPA.

## Court Decision Ruling for Employees who did their Homework

Mobil Corporation fired their chief toxicologist for telling fellow employees in Japan that they should stop selling gasoline with 5% benzene. The court relied on the following sources for evidence that 5% benzene in gasoline violates a clear mandate of public policy concerning the public health and safety: a Japanese environmental regulation, the Japanese Petroleum Association Guideline, and persuasive scientific evidence. *Mehlman v. Mobil Oil Corporation*, 153 N.J. 185 (1998).

An industrial arts teacher was fired for reporting to his supervisor that his shop had inadequate ventilation. Although the teacher was not familiar with a specific regulation on ventilation, the court held that the teacher reasonably believed that poor ventilation violated a clear mandate of public policy because the ventilation was dangerous to health and safety of school children. *Abbamont v. Piscataway Twp.*, 269 N.J. Super. 11 (App. Div. 1993).

An employee was fired for refusing to "set up" a shop steward by planting an illegal object on him. The court relied on the following sources for evidence that the employee's refusal was valid on the basis of a clear mandate of public policy: National Labor Relations Act and the NJ Constitution protecting the right to organize and bargain collectively. *Radwan v. Beecham Lab.*, 850 F.2d 147 (3d Cir. 1988).





### **Court Decision Ruling Against the Employees for not doing his Homework**

A doctor refused to see patients because he was the only doctor available to treat about 300 patients at a nursing home. The nursing home fired the doctor for his refusal. The court ruled that the nursing home did not violate CEPA by firing him because there was no clear mandate of public policy that allowed him to refuse treatment. The court relied on the fact that he had a professional obligation to give treatment to the best of his ability despite the difficult circumstances. The court suggested that the doctor may have been protected if he had only reported the shortage of doctors in the nursing home. *Fineman v. NJ DHS*, 272 N.J. Super. 608 (App. Div. 1994).

**Employers are required to conspicuously display a notice of employee rights, protections, and obligations under CEPA. NJSA 34:19-7. \*\*\*\*\***

### **Court Decision Ruling Against the Employee for not using the Least Disruptive Means**

A blood bank employee was fired for intentionally destroying a blood bank sample to show his objection to and his refusal to participate in a hospital's dangerous identification practice. The court ruled that the employer did not violate CEPA by firing him because his actions were not reasonable and less disruptive means should have been used. *Haworth v. Deborah Heart & Lung Ctr.*, 271 N.J. Super. 502 (App. Div. 1994).

You can obtain a notice that satisfies the employer's requirement for posting from the N.J. Work Environment Council. To request a notice order form, contact us. This is an educational fact sheet and is not intended to provide legal advice regarding any specific case.

This fact sheet was written by Andrew Reese of the New Jersey Work Environment Council. WEC thanks the following employment law attorneys for reviewing this fact sheet and WEC's CEPA compliance poster:

**Bennet D. Zurofsky of Reitman Parsonnet, P.C.**

744 Broad St., Suite 1807, Newark, NJ 07102  
(973) 642-0885.

**David Tykulsker of Tykulsker and Associates**

161 Walnut St. Montclair, NJ 07042  
(973) 509-9292

Get further information on use of OSHA and other federal law anti-discrimination provisions from:

**William F. Boyle, Investigator, OSHA**

(609) 292-0404, email: [njonsite@dol.nj.gov](mailto:njonsite@dol.nj.gov);

or

**Richard Portius, Investigator, OSHA**

(201) 288-1700 (Bergen and Passaic Counties)

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172 W. State St., Second Floor  
Trenton, NJ 08608-1104  
609 882-6100  
Email: [info@njwec.org](mailto:info@njwec.org)

## When to use PEOSH

Local association members facing hazardous job conditions have many tools available to them when deciding what kind of action to take to prevent or eliminate risks. The New Jersey Public Employee Occupational Safety and Health (PEOSH) Act gives public school employees the right to file complaints about hazardous job conditions. Complaints may result in on-site inspections. If a PEOSH inspector finds a school district is not in compliance with standards, the district can be issued orders to comply and given abatement dates by which to comply.

A PEOSH complaint should only be filed when the local association has judged that it is likely to produce positive results. Indeed, filing a PEOSH complaint should be viewed as one strategy among many for eliminating and preventing hazardous working conditions. The following information can help you decide when you should – and when you shouldn't – make a formal complaint to PEOSH.

### Before you file a complaint with PEOSH

Whether you are facing hazards that pose “imminent danger” and need immediate action or those that have persisted for years, consider the following steps before filing a complaint with PEOSH.

**Use NJEA Resources:** Your local officers and UniServ field representative are experienced in negotiating with school districts over a range of issues, including unsafe working conditions. They should be able to judge whether to resolve hazardous conditions by working cooperatively with the district, by complaining to PEOSH, or by using other tactics. In addition, the legal power of the local association should help protect members from retaliation for taking action.

**Bring hazardous conditions to the district's attention:** It is the district's legal responsibility to keep staff jobs safe and healthful. Work with your local and the health and safety committee to notify the district about hazards – and allow an appropriate response time. Despite PEOSH's anti-retaliation provisions, districts may still retaliate against staff who raise health and safety concerns. Workers in unions have multiple protections against retali-

ation and therefore are least vulnerable when raising concerns directly with their employers.

**Meet or speak with PEOSH:** PEOSH staff can be helpful to locals who have questions about how to make the strongest case for an inspection. They may be familiar with your school district, and they are likely to be familiar with the types of hazards you are facing. However, you should be clear that by making this inquiry you are not asking PEOSH to take action – you are simply gathering information for a possible future complaint.

### Be aware of PEOSH strengths

**and weaknesses:** There are many good reasons for calling PEOSH. You or your co-workers may be in imminent danger. Or you may have notified your district about hazardous conditions and the response was unsatisfactory and the hazard remained. Or you and your co-workers believe notifying your employer directly is too risky. Yet before you contact PEOSH, you should become familiar with some of the agency's limitations.

### Know what's not regulated:

PEOSH standards do not cover every hazard, and many current standards are not protective enough. For example, there are no standards regulating extreme temperatures, workplace violence or other issues listed in the box.

- ❖ Standards regulating noise and chemicals are intended for industrial workplaces and will rarely be violated in schools except, perhaps, in shop situations.
- ❖ There are only unenforceable “guidelines,” not standards, for computer ergonomics and tuberculosis prevention.

Complaining to PEOSH about these hazards – or any of the “under-regulated” hazards – may not be enough to trigger an inspection or to get your employer to make changes even though a PEOSH inspection occurred. And even though the PEOSH Act's “General Duty Clause” legally requires employers to maintain safe and healthful workplaces “free of recognized hazards,” the agency enforces this provision of the law only in rare circumstances.

### What is regulated?

Some PEOSH regulations that are useful in the school setting are listed in the box. Health standards are listed first, then safety standards. By far the most common local association com-





plaint to PEOSH involves the first standard listed – the Indoor Air Quality (IAQ) standard. Links to the IAQ standard can be found on the PEOSH publications website and the NJEA Health and Safety site. All other standards can be viewed on the federal Occupational Safety and Health Administration (OSHA) website. Website addresses are given in the box on pg. 37.

### Try the threat of an inspection first

At its current staffing and inspection levels, PEOSH would take at least 20 years to inspect each of the 10,000 public workplaces in New Jersey just once. Because of weak regulations and limited PEOSH staff, the threat of an inspection may be more effective than an actual inspection. As one NJEA health and safety committee member said, “If you haven’t used the inspection as a threat, it’s too soon to file a complaint.” Some school districts will be wary of having an outside group inspecting their facilities, telling them what to do, and possibly fining them. Management may well increase its cooperation with the local association under threat of a PEOSH inspection.

PEOSH is most effective when used as part of a local plan for health and safety that includes member education, a health and safety committee, active rank and file involvement, and contract enforcement.

### Websites with more information

PEOSH-only standards are found at:  
<https://www.nj.gov/labor/safetyandhealth/>

OSHA standards adopted by PEOSH are found at  
[www.osha.gov](http://www.osha.gov)

Or use OSHA Topic pages at: <https://www.osha.gov/construction/topics>

### Useful PEOSH health standards in the school setting

NJAC 12:100-13	Indoor air quality
NJAC 12:100-7	Hazard Communication
1904	Recording and reporting occupational injuries and illnesses
1910.95	Occupational noise exposure
1910.106	Proper storage of chemicals
1910.132	Protective clothing
1910.133	Eye and face protection
1910.134	Respiratory protection
1910.138	Glove protection
1910.141	Sanitation of toilets and lunchrooms
1910.151	Medical services and first aid; emergency eye and body wash
1910.1000	Air contaminants
1910.1020	Access to medical and monitoring data
1910.1030	Bloodborne pathogens
1910.1450	Occupational exposure to hazardous chemicals in labs
1926.62	Lead in construction
1926.1101	Asbestos in construction

### Useful PEOSH safety standards in the school setting

1910.23	Guarding floor and wall openings
1910.24	Fixed Stairs
1910.25-.26	Portable ladder safety
1910.36-.37	Exits
1910.38	Emergency preparedness
1910.101	Compressed gases
1910.106	Flammable and combustible liquids
1910.107	Spray finishing
1910.146	Confined space entry
1910.147	Control of hazardous energy; electrical lockout
1910.157	Portable fire extinguishers
1910.160	Fixed fire extinguishing system
1910.212	Machine guarding
1910.242-.244	Hand and portable power tools
1910.252	Welding, cutting, brazing
1910.303	General electrical requirements
1910.304	Electrical grounding, guarding
1910.305	Wiring methods

## Filing a PEOSH Complaint

Once you have determined that complaining to PEOSH may be useful, you still need to make your case loud and clear enough to get the agency's attention and a productive outcome. The response you get from PEOSH may depend not only on how and when you contact them, but also on how well your complaint addresses the severity of the hazard, the connection between the hazard and a specific PEOSH standard, and whether the hazard poses a clear and immediate danger. *Take time to fill out the PEOSH complaint form completely and clearly.* The information you provide on the complaint form will probably be the only description of the specific hazard the inspector will see before the inspection. The inspector will base his or her research and inspection plan on this information.

The *hazard description* is the most important question on the form. Your answer should present the hazards clearly and show that they are serious. Use extra paper if you need it. You can organize your answer by hazard type (for example, chemicals, indoor air quality), by work area (for example, classrooms, nurse's office, buses), or by another logical category. Number the hazards.

Describe the hazards and attach documentation. This can include copies of workplace surveys, monitoring data, accident and illness reports, grievances, minutes of safety and health committee meetings, and anything else that can show the inspector that there are hazards. Specify the approximate number of employees exposed to each hazard. If it is useful, draw a picture of the hazard or take a photo. If the hazard only occurs at a certain time of day, or when the windows are closed, make that clear. Be complete – if you want an area inspected, complain about it, because PEOSH may limit its inspection to only those areas named in the complaint. Your answer should make the seriousness of the hazard clear. If anyone has already been injured or made sick by the hazard, give their job titles, symptoms and describe the injury or illness.

If your complaint is about chemical exposure, the inspector may need to bring particular testing equipment. Indicate specific chemical names wherever possible and attach *Safety Data Sheets (SDSs)*.

A leader within the local association should file the complaint. It would be preferable to have the local's health and safety committee file the complaint.

The local association representative completing the complaint form should fill in the local's address and the local, work, and home phone numbers, sign the complaint and check the boxes that state "My name may be revealed to the employer," and "I want to be present when the inspection is conducted." This person's title and the name and address of the local go at the end of the complaint form. Because inspections are unannounced, this information will help to ensure that a local representative can be contacted to participate in the inspection. At the bottom of the complaint form, write in names and phone numbers for alternates who should be contacted in case the complainant is not available.

### Where to File a PEOSH Complaint

File with the agency that covers the type of complaint issues. The PEOSH complaint form is at [https://www.nj.gov/labor/forms\\_pdfs/lsse/peosh-comp.pdf](https://www.nj.gov/labor/forms_pdfs/lsse/peosh-comp.pdf) and is also included at the end of this section. When in doubt of where to file, use the Department of Labor.

**Department of Health PEOSH Program –**  
Health hazards  
Phone: 609-984-1863

**Department of Labor Office of Public Employee Safety –** Safety hazards, Recordkeeping and Discrimination Complaints  
Phone: 609-633-3896, 609-292-7036,  
800-624-1644

### Designate an employee representative

A local association representative has a right to participate in the inspection. This includes the opening and closing conference and walking around with the inspector to point out problems. Under no circumstances may the district choose this representative. The complainant has the independent right to participate in the inspection during PEOSH inspections. Any staff member has the right to talk privately with the inspector about any concern.

PEOSH inspectors must determine as soon as possible after arrival on site whether workers are represented by a union. Inspectors also ensure employee representatives have the opportunity to participate in all phases of the inspection. Note that an employee representative must be summoned at once although they are working, even teaching.





## Preparing for the inspection

Once you file a complaint, be ready for an inspection. For complaints that PEOSH considers “serious,” the inspection should occur within 30 days. If it does not, call and ask about the delay.

Tell co-workers, especially health and safety activists, that you filed a complaint, so they have time to prepare their comments for the inspector. Review your completed complaint form and the relevant PEOSH standards. Keep notes on new problems or workplace changes.

## The inspection

An inspection includes an opening conference, a walkthrough of all or parts of the workplace, and a closing conference. It may take several hours or several days, depending on the number of hazards, workplace size, and whether or not sampling needs to be conducted. Take notes throughout the process. Write down the names of those present and what is said and done at each stage of the inspection.

## Good things to do During a PEOSH Indoor Air Quality (IAQ) Inspection

- ❖ Pick several possible local association walkthrough representatives in advance. Notify PEOSH and the district in writing of their names and cell phone numbers.
- ❖ Write down the names of those present and what is said and done at each stage of the inspection.
- ❖ Attend the opening conference. Ask the inspector to review the PEOSH IAQ Standard, Inspection Guidance Document. Make sure the inspector follows this guidance.
- ❖ Ask for copies of any documents the district gives the inspector.
- ❖ Ask that someone familiar with the ventilation systems and with keys to locked areas accompany the inspector on the walkthrough.
- ❖ Walk around with the inspector.
- ❖ Complete the IAQ Inspection Checklist along with the inspector.
- ❖ Point out problems to the inspector.
- ❖ Have members point out problems to the inspector in private.
- ❖ Have members tell the inspector in private about any of their health problems that may be related to poor IAQ.
- ❖ Ask the inspector to measure carbon dioxide if lack of outdoor air supply is a problem. To be accurate, this must be done after at least four hours of occupancy with the windows closed.
- ❖ Ask the inspector to visit all areas of concern. This may include the roof, mechanical rooms, crawl spaces, basements.
- ❖ Ask the inspector to inspect the ventilation system in detail.
- ❖ Ask the inspector to measure temperature and humidity if these are a problem.
- ❖ Write down information on any samples or measurements that are taken, noting time, place, circumstances, and results, with units.
- ❖ Attend the closing conference.
- ❖ Give input into how long it should take to fix violations.
- ❖ Write down recommendations that are made and ask that they be included in the report.
- ❖ Ask the inspector to return another day to continue the inspection if you don't feel there was enough time to do a thorough inspection.
- ❖ Ask PEOSH for a re-inspection if you feel the inspector didn't do a good job.
- ❖ Once the report is issued, follow up with the guidance of your UniServ field representative. Involve local association members.
- ❖ If orders to comply are issued, make sure they are posted for a minimum of 15 days or until abated, whichever is longer.
- ❖ If recommendations are made, publicize them and make sure they are followed.

## After the inspection

After an inspection is conducted, a report letter is written and sent to the complainant, local association and district explaining any violations of existing standards and/or recommendations to remedy the problem. Orders to comply, penalties, and abatement dates may be issued if any violations of standards were observed. The district must abate the violation within a designated time frame.

If the district cannot meet the abatement date, it must send a letter to PEOSH requesting an extension. This extension letter must include the new abatement date requested, rationale for the request, contracts, work orders, or similar documentation demonstrating a plan of action, including specific deadlines to permanently abate the hazard, and the interim control measures instituted to protect school staff.

When a district requests an extension, PEOSH will notify the complainant and local association representative and provide them ten days to comment. If comments are not received and it is determined that the district is making a good-faith effort to abate the violations, an extension will be granted.

If comments in opposition are received, the matter will be reviewed. All parties will be notified of the determination within 20 days. Any party may appeal this determination within 15 working days to the PEOSH Review Commission.

If it is determined that the district is not making a good-faith effort to abate the violation, an order to comply establishing penalties will be issued within 20 days. Ask your UniServ field representative to help you consult the PEOSH Procedural Regulations (NJAC 12:110-4.11) for more complete information.

### Websites with more information

PEOSH Complaint Form  
[http://www.nj.gov/labor/forms\\_pdfs/lse/peoshcomp.pdf](http://www.nj.gov/labor/forms_pdfs/lse/peoshcomp.pdf)

### Publications with more information

*OSHA Inspections*, OSHA Publication 3000, 2018  
[www.state.nj.us/health/workplacehealthandsafety/peosh/compform.shtml](http://www.state.nj.us/health/workplacehealthandsafety/peosh/compform.shtml)

*All About OSHA*, OSHA Publication 3302-02R, 2020  
[www.osha.gov/sites/default/files/publications/all\\_about\\_OSHA.pdf](http://www.osha.gov/sites/default/files/publications/all_about_OSHA.pdf)

*PEOSH Field Inspections Reference Manual (FOM)*  
[www.nj.gov/labor/safetyandhealth/assets/PDFs/OPEOSH/peosh\\_fom.pdf](http://www.nj.gov/labor/safetyandhealth/assets/PDFs/OPEOSH/peosh_fom.pdf)







State of New Jersey

**PUBLIC EMPLOYEES  
OCCUPATIONAL SAFETY AND HEALTH**

**STATE USE ONLY**

Complaint No.

**COMPLAINT  
(Continued)**

19. To your knowledge, has this complaint been the subject of any union/management grievance or have you (or anyone you know) otherwise called it to the attention of, or discussed it with, the employer or any representative thereof?

Yes  No

If Yes, give the results, thereof, including any efforts by management to correct the violation.

20. Name of Union

21. Local Number

22. Name of Employee Representative

23. Telephone Number

( )

24. Title

THE INFORMATION BELOW WILL REMAIN CONFIDENTIAL UPON REQUEST

25. Please indicate your desire:

DO NOT REVEAL MY NAME TO THE EMPLOYER. OR

MY NAME MAY BE REVEALED TO THE EMPLOYER.

I WANT TO BE PRESENT WHEN THE INSPECTION IS CONDUCTED.

26. The complainant, whose signature appears below (check one):

Employee

Representative of Employees

Employer

Other (Specify):

27. Name of Complainant (Print or Type)

28. Signature

29. Date

30. Street Address

31. City, State, Zip

32. County

33. Telephone Number

( )

34. Best Time to Contact

**IF YOU ARE AN AUTHORIZED REPRESENTATIVE OF EMPLOYEES  
AFFECTED BY THIS COMPLAINT, COMPLETE THE FOLLOWING:**

35. Name of Organization

36. Your Organization Title



## Use Hazard Communication and Right to Know (RTK)

The PEOSH Hazard Communication standards give workers rights to information on chemical hazards. The standards require that employers:

- ❖ Label hazardous chemicals.
- ❖ Have *Safety Data Sheets (SDSs)* available for review by potentially exposed workers and union representatives during the workshift.
- ❖ Train all workers who are potentially exposed to hazardous chemicals at the time of their initial assignment, new assignment, or introduction of a new hazardous substance.
- ❖ Maintain a list of hazardous chemicals in that specific workplace.
- ❖ Have a written *Hazard Communication Program* that includes the employer's plan for doing the above tasks.

The PEOSH Hazard Communication standard overlaps with the New Jersey Worker and Community Right to Know Act. Public employers must comply with both.

### Chemical Container Labeling

All New Jersey employers must ensure that products containing chemicals are labeled according to both the PEOSH Hazard Communication standard and the New Jersey Worker and Community Right to Know Act.

- ❖ The PEOSH label must include:
  - ◆ The identity of the product or chemical.
  - ◆ Appropriate hazard warnings.
  - ◆ The name and address of the manufacturer or importer.
- ❖ The Right to Know label must include:
  - ◆ The top five ingredients of the product, whether they are hazardous or not.
  - ◆ Any other hazardous chemicals in the product that are not included in the top five ingredients.
  - ◆ Chemical Abstracts Service (CAS) numbers of the ingredients listed on the label. CAS numbers are unique numerical identifiers for chemical compounds

### Helpful hint

A request letter to DOH to obtain a school's *Right to Know Survey* is found in Part V.

### Publications with more information

*Public Employers – Major Provisions of Right to Know Labeling*, <https://www.nj.gov/health/workplacehealthandsafety/documents/right-to-know/rtklbl2021.pdf>

### How to Obtain Lists of Chemicals Used in a Specific Workplace

School employees may request their employer's written *Hazard Communication Program*, which should include a list of all hazardous chemicals used at that workplace. Note that the list may use trade names that do not easily identify hazards.

School employees may also request their employer's *Right to Know Survey* of substances designated hazardous by the State of New Jersey. It contains more information than the Haz Com list. It must contain chemical names, not trade names.

Request a copy of the *Right to Know Survey* for the school from the district or from the DOH Right to Know Program. Phone: 609-984-2202.

## Examine Fact Sheets on Chemical Hazards

In order to understand the acute and chronic health effects and safety hazards of hazardous substances, you must read the fact sheets published on them. School districts must make these fact sheets available to school employees. While these fact sheets are an important source of information, remember there are many gaps in what is known about the effects of chemicals on workers. Most chemicals have not been adequately tested to determine all their health effects.

The two most common types of fact sheets on chemical hazards are *Safety Data Sheets (SDSs)* and *Hazardous Substance Fact Sheets (HSFSs)*. There are other types ranging from very simple to very detailed. See the websites below for where to find them online.

### Safety Data Sheets (SDSs)

A *Safety Data Sheet (SDS)* will give some information on the health hazards of the product. SDS are written by chemical manufacturers and should contain a list of hazardous ingredients and may contain the percent of each ingredient in the product. Ingredients may be missing if they are considered a trade secret. Unfortunately, SDS often provide poor quality, incomplete, and confusing information, especially on the long-term health effects of exposure.

### What Information Is Included in an SDS?

- ❖ Identity/Trade Name
- ❖ Manufacturer
- ❖ Hazardous Ingredients
- ❖ Physical/Chemical Characteristics
- ❖ Fire and Explosion Hazard Data
- ❖ Reactivity Data
- ❖ Health Hazard Data
- ❖ Precautions for Safe Handling and Use
- ❖ Control Measures

### Hazardous Substance Fact Sheets (HSFSs)

To obtain more complete health and safety information on specific chemicals, review New Jersey Department of Health (DOH) *Hazardous Substance Fact Sheets (HSFSs)*. They have a user-friendly format and are available in English for more than 1,700 chemicals. They are also available in Spanish for more than 600 chemicals. These fact sheets are available free online at <https://web.doh.state.nj.us/rtkhsfs/indexfs.aspx>, from each county's Right to Know County Lead Agency, or from the school district. They are also available by calling the DOH Right to Know Program. Phone: 609-984-2202

### What Information Is Included in a HSFS?

- ❖ Definitions
- ❖ Description, Reason for Citation, First Aid, Hazard Summary, Workplace Exposure Limits
- ❖ Determining Your Exposure, Health Hazard Information, Medical Testing
- ❖ Information for Emergency Responders
- ❖ Spills and Emergencies, Handling and Storage, Right to Know Information Resources
- ❖ Workplace Controls and Practices, Personal Protective Equipment, Fire Hazards

### An Important Difference between SDSs and HSFSs

Note that an SDS gives health and safety information for a product that is often a mixture of several individual chemicals. A HSFS gives health and safety information for individual chemicals. Several HSFSs will be needed for any mixture or product, one for each chemical ingredient found on the SDS.

## Publications with more information

*Description of a Hazardous Substance Fact Sheet.* Descriptions for both old and new formats, available in English and Spanish

*You Have the Right to Know* – Overview of the Right to Know law, available in English and Spanish. Links to all at <https://www.nj.gov/health/workplacehealthandsafety/documents/right-to-know/rtklbl2021.pdf>

Or call the RTK Program at 609-984-2202

## Websites with more information

OSHA Safety Data Sheet pages  
<https://www.osha.gov/dsg/hazcom/index.html>

NIOSH Chemical Resources Home Page  
<https://www.cdc.gov/niosh/topics/chemical-safety/>

### Other Chemical Hazard Fact Sheets

NIOSH Chemical Cards – <https://www.cdc.gov/niosh/ipcs/default.html>





## Workers' Compensation

Safety hazards in schools can cause injuries such as strains and sprains, broken limbs, back and spine pain, burns, and concussions. Health hazards can cause illnesses like dermatitis and occupational asthma.

The most recent data available shows that almost 8,400 work-related injuries and 200 work-related illnesses were reported by New Jersey's public schools in 2010 (source: New Jersey Department of Labor and Workforce Development, Labor Planning & Analysis, 2010 Survey of Occupational Injuries and Illnesses). If all such instances were reported by school districts, these numbers would be much higher.

Fortunately, there are strong laws in New Jersey to compensate school employees harmed by unsafe and unhealthy working conditions. In addition to the Workers' Compensation Act, school employees are covered by NJSA 18A:30-2.1, which provides them with full salary from the day of the incident without the absences being charged to sick leave. Together, these laws provide benefits that may include payment of:

- ❖ Medical benefits for reasonable and necessary medical treatment provided by the school board-authorized physician.
- ❖ Full wages for up to one year. Amounts received are tax exempt and pension credit continues to accrue.
- ❖ Partial wages beyond one year. In New Jersey this is 70 percent of the gross weekly wages lost while out, subject to a cap of 70 percent of the state average weekly wage, which is adjusted annually. In 2011, the maximum is \$792 a week.
- ❖ Permanent partial disability benefits.
- ❖ Permanent total disability benefits.
- ❖ Death benefits to surviving spouses and dependent children of workers killed on the job.

### Actions that local associations can take

#### To ensure injured workers' rights, local associations can:

- ❖ Make sure that workers take immediate action to preserve their sick days by contacting the regional UniServ field representative. Strict timelines apply to preserving sick days. It is vital to promptly file a petition with the Commissioner of Education to preserve the days.
- ❖ Ensure injured workers complete reporting forms as soon as possible to avoid forfeiture of benefits.

- ❖ Ensure that workers do not have to use their own health insurance, sick time, or vacation time while healing from work-related injuries and illnesses.
- ❖ Keep in touch with those who are harmed on the job, especially if they are not back to work. These workers need to see that their coworkers are concerned about their treatment and recovery. Such solidarity often helps with recovery and demonstrates that no worker is "disposable."

### NJEA Legal Services

Restoration of sick days for work-related injuries, retaliation against members for filing a compensation claim or otherwise asserting compensation rights, and other contractual and statutory issues related to such injuries are covered by NJEA Legal Services. These services are accessed through your regional UniServ field representative.

### Other Legal Services

Workers' compensation was designed to be a no-fault system. Unfortunately, school boards may delay compensation by arguing that injuries and illnesses are not work related. This happens particularly with occupational disease cases. Therefore, the safest way to ensure eligibility for benefits is to have a lawyer on the worker's side who understands the compensation system.

Lawyers are not permitted to charge a fee in advance for handling these cases. Fees will be fixed by the judge only if a compensation award is made. Fees are capped at 20 percent of the award, usually payable 60 percent by the board and 40 percent by the worker.

### Finding a Workers' Compensation Lawyer

Although workers compensation claims are not covered under the NJEA Legal Services plan, many of NJEA's network attorneys handle such matters in their own practice. Your UniServ field representative or NJEA network attorney may be able to offer some leads. Other leads may be found through more traditional methods such as the recommendations of family, friends, and coworkers.

#### There are also several websites that may offer some leads such as:

- ❖ New Jersey State Bar Association, 732-249-5000, listing of County Bar Associations, <https://tcms.njsba.com/personifyebusiness/Resources/CountyBarAssociations.aspx>

- ❖ American Bar Association, 800-285-2221, Consumers' Guide to Legal Help [https://www.americanbar.org/groups/legal\\_services/flh-home/](https://www.americanbar.org/groups/legal_services/flh-home/)

### Can my work-related injury or illness be compensated?

Injury or illness that can be shown to be caused or made worse by a worker's job is compensable in New Jersey. The injury or exposure must take place at the workplace during the workday or while engaged in an activity incidental to those duties, such as traveling from one worksite to another, walking through the parking lot, or certain union functions like bargaining.

Injuries may include sprains, strains, fractures, cuts, lacerations, punctures, bruises, contusions, heat burns, welding flash, chemical burns, amputations, repetitive strain injuries such as carpal tunnel syndrome, and soreness or pain, including back pain. Hearing loss or ringing in the ears is covered in some circumstances.

There is no list of covered illnesses; all work-related illnesses are potentially covered. Illnesses commonly found to be work-related include asthma, asbestosis, silicosis or other lung diseases; hepatitis, HIV, TB, Lyme disease or other infectious diseases; skin diseases; malignant or benign tumors; occupational reproductive disorders; heat stroke and heat exhaustion; frostbite; and poisonings.

Conditions such as diabetes and heart disease that are sometimes work-related can be covered if the facts support that in individual cases.

### Actions members can take

To make certain that any potential workers' compensation case is handled fairly it is vital that members do not delay taking actions that create a record of the event.

- ❖ Report any work-related injury or illness immediately to the appropriate school personnel.
- ❖ Request immediate medical attention from a board-approved physician.
- ❖ Request that an incident report be prepared. Keep a copy for your records.
- ❖ Contact your local association president.
- ❖ Submit notes from the physician to your supervisor or school board office. Keep a copy for your records.
- ❖ Keep your board, supervisor, and local association up to date on your ongoing absences.
- ❖ Return to work when released by the physician.

- ❖ If the board charges your absences to sick leave, call your regional UniServ field representative.
- ❖ Ask for your case to be re-opened if the effects of the injury or illness significantly worsen within two years from the last date a benefit was issued or medical treatment rendered.

### Third-Party Lawsuits

A third-party lawsuit is a special type of personal injury lawsuit in which a worker or group of workers claims that exposure to a chemical, machine, or device caused their injury or illness and the responsible party is someone other than their employer. This is an important distinction because workers' compensation laws severely restrict the possibility of lawsuits directly against the employer.

Third-party cases arise from work but must be brought against third parties, that is, people or entities other than the employer – usually manufacturers or distributors of toxic chemicals or dangerous machines or devices, and the owners and lessors of premises where the worker is exposed to the toxic chemicals, or contractors that may have installed or maintained equipment improperly. Co-workers may not be sued.

When the lawsuit involves chemical exposure it is called a "toxic tort." Most of the law in this area arises from asbestos exposure, but benzene, beryllium, pesticides, silica, and manganese are also common toxic injury cases.

### Medical Treatment

"The employer shall furnish to the injured worker such medical, surgical and other treatment, and hospital service as shall be necessary to cure and relieve the worker of the effects of the injury and to restore the functions of the injured member or organ where such restoration is possible... If the employer shall refuse or neglect to comply with the foregoing provisions of this section, the employee may secure such treatment and services as may be necessary, and the employer shall be liable to pay therefore..." NJSA 34:15-15; *Wagner v. Transamerica Ins. Co.*, 167 N.J. Super 25 (A.D. 1979)

Make certain that any and all injuries requiring treatment are reported to the employer. The employer must first be given the opportunity to provide medical treatment.

If the injury is reported and the employer refuses to provide treatment, treatment may be obtained on your own if it is an emergency. Otherwise, contact your regional NJEA UniServ office for assistance in obtaining a workers' compensation attorney to file a "Motion for Medical Treatment." Such a motion should be filed if treatment is terminated prematurely.





## Finding an Occupational Physician

There are physicians in and near to New Jersey who specialize in the evaluation and treatment of individuals exposed to hazards on the job.

## Websites with more information

*Physicians in New Jersey Specializing in Occupational & Environmental Illness*  
<https://www.nj.gov/health/workplacehealthandsafety/occupational-health-surveillance/oemdlst.shtml>

Another site where you can find an occupational physician is the Association of Occupational and

Environmental Clinics (AOEC) Clinic Directory at <http://www.aoec.org/index.htm> . Or call AOEC at 888-347-2632. All AOEC member clinics meet specific criteria that promote providing high quality health care and patient rights. The AOEC Clinic in New Jersey is:

### **UMDNJ - Robert Wood Johnson Medical School**

Clinical Center for Occupational and Environmental Health  
Environmental and Occupational Health Sciences Institute  
170 Frelinghuysen Road  
Piscataway, New Jersey 08854  
Phone: 732-445-0123

# Getting help & information

## Getting Help with School Health & Safety Concerns

### Government Agencies

The following Federal, State, and local agencies can offer school health and safety information, publications, training, research, onsite consultation, enforcement, advocacy or some combination of these. Here are some tips for making the best use of their resources.

When you reach an agency on the phone, don't launch into a long story or immediately ask for an enforcement inspection. Instead, say, "I'm seeking information and advice on such and such issues. I also want to discuss the possibility of filing a complaint and getting an enforcement inspection" Expect to be transferred a few times. Be patient. Be sure you are talking to the right person before giving the whole story. This will save you time in the long run.

Make notes documenting the call including the date, phone number, agency, who you spoke to, their title, and what they told you. Be sure to get the names, phone numbers, and email addresses of people who have been helpful. You may need to send them follow-up information or contact them again at a later date. Be sure to give them your contact information if they will need to get back to you.

**Public Employees Occupational Safety and Health (PEOSH)** Program is responsible for health and safety enforcement for staff in New Jersey public schools.

Health hazards such as indoor air quality, mold, and chemical hazards

**New Jersey Department of Health** 609-984-1863  
<https://www.nj.gov/health/workplacehealthandsafety/peosh/>

Safety hazards, discrimination, and record-keeping

**New Jersey Department of Labor and Workforce Development**

609-292-7036 or 800-624-1644

<https://www.nj.gov/labor/safetyandhealth/>

**Consumer, Environmental, and Occupational Health Service** in the New Jersey Department of Health can offer information, advice, and

sometimes enforcement on issues such as asbestos, lead, mold, and the EPA Indoor Air Quality Tools for Schools Program. 609-826-4950

<https://www.nj.gov/health/ceohs/>

### Emergency Telephone Numbers

**Poison Help:** 800-222-1222, 24 hours a day, 7 days a week

**Report Deaths or Catastrophes to PEOSH** (including hospitalization of three or more employees): 800-624-1644

**Report Toxic Releases/Spills:** 877-WARN-DEP (877-927-6337)

**Communicable Disease Program in the New Jersey Department of Health** can offer information, advice, and sometimes enforcement on issues such as tuberculosis, hepatitis, meningitis, vaccines, etc.

609-826-4872; 609-826-5964

<https://www.nj.gov/health/>

**Cancer Epidemiology Program in the New Jersey Department of Health** can offer information and advice about cancer cluster concerns in the workplace and community.

609-633-0500

<https://www.nj.gov/health/ces/cancer-researchers/surv-research/>

**New Jersey Department of Environmental Protection** can offer information, advice, and enforcement on contamination of school sites, school bus idling, integrated pest management, radon, lead in drinking water, ozone and other air pollutants, and mercury.

DEP Public Access Center, 609-777-3373.

<https://www.nj.gov/dep/cmp/access/>

DEP School Facilities, 609-777-3373.

<https://www.nj.gov/dep/school/>

Contamination of school sites, 800-253-5647.

<https://www.nj.gov/dep/srp/community/sites/>

School bus idling, 609-292-7953.

<https://www.nj.gov/dep/stophesoot/sts-schools.htm>

Integrated pest management, 609-530-4070,  
[www.nj.gov/dep/enforcement/pcp/pcp-ipm.htm](http://www.nj.gov/dep/enforcement/pcp/pcp-ipm.htm)

Radon, 800-648-0394.

[www.nj.gov/dep/rpp/radon/index.htm](http://www.nj.gov/dep/rpp/radon/index.htm)

Lead in drinking water, 609-292-5550.

[www.nj.gov/dep/watersupply/](http://www.nj.gov/dep/watersupply/)

Mercury, 609-984-6070.

<https://www.nj.gov/dep/dsr/mercury/>





**Division of Codes and Standards in the New Jersey Department of Community Affairs (DCA)** enforces the Uniform Construction Code in Abbott Districts, including issuing certificates of occupancy. The division enforces elevator safety, the Asbestos Hazard Abatement Subcode, also known as Subchapter 8 of the Uniform Construction Code as well as the Lead Hazard Abatement rules in all buildings and structures undergoing lead hazard abatement. 609-984-7609. [www.state.nj.us/dca/divisions/codes/index.html](http://www.state.nj.us/dca/divisions/codes/index.html)

**Local Construction Code Officials** enforce the Uniform Construction Code in non-Abbott districts. Find your code official at [https://www.state.nj.us/dca/divisions/codes/publications/pdf\\_ora/muniroster.pdf](https://www.state.nj.us/dca/divisions/codes/publications/pdf_ora/muniroster.pdf)

**New Jersey Schools Development Authority (NJSDA)** is responsible for monitoring construction-related health and safety problems in public schools if the projects are funded by them. <https://www.njsda.gov>

Headquarters – 609-943-5955

Southern NJ – 609-292-5788

Northern NJ – 973-648-8335

**Occupational Safety and Health Administration (OSHA)** is responsible for health and safety enforcement for employees of private contractors working in the public schools, for example, construction workers and privatized custodians. 1-800-321-6742, toll-free, 24 hours a day, 7 days a week. [www.osha.gov](http://www.osha.gov)

**Local Health Departments** can offer information, advice, and sometimes enforcement on issues related to sanitation, food safety, noise, and other public health nuisances. Find your local health department by calling 609-292-4993 <https://www.nj.gov/health/lh/documents/LocalHealthDirectory.pdf>

**Local Fire Officials** can offer information, advice, and enforcement inspections on fire extinguishers, sprinklers, alarms, exits, and flammable materials. Find your local fire officials in the government pages of the phone book. <https://www.nj.gov/nj/gov/county/localgov.html>

## New Jersey Work Environment Council

The New Jersey Work Environment Council (WEC) is New Jersey's leading organization dedicated to winning safe and healthy jobs for all workers. Formed in 1986, WEC is a non-profit alliance of 70+ labor, community, and environmental organizations working together for safe, secure jobs and a healthy, sustainable environment. NJEA, as well as many of its local affiliates, are WEC members.

WEC helped win the New Jersey Public Employees Occupational Safety and Health (PEOSH) Act, the New Jersey Worker and Community Right to Know Act, amendments to the New Jersey Conscientious Employees Protection Act, and other safeguards, including those for indoor air quality in schools and other public workplaces.

Through participating in WEC, your local association can gain new allies. WEC links workers, unions, communities, and environmentalists through grassroots organizing, and public policy campaigns to promote dialogue, collaborations, and joint action. WEC leaders and staff have extensive experience building alliances, helping to explain your point of view, and securing free media coverage.

WEC works closely with NJEA and its UniServ staff representatives to provide information about occupational and environmental health problems in schools and to help plan specific campaigns to win safe and healthy working conditions. This can include assistance setting up an effective health and safety committee, involving members, using government agencies (like EPA and PEOSH) and developing contract proposals.

### Each WEC affiliate is entitled to these benefits:

- ❖ A free annual speaker. WEC volunteer experts include physicians, industrial hygienists, attorneys, and other occupational health and safety professionals
- ❖ WEC@WORK, a free periodic bulletin that keeps you up-to-date on key job safety and environmental health issues and events.
- ❖ WEC action alerts, which identify actions you can take on key regulatory, policy, and organizing issues.

WEC can provide training on a wide range of safety and health topics.

WEC has also produced many health and safety fact sheets and other publications. Download them at [www.njwec.org](http://www.njwec.org)

### For more information, contact:

#### New Jersey Work Environment Council (WEC)

172 W State Street, 2nd Floor  
Trenton, NJ 08608-1104  
Phone: (609) 882-6100  
Email: [info@njwec.org](mailto:info@njwec.org)  
Visit: [www.njwec.org](http://www.njwec.org)

#### New Jersey Environmental Federation

WEC's partner, the New Jersey Environmental Federation (NJEF), is a nonprofit organization dedicated to preventing pollution in New Jersey's communities, workplaces, and environment and related harms associated with toxic exposure and contamination. NJEF can provide one-hour training workshops through their Healthy School/Healthy Town Initiative. They are offered as a single session of your choice, selected series of trainings over time, within a full or half day, and/or part of a larger event or conference. Continuing Education Unit (CEU) credits can be arranged.

### Training topics include:

- ❖ Implementing Integrated Pest Management (IPM), least toxic options, and "Pesticide Free Zones"
- ❖ Assuring Safe Drinking Water in Schools
- ❖ Converting to Safe and Green Cleaning Products in Schools
- ❖ Lead Poisoning Prevention from Soil and Drinking Water
- ❖ Diesel Reduction Practices including "No Idling Zones" and "Kids Clean Air Zones"
- ❖ Zero Waste – Reduce, Reuse, Recycle

### For more information, contact

#### New Jersey Environmental Federation (NJEF)

1002 Ocean Avenue  
Belmar, NJ 07719  
Phone: (732) 280-8988

### or visit:

<https://www.cleanwateraction.org/campaign/hsht>





## Top Ten School Health & Safety Websites

These websites have been selected because they are the best available on school health and safety topics. When you need reliable information, these are where to explore.

### 1. NJEA Health and Safety

<https://www.njea.org/health-safety-publications/>

Access to all NJEA health and safety publications including the health and safety manual, booklets and pamphlets, and *NJEA Reporter* articles. Also links to other useful websites.

### 2. EPA Healthy School Environment Resources

<https://www.epa.gov/schools>

Gateway to online resources to help facility managers, school administrators, architects, design engineers, nurses, parents, teachers and staff.

### 3. EPA Indoor Air Quality (IAQ), Tools for Schools

<https://www.epa.gov/iaq-schools/indoor-air-quality-tools-schools-action-kit>

A comprehensive resource to help maintain a healthy environment in school buildings by identifying, correcting, and preventing IAQ problems.

### 4. EPA Indoor Air Quality (IAQ), Design Tools for Schools

<https://www.epa.gov/iaq-schools/indoor-air-quality-design-tools-schools>

Detailed guidance and links for new school design and repair and maintenance of existing facilities. Though its primary focus is IAQ, the intent is to encourage school districts to embrace designing high performance schools with an integrated, “whole building” approach to myriad priorities, such as energy efficiency, IAQ, day-lighting, materials efficiency, and safety, with tight budgets and limited staff.

### 5. National Clearinghouse for Educational Facilities (NCEF)

<http://www.ncef.org/>

Provides information on planning, designing, funding, building, improving, and maintaining safe, healthy, high performance schools. Resources on 120 topics with descriptions of reports, journal articles, and publications and website links.

### 6. PEOSH Department of Health

<https://www.nj.gov/health/workplacehealthandsafety/peosh/>

Public Employees Occupational Safety and Health information on health-related topics.

### 7. PEOSH Department of Labor and Workforce Development

<https://www.nj.gov/labor/safetyandhealth/>

Public Employees Occupational Safety and Health information on safety-related topics. Use the drop down box at the bottom of the page to access over 35 safety alerts.

### 8. New Jersey Safe Schools Manual

<https://sph.rutgers.edu/training/nj-safe-schools/manual.html>

A manual of 82 self-inspection checklists on environmental, health and safety regulations for secondary occupational and career-oriented programs.

## Union Health and Safety Websites

### National AFL-CIO

<https://aflcio.org/issues/workplace-health-and-safety>

### AFSCME: American Federation of State County, and Municipal Employees

<https://www.afscme.org>

### AFT: American Federation of Teachers

<https://www.aft.org/position/health-and-safety>

### CEA: Connecticut Education Association

<https://cea.org/teacher-safety/>

### CWA: Communications Workers of America

<https://www.cwa-union.org/national-issues/health-and-safety>

### Construction

[www.cpwr.com](http://www.cpwr.com)

### Laborers

<https://www.lhsfna.org/>

### NYSUT: New York State United Teachers

<https://www.nysut.org/resources/special-resources-sites/workplace-health-and-safety>

### SEIU: Service Employees International Union

<https://www.seiu.org/cards/all-the-educational-resources-you-need-to-be-a-leader/p2>

### Teamsters: International Brotherhood of Teamsters

[www.teamster.org/content/safety-health](http://www.teamster.org/content/safety-health)

### UAW: United Auto Workers

<https://uaw.org/health-safety/>

### UFCW: United Food and Commercial Workers

<http://www.ufcw.org/category/values/workplace-safety/>

### UFT: United Federation of Teachers

[www.uft.org/our-rights/safety-health](http://www.uft.org/our-rights/safety-health)

### USW: United Steelworkers

<https://www.usw.org/act/activism/health-safety-and-environment>

### NYCOSH Labor Links

<http://nycosh.org/>

## Coalitions on Occupational Safety and Health: COSH Groups

### National COSH Network

[www.coshnetwork.org/](http://www.coshnetwork.org/)

### NJ Work Environment Council (WEC)

[www.njwec.org](http://www.njwec.org)

### New York COSH (NYCOSH)

[www.nycosh.org](http://www.nycosh.org)

### Philadelphia COSH (Philaposh)

[www.philaposh.org](http://www.philaposh.org)

## Critiques of Blame the Worker Approaches

### Hazards Magazine

[www.hazards.org/bs](http://www.hazards.org/bs)

### Fix the Hazards; Do Not Blame the Workers

<https://www.usw.org/act/activism/health-safety-and-environment>

## Organization of Work, Job Stress, Extended Hours of Work

### Job Stress Network

<https://unhealthywork.org/>

### The UK National Work-Stress Network

[www.workstress.net](http://www.workstress.net)

## NJEA Health and Safety Resources

NJEA Health & Safety resources, including those listed below, can be found online at

<https://www.njea.org/health-safety/>

### NJEA Health & Safety Manual

### 10 Steps to School Health & Safety

### Organizing for Better Indoor Air Quality

### Health and Safety Factsheets

H&S Committees	For Teachers
Violence in Schools	For Paraeducators
School Renovation	For Secretaries
For Security Officers	For Bus Drivers
How to Use PEOSH Act	For Food Service
Bloodborne Pathogens	
For Custodial & Maintenance	
Asbestos Hazards in Schools	





# Pros & Cons of Industrial Hygiene Sampling

## Background

With few exceptions, there are no health-protective legal limits for exposure to air pollutants, noise, toxic materials, or mold in schools. Permissible Exposure Limits (PELS) adopted by PEOSH for chemical exposures are very lenient and are applicable only to adults, not students. Lack of protective standards makes industrial hygiene sampling in schools a tricky business. Disagreement over how to interpret sampling results can create conflict between those who ordered the testing and staff, students, and parents. Sampling results may show no overexposures while in reality the building conditions may still cause health problems for staff and students. Such a “clean bill of health” may be far from the truth, but the district may use it to avoid fixing the problem. Or people in the district may themselves be unaware of the pitfalls of industrial hygiene sampling in schools.

For assistance on whether to sample and for what, contact your UniServ Representative to request help from NJEA’s Work Environment Council’s Industrial Hygiene Consultants.

### Sampling Will Not Be Useful, if:

- ❖ There has been no overall evaluation of the problem that will put the sampling results in context.
- ❖ Sampling results will be compared to exposure limits designed for industrial situations.
- ❖ The problem is already well defined and sampling results will add no meaningful additional information. In such cases, the money is better spent on fixing the problem.
- ❖ The hazard and the sources of the hazard has not been identified. It is important to identify the source and the contaminant before sampling so that the correct contaminant is sampled.

### Sampling May Be Useful, if:

- ❖ It is part of an overall evaluation.
- ❖ There are school-appropriate exposure limits for evaluating the sampling results. See Tables 1, 2, 3, and 4.
- ❖ It is used to determine whether further controls are needed after serious attempts have been made to fix the problem.

## Indoor Air Quality (IAQ)

When indoor air quality (IAQ) problems arise in school, many times teachers, parents, administrators and other school staff want to have their schools tested to assure themselves of good indoor air quality. This is usually not the first step that should be taken.

Instead, the local association’s health and safety committee should work with the district to first define and describe the problem using a school walkthrough and interviews of school occupants and maintenance staff. Ask for their help in identifying problem areas. Often finding a source of indoor air quality problems is best done with observations and interviews – inspecting the ventilation system; observing housekeeping and maintenance practices; inquiring about any history of leaks, flooding, or other water intrusion in the building; and listening to the stories and concerns of the occupants. See the section of Part II on conducting walkthroughs and the NJEA booklet *Organizing for Better Indoor Air Quality* for more information. The committee should always talk to the school nurse to find out if she has observed an increased incidence of health complaints. If so, ask about the nature of the complaints and the work areas of those affected. It may be desirable to do a formal, written IAQ survey of staff. A sample IAQ occupant survey form is found in Part V.

When dealing with school IAQ, noise, toxics, or mold problems, insist that the district set up good lines of communication among administration, staff, students, and parents. This is crucial and cannot be over emphasized!

**Table 1** lists some criteria useful for evaluation of IAQ in schools. Quick, one-time measurements for comparison against these criteria are not good enough. Rather, measurements should be taken and logged over time – at least a typical day, preferably a week, and in every different season. This is because these measurements are affected by room occupancy, heating, cooling, use of windows, operation of ventilation, and weather conditions that vary season to season.





### Criteria for Evaluating Indoor Air Quality (IAQ) in Schools

Type of sample	What it measures	Numerical criteria for evaluation
Carbon dioxide in air. Only accurate if done after at least 4 hours of continuous occupancy.	Carbon dioxide gas in human exhaled breath builds up indoors without good ventilation. It is a surrogate measure of outdoor air supply, not toxic exposure.	Background – 350 to 500 No problem – 600 to 800 Possible problem – 800 to 999 More outdoor air needed – 1,000 and above Measured in parts per million parts of air (ppm) Industrial limit – 5,000 ppm
Temperature of air.	Thermal comfort.	Summer – 72.5 to 80 Winter – 68-76 Fluctuations – less than 2 degrees per hour Measured in degrees Fahrenheit (°F)
Relative humidity.	Moisture in the air. Too little dries out eyes, breathing passages, and skin. Too much leads to mold growth.	30 to 60 percent Measured in Relative Humidity (RH)
Outdoor air supply measured with a balometer	Amount of outdoor air being introduced into an occupied space by the mechanical ventilation system.	Classrooms, music rooms, libraries, auditoriums – 15 Laboratories, training shops, offices, conference rooms – 20 Measured in cubic feet per minute per person (cfm/ person)
Respirable Suspended Particulate (RSP) in air.	Predictor of overall exposure to dust and fumes that can irritate skin, eyes, breathing passages, and aggravate allergy and asthma and upper respiratory infections.	No problem – less than 0.02 Possible problem – 0.02 to 0.06 Probable problem – 0.06 to 0.12 Problem – greater than 0.12 Measured in milligrams per cubic meter of air (mg/m <sup>3</sup> ) Industrial limit – 5mg/m <sup>3</sup>
Total Volatile Organic Compounds (VOCs) in air. Measured with a SUMA canister.	Predictor of overall exposure to petroleum-based solvents and other products that can aggravate allergy and asthma and upper respiratory infections.	No problem – less than 0.02 Possible problem – 0.02 to 0.06 Probable problem – 0.06 to 0.12 Problem – greater than 0.12 Measured in milligrams per cubic meter of air (mg/m <sup>3</sup> ) Industrial limit – 5mg/m <sup>3</sup>
Carbon monoxide in air.	Predictor of degradation of IAQ from products of combustion.	2 – Measured in parts per million of air (ppm) Industrial limit – 50 ppm

## Noise

Noise in schools will almost never be in violation of PEOSH standards except perhaps in vo-tech shops. PEOSH noise standards were taken from standards set to prevent hearing loss in factory conditions. Table 2 shows standards to protect against the nonauditory health effects of noise including changes in cardiovascular function

(hypertension, changes to blood pressure and/or heart rate), and changes in breathing, sleep, physical health and mental health. Noise also interferes with verbal communication and teaching. This wide range of effects has led researchers to believe that noise has the ability to act as a general, nonspecific stressor.



**TABLE 2: Criteria for Evaluating Noise in Schools**

Type of sample	What it measures	Numerical criteria for evaluation
Noise	Interference with learning and communication. Stress.	55 – work that demands concentration 60 – telephone conversation 65 – simple clerical tasks Measured in decibels on the A scale (dBA) Industrial limit is 85 dBA

## Lead, Radon, & Asbestos

Special rules are in place to regulate lead, asbestos, and radon in schools. These rules are not enforced by PEOSH but rather by other programs in the New Jersey Departments of Health and Environmental Protection.

Lead is present in most pre-1978 paint. It can also be present in drinking water; either from the source water or the distribution system (piping, water coolers). Lead is toxic when it is breathed in or ingested. Lead can cause anemia, damage to the brain and nervous system, kidneys, digestive system, and reproductive system.

Asbestos has been used as a building material and insulation product since the 1930s. Asbestos

fibers are harmless when they are firmly bonded or compacted within other material, such as wall-board, floor tile, or roof shingles.

However, when asbestos-containing materials (ACM) are loose or crumbling due to water damage, abrasion, sloppy repair work, or demolition, they can release microscopic fibers into the air. Asbestos-related diseases include asbestosis, and several kinds of cancer, including lung cancer. See the online NJEA brochure on asbestos in schools.

Radon is a radioactive gas, naturally occurring in the soil in much of New Jersey. Radon can cause lung cancer. It can enter schools from soil through openings and cracks in the foundation.



**TABLE 3: Criteria for Evaluating Lead, Radon, & Asbestos) in Schools**

Type of sample	What it measures	Numerical criteria for evaluation
Wipe samples of lead on surfaces	Potential for ingesting lead, usually from chalking, chipped, peeling paint.	EPA acceptable level is 40 Measured in micrograms of lead per square foot of wiped surface area (ug/ft <sup>2</sup> )
Lead in drinking water, first morning draw at every sink and fountain.	Potential for ingesting lead from drinking water.	15 Measured in microgram of lead per liter of water (ug/L)
Microvac samples of asbestos on surfaces	Potential for asbestos on surfaces to become airborne.	Background – below 1,000 Above background – greater than 10,000 High – greater than 100,000 Measure in structures per square centimeter of vacuumed area (s/cm <sup>2</sup> )
Asbestos in air using aggressive sampling where air is stirred up by a leaf blower.	Whether an area is safe for occupancy after an asbestos abatement job.	EPA acceptable level is 70 Measured in asbestos structures per square millimeter on sample filter(s/mm <sup>2</sup> )
Radon gas in the air, using first short-term sampling canisters, then long-term sampling canisters if results are elevated.	Whether radon gas is entering the school.	EPA/DEP acceptable level is 4.0 Measured in picoCuries per liter (pCi/L) There is still a risk of lung cancer (1 in 35 for smokers; 1 in 500 for non-smokers) for lifetime exposures at this exposure level.

## Mold

Air sampling for mold has all the pros and cons already discussed. Unfortunately, such sampling is becoming more common and therefore local association health and safety committees need to know how to interpret the results.

When sampling for mold spores, outdoor reference samples must always be taken at the same time that indoor samples are taken. These outdoor samples become the standard that the indoor samples are measured against. Outdoor samples should be collected near air intakes for the building, near potential sources of mold that may enter the building, and other areas away from potential mold sources.

Indoors, areas near visible mold and/or a moldy smell should be sampled along with areas with no visible mold and/or moldy smell. The following criteria are commonly used in interpretation of mold samples:

- ❖ Air Samples
  - ◆ Less than 250 = low/normal

- ◆ 250-1,000 = moderate/borderline
  - ◆ Greater than 1,000 = active growth/ sporulation
  - ◆ Greater than 5,000 = very active growth/ sporulation
- Measured in CFU/M3 [Colony Forming Units (CFU) per cubic meter (M3) of air]*

- ❖ Areas that have visible mold and/or a moldy smell are expected to have higher mold levels than areas that do not.
- ❖ When the molds present indoors are the same organisms as are present outdoors, but the levels are above 100 CFU/M3, the buildings ventilation system is not filtering the outdoor air properly.
- ❖ If the molds present indoors are the same, but at concentrations above one-fifth of outdoor concentrations, it indicates that these organisms are likely growing somewhere inside the building.
- ❖ If the molds present indoors are different than those outdoors, it indicates that these organisms are likely growing somewhere inside

the building. Certain species of mold are strong indicators of indoor fungal colonization.

- ♦ Cladosporium, Alternaria, Eppicoccum (CAE) are common species, expected but less than outdoors.
  - ♦ Penicillium, Aspergillus, Eurotium (PAE) indicate damp sources of mold growth.
  - ♦ Stachybotrus indicates chronic damp conditions.
- ❖ Beware of the argument that if concentrations in complaint areas are similar to the non-complaint areas, there is not likely to be a significant mold problem. This may not be valid. First, different people react differently to mold. People in the complaint area may be sensitive to mold while others may not be. In addition, people in “noncomplaint” areas may be afraid to complain. Or they may never have been asked if they have health complaints!

### Alternative Approaches

Table 4 shows criteria for evaluating mold, including several alternative approaches for evaluation of mold problems besides air sampling.

### Visible mold

Mold growth is often self-evident. Molds can grow as long as organic material, air, and moisture are present. Many types of mold exist and mold can be any color, black, brown, red, green, pink, orange, etc.

### Hidden mold

In some cases, indoor mold may not be obvious. It can grow on hidden surfaces such as the backside of drywall, wallpaper, or paneling, the top of ceiling tiles, the underside of carpets and pads, inside ventilation systems. You may suspect hidden mold if an area smells moldy but you cannot see the source, or if you know there has been water damage and occupants are reporting health problems.

### Bulk and surface samples

Bulk samples can be collected when materials are porous and surface samples are not practical. Surface samples can be collected by wiping relatively nonporous surfaces.

### Moisture meter

Very often the source of moisture can be hidden and not obvious from visual inspection alone. Moisture meters can be an essential tool to locate these sources quickly and nondestructively. They are also useful to determine if dehumidification (drying out) of material such as carpet, furnishings, drywall, etc., after flooding has been successful. Some meters are placed against the surface to be tested. Others utilize two to four metal probes that are physically inserted into the material being tested. Generally the meters are programmed for the type of material to be tested (concrete, wood, drywall, roofing, concrete, etc.) or readings are read or adjusted to a scale for the specific material. Some units are very material specific, while others give the investigator a wide range of material choices.

### Aluminum foil test

For a quick test to determine if a damp classroom is caused by saturated walls or is a result of condensation, tape a piece of aluminum foil onto a masonry surface and check it after a day or two; if moisture has developed behind the foil, then it is coming from the masonry. If condensation is on the surface of the foil, then moisture is from the air.





**TABLE 4: Criteria for Evaluating Mold & Moisture in Schools**

Type of sample	What it measures	Numerical criteria for evaluation
Visible mold on surface areas as seen with the naked eye	Better measure of health outcomes than mold air samples.	Small problem – less than 10 Medium problem – 10 to 100 Large problem – greater than 100 Measured in square feet (ft <sup>2</sup> )
Mold in bulk samples of building materials	Hidden mold growth in porous wood, concrete, carpet, wallpaper, gypsum wallboard, ceiling tiles, dirty fiberglass, etc.	Low levels – less than 5,000 Medium levels – 5,000 to 10,000 High levels – greater than 10,000 Measured in colony forming units per gram of material (CFU/gram)
Mold in wet wipe samples of surfaces	Mold growth on nonporous surfaces	Low levels – less than 200 Medium levels – 200 to 500 High levels – greater than 500 Measured in colony forming units per square centimeter (CFU/cm <sup>2</sup> )
Micro-Vac Dust	Micro-Vac Carpet/Dust sampling cassettes are designed to be used with a vacuum pump to collect fibers and particulate from carpets and other dusty areas	Less than 5,000 = low/normal 5,000 to 25,000 = moderate/ borderline 25,000 to 75,000 = active growth/ sporulation Greater than 75,000 = very active growth/sporulation Measured in CFU/ft <sup>2</sup> [Colony Formin
Moisture in building materials measured using a moisture meter	Dampness in building materials that can support mold growth.	Possible problem – measurable but less than 1 percent Problem – greater than 1 percent Measured in percent moisture.
Source of moisture in a damp room	Tape a piece of aluminum foil onto a masonry wall and check it after a day or two.	If moisture has developed behind the foil, then it is coming from the masonry.  If condensation is on the surface of the foil, then moisture is from the air.

### Types of Industrial Hygiene Sampling

- ❖ **Air sampling** evaluates the potential for a contaminant to be inhaled. It does not evaluate the potential for ingestion or skin absorption. Samples can be collected with pumps attached to collection devices, detector tubes, dosimeter badges, portable meters, or fixed monitoring systems.
- ❖ **Personal air sampling** sometimes a sampling device is attached to a worker's collar, close to his/her nose and mouth to see what he/she might be inhaling. The pump to pull air through the collection device is hung on the worker's belt. This type of personal air sampling is rarely used in IAQ investigations.

- ❖ **Wipe sampling** evaluates the potential for a contaminant to become airborne and contact the skin and clothing. It can help to evaluate the potential for ingestion and skin absorption. Surfaces are wiped with a glass fiber filter, paper filter, smear tab, gauze pad, or baby wipe. The media can be wet with distilled water or other solvent to improve collection. Through a template with an opening of known size (100 cm. is standard) the surface to be sampled is wiped with the media, using maximum pressure and moving in concentric squares from the outside to the inside of the sampling area.

- ❖ **Bulk sampling** is done so that the sample can be analyzed to discover what it contains. A small portion, usually about thumbnail size, is taken from a surface area.

## Questions Before Sampling

- ❖ **Where should samples be collected?** **Air samples** should be taken at and around the suspected sources of exposure and contamination. **Wipe samples** should be taken where contamination is suspected.
- ❖ **When should samples be taken?** Samples should be taken on each shift, the weekend, and during maintenance, whenever the worst exposures are anticipated.
- ❖ **Which workers should be selected for sampling?** If personal air samples are being collected, the workers with the worst exposures in each job category should be selected. This is decided by observation and interview of potentially exposed workers.
- ❖ **How long should the samples be taken for?** If exposures don't change much during the day, then full-shift sampling of up to 10 hours is appropriate. If there are peak exposures, then short-term samples during the peaks should be taken in addition to the full-shift sampling.
- ❖ **How many samples are needed?** The more samples are taken, the more the results are likely to be representative of actual exposures. One sample is never enough. All areas and surfaces of concern should be sampled.
- ❖ **What information should be recorded during sampling?** The workers in the areas being investigated should be observed during sampling. All the tasks they perform which could give rise to exposure should be described along with the time at which they were performed. Ventilation conditions, temperature, humidity, barometric pressure, wind conditions, as well as personal protective equipment in use should also be noted.
- ❖ **How soon will results be available?** With **direct reading** instruments or devices, results are immediately available. Other methods require sending samples to a laboratory for analysis and results may take days or weeks to be received.

## When the District Hires a Consultant

The district may hire one or more professional consultants. Remember that varied problems may require more than one type of specialist. For example, a ventilation engineer, a moisture specialist, an architect, an industrial hygienist, or an environmental/geology consultant may be needed. The local association should encourage

the district to use a consultant who will focus on solving problems rather than just studying them or conducting industrial hygiene sampling.

*Guidelines for Selecting An Indoor Air Quality Consultant* is available on the American Industrial Hygiene Association (AIHA) web page: <https://www.aiha.org/public-resources/air-quality>

A listing of consultants can also be accessed on the AIHA webpage. It can be searched by geographical area and specialty: <https://www.aiha.org/consultants-directory>

The New Jersey Department of Health (DOH) has links to lists of mold consultants, labs, and remediation firms at <https://www.nj.gov/health/ceohs/environmental-occupational/mold/>

The consultant's plans should be communicated to staff, students, and parents so everyone will have a realistic expectation about what to expect and when results will be available.

## The Consultants Report

Whenever a consultant performs an evaluation of a workplace health hazard, a report should be written and made available to all parties, including staff, students, and parents. High quality reports promote worker health and well being. If the consultant's report is lacking in some respect, the local association should ask for it to be upgraded to meet the listed criteria. The features to be expected in a good report are covered in the descriptions below.

**Clear language:** Language should be clear and concise with minimal use of technical jargon and acronyms.

**Title page:** This page tells what the report is about, gives the name and location of the facility evaluated, dates of the evaluation, date of the report, and names, credentials, and affiliations of the author(s) of the report.

**Introduction:** The introduction gives background information about the project, including the reasons for the evaluation and the names and affiliations of the people involved.

**Short summary:** This section allows the reader to learn about the evaluation without reading the whole report. It tells what was done and why, provides a summary of the results, and recommends what should happen next.

**Methods used:** This section should identify the assessment methods used, for example, interviews, reviews of documents, observations of work tasks, inspection of work areas, machinery, equipment, tools, ventilation systems, hygiene facilities, and personal protective equipment. If the





evaluation involved air, wipe, or bulk sampling, the sampling and analytical methods and detection limits should be referenced and described as well as instrument calibration procedures and the proficiency of the laboratory doing sample analysis. The strategy used to obtain samples that are representative of typical and maximum exposures should be described.

**Process and task description:** The type of facility and work processes and tasks evaluated should be described. These should include job titles and duties of workers with potential exposure; machinery, equipment, and tools used; frequency and duration of tasks involving potential exposure; names and amounts of chemicals in use; and personal protective equipment (PPE) and engineering controls in use.

**Findings:** This section should describe facts that were gathered about potential exposures to chemical, noise, radiation, ergonomic, and other hazards, health symptoms and complaints among workers and control measures in use. For each job title with potential chemical exposure, the opportunities for exposure by each route of entry – inhalation, skin absorption, ingestion, and injection – should be discussed.

**Sampling results:** Results are best presented in clear and complete tabular form. Table headings should include the items listed below.

If different headings are used, compare them with the below headings to make sure all the necessary information has been included. Results below the detection limit should be reported as “Below detection limit” since a number would be meaningless.

Air sampling data for chemical (specific name)								
Sample ID number	Sample date and day of week	Time on, time off, total sample time	Sampled job title, job activities	Sample type: breathing zone or area	Raw results with units	Time-weighted results with units	Engineering controls in use during sampling	PPE in use during sampling

For wipe and bulk sampling, table headings should include:

Wipe & bulk sampling data for chemical (specific name)							
Sample ID number	Sample date and day of week	Sampling time	Sampling location	Sample type: settled dust, soil, water, etc.	Size of sample	What sample was analyzed for	Results within units

**Interpretation of findings:** In this section the author takes the findings and discusses their meaning and significance and gives their professional opinion about what should be done next and why. Findings are compared with regulations, guidelines and standards used for evaluation. Opinions must relate to and be supported by the facts in the findings.

Interpretation should distinguish between what controls are required by law, since these may be minimal, and what controls would be best to reduce exposures.

If assistance is needed to interpret the findings and to ensure the sampling performed and the

conclusions drawn were appropriate, your UniServ Representative can request this type of assistance from NJEA’s Work Environment Council’s Industrial Hygiene Consultants.

**Recommendations:** Based on the conclusions, a set of appropriate recommendations will be listed in this section. If warranted by the test results and observations, offering no recommendations is acceptable but reasons should be given why the present situation is acceptable or why recommendations cannot be made until more evaluation is undertaken.

# Checklists, Forms, & Sample letters

## PEOSH Indoor Air Quality Standard Inspection Checklist

Date of Inspection: \_\_\_\_\_ Inspection #: \_\_\_\_\_

Location: \_\_\_\_\_ Inspector: \_\_\_\_\_



### Compliance program – general requirements

NJAC 12:100 – 13.3(a)	Has a designated person been identified to handle the implementation and documentation of the New Jersey indoor air quality standard? Name/Title/Phone #:	Y <input type="checkbox"/>	N <input type="checkbox"/>	N/A <input type="checkbox"/>
13.3(a)	Has the employer ensured that the designated person is familiar with all the requirements of the standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)1	Is there an established, operating and documented preventive maintenance schedule for the heating, ventilation and air conditioning (HVAC) system in accordance with the manufacturer's recommendations or accepted practice for the HVAC system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)1	Does the HVAC preventive maintenance schedule include: checking and/or changing air filters, checking and/or hanging belts, lubrication of equipment parts, checking the functioning of motors and confirming that all equipment is in operating order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)1	Are damaged or inoperable components of the HVAC system replaced or repaired as appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)1	Are parts of the HVAC system with standing water checked usually for microbial growth?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)2	Is general or local exhaust ventilation used where housekeeping and maintenance activities could reasonably be expected to result in exposure to hazardous substances above applicable exposure limits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)3	When the carbon dioxide level exceeds 1,000 parts per million, is the HVAC system checked and repaired as necessary to ensure the system is operating properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)4	In office buildings/schools, when the temperature is outside of the range of 68 to 79 degrees Fahrenheit, is the HVAC system checked and repaired as necessary to ensure the system is operating properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)5	When a contaminant is identified in the make-up air supply, is the source of the contaminant eliminated or the make-up inlets and/or exhaust air outlets relocated to avoid entry of the contaminant into the air system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)6	If buildings do not have mechanical ventilation, are windows, doors, vents, stacks, and other portals used for natural ventilation operating properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)7	Are complaints promptly investigated that involve signs or symptoms that may be associated with Building-Related Illness or Sick Building Syndrome?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)8	Does the employer have a written plan that meets the requirements of the subchapter?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3(a)9	Is the written compliance plan reviewed and updated annually to reflect new or updated procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Compliance program – general requirements

NJAC 12:100 – 13.4(a)	When point sources generate airborne levels of contaminants above applicable limits, is local exhaust ventilation or substitution used to reduce the exposure levels to below the limits?	Y <input type="checkbox"/>	N <input type="checkbox"/>	N/A <input type="checkbox"/>
13.4(b)	Does the employer control microbial contamination by promptly repairing water intrusion that can promote growth of biologic agents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.4(c)	Does the employer remediate damp or wet materials by drying, replacing, removing, or cleaning same within 48 hours of discovery and continue remediation until water intrusion is eliminated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.4(d)	Are visible microbial contaminants removed from ductwork, humidifiers, dehumidifiers, condensate drip pans, heat exchange components, and other HVAC and building system components, or on building surfaces, such as carpeting and ceiling tiles, when found during regular or emergency maintenance activities or during visual inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.5(a)	During renovation work and/or new construction, are local ventilation or other protective devices used to safeguard employees and students from dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.5(a)	Are renovation areas in occupied buildings isolated so that air contaminants, dust, and debris are confined to the renovation or construction area by use of measures such as physical barriers, pressure differentials, and/or performing work during periods of minimal occupancy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.5(a)1	Are work areas cleaned and aired out as necessary prior to re-occupancy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.5(a)2	Is hazard information used to select products and to determine necessary measures to be taken?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.5(b)	Before selection and use, are product labels and SDS sheets checked or is information obtained on whether the use of paints, adhesives, sealants, solvents or installation of insulation, particle board, plywood, floor coverings, carpet sacking, textiles or other materials contain volatile organic compounds such as solvents, formaldehyde, or Isocyanates that could be emitted during regular use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.5(c)	Are employees notified at least 24 hours in advance, or promptly in emergency situations, of work to be performed in the building that may introduce air contaminants into their work area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Recordkeeping

NJAC 12:100 – 13.6(a)	Is the maintenance schedule updated to show all maintenance performed on the building systems?	Y <input type="checkbox"/>	N <input type="checkbox"/>	N/A <input type="checkbox"/>
13.6(a)	Does the maintenance schedule include the dates that the building systems maintenance was performed and the names the persons or companies performing the work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.6(b)	Are maintenance schedules with the information required the indoor air quality standard retained for at least three years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.6(b)	Are the records required to be maintained by this section available for inspection by PEOSH?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.6(b)	Are the records required to be maintained by this section available for inspection by employees and employee representatives for examination and copying within 10 working days of request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Employer's response to a signed complaint

NJAC 12:100 – 13.7(a)	If the employer receives a complaint notification from the PEOSH Program about an indoor air quality problem, is a written response sent back to PEOSH within 15 working days?	Y <input type="checkbox"/>	N <input type="checkbox"/>	N/A <input type="checkbox"/>
13.7(a)	Do the employer's written responses to complaint notifications received from the PEOSH Program about an indoor air quality problem include any combination of the following: 1) A statement that the complaint is unfounded; 2) A description of any remedial action already taken; 3) An outline of any remedial measures planned but not yet taken with a timetable for completion; and/or 4) A statement that a study of the problem, with a timetable for completion of the study, has been initiated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.7(b)	If the employer plans remedial measures or a study initiated in response to a complaint notification received from the PEOSH Program, is a written report describing the remedial measures implemented and/or a copy of a study's report submitted to the PEOSH Program within 15 working days of completion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.7(c)	If remedial work is initiated in response to a complaint notification from the PEOSH Program, are permits obtained and work performed as required by N.J.A.C. 5:23 (the New Jersey Uniform Construction Code)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.8(a)	If available, are the following documents provided to the PEOSH Program when requested in response to an employee complaint: 1) As-built construction documents; 2) HVAC system commissioning reports; 3) HVAC systems testing, adjusting and balancing reports; 4) Operations and maintenance manuals; 5) Water treatment logs; and 6) Operator training materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>





New Jersey Department of Health  
PEOSH Unit

**PEOSH HAZARD COMMUNICATION STANDARD  
HAZCOM COMPLIANCE CHECKLIST**

Location				Date
Name of Inspector				Case Number
<b>N.J.A.C. 12:100-7</b>	YES	NO	N/A	<b>Comments/Completion date</b>
<b>1. WRITTEN PROGRAM</b>				
A written Hazard Communication Program is completed that describes how the criteria specified in N.J.A.C. 12:100-7.6,7.7,7.8 will be met. <b>[7.5(a)]</b>				
The program is made available to employees, designated representatives and to PEOSH inspectors. <b>[7.5(d)]</b>				
<b>The written program includes:</b>				
A list of the hazardous chemicals present in the workplace (chemical inventory). <b>[7.5(a)1]</b>				
The methods used to inform employees of the hazards of non-routine tasks. <b>[7.5(a)2]</b>				
The methods used for notifying contractors of the Hazard Communication Program. <b>[7.5(b)1]</b>				
Type of labeling system used by the employer. <b>[7.5(a)]</b>				
Procedure if the MSDS is not received with initial shipment. <b>[7.7(f)2]</b>				
The hazards associated with chemicals contained in unlabeled pipes. <b>[7.5(a)2]</b>				
The location of the MSDS's and HSFS's. <b>[7.7(h)]</b>				
Provisions for employee access to MSDS in the work area. <b>[7.7(h)]</b>				
A description of the employee training program. <b>[7.5(a)]</b>				
Does the training program cover initial assignment, introduction of a new hazard, and refresher training every two years? <b>[7.8(a)]</b>				
<b>2. LABELING</b>				
Labels contain the identity of the hazardous chemical(s) (chemical name) <b>[7.6(e)1]</b>				

**PEOSH HAZARD COMMUNICATION STANDARD  
HAZCOM COMPLIANCE CHECKLIST, CONTINUED**



Location			Date	
Name of Inspector			Case Number	
<b>N.J.A.C. 12:100-7</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>	<b>Comments/Completion date</b>
Labels contain appropriate hazard warnings (i.e., health & physical hazards, target organs, etc.). <b>[7.6(e)2]</b>				
Are labels removed or defaced? <b>[7.6(h)]</b>				
Labels are prominently displayed on all containers. All labels are legible. Labels are written in English. <b>[7.6(i)]</b> Note: They may also be in the language spoken by employees.				
<b>3. MATERIAL SAFETY DATA SHEETS (MSDS)</b>				
A current MSDS is on file for each hazardous chemical. <b>[7.7(a)]</b>				
The MSDS's are written in English. <b>[7.7(b)]</b>				
If an MSDS is not received at the time of the first shipment, does the employer obtain one as soon as possible? <b>[7.7(f)2]</b> <i>Request letter shows good faith effort.</i>				
Are MSDS maintained and readily accessible to employees during each work shift when they are in their work areas? If electronic access to MSDS is used have employees been trained? Is there a back-up system? <b>[7.7(h)]</b>				Where?
For traveling employees, are MSDS immediately available in the event of an emergency? <b>[7.7(i)]</b>				
Are MSDS available and readily accessible to the PEOSH Program inspector in accordance with 29 CFR 1910.1020(e)? <b>[7.7(k)]</b>				
<b>4. EMPLOYEE INFORMATION AND TRAINING</b>				
Effective training is provided to all employees exposed to hazardous chemicals at no cost and during working hours. (1) Upon initial assignment. (2) After introduction of a new hazard. (3) Refresher training every two years. <b>[7.8(a)]</b>				

**PEOSH HAZARD COMMUNICATION STANDARD  
HAZCOM COMPLIANCE CHECKLIST, CONTINUED**



Location				Date
Name of Inspector				Case Number
<b>N.J.A.C. 12:100-7</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>	<b>Comments/Completion date</b>
Did a technically qualified person conduct the training? <b>[7.8(d)]</b>				
<b><i>The training record shall include:</i></b>				
The dates of the training <b>[7.8(e)1]</b>				
Contents or summary of the training <b>[7.8(e)2]</b>				
Names and qualifications of instructor(s). <b>[7.8(e)3]</b>				
Names and job titles of the trainees <b>[7.8(e)4]</b> <i>Attach list if necessary.</i>				
Are the training records maintained for the duration of employment? <b>[7.8(f)]</b>				
<b><i>The training program covers:</i></b>				
An explanation of the requirements of the PEOSH HazCom Standard. <b>[7.8(b)1]</b>				
Any operations in the employees work area where hazardous chemicals are present. <b>[7.8(b)2]</b>				
The location and availability of the written HazCom Program including the list of hazardous chemicals, MSDS's, HSFS's, RTK Hazardous Substance List, and the RTK Survey. <b>[7.8(b)3]</b>				
The applicable provisions of the Worker and Community RTK Act, N.J.S.A. 34:5A-1 et seq. <b>[7.8(b)4]</b>				
The methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. <b>[7.8(c)1]</b>				

**PEOSH HAZARD COMMUNICATION STANDARD  
HAZCOM COMPLIANCE CHECKLIST, CONTINUED**



Location				Date
Name of Inspector				Case Number
<b>N.J.A.C. 12:100-7</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>	<b>Comments/Completion date</b>
The physical and health hazards of the chemical(s) used. <b>[7.8(c)2]</b>				
The measures taken to protect employees from the hazards (work practices, PPE, etc.) and emergency response procedures for hazardous chemical spills. <b>[7.8(c)3]</b>				
An explanation of the employer's labeling system, how to read and interpret an MSDS and how to obtain and use hazard information. <b>[7.8(c)4]</b>				
Information about RTK, including an explanation of the RTK Survey, RTK labeling, HSFS, RTK Hazardous Substance List & RTK Poster. Also, how employees can obtain and use this information. <b>[7.8(c)5]</b>				
Are employees given a copy of the RTK brochure during the training session? <b>[7.8(c)6]</b>				
Are the training records available to PEOSH inspectors <b>[7.8(g)1]</b> , employees, and designated representatives for copying? <b>[7.8(g)2]</b>				
Is training material appropriate in content and vocabulary to educational level, literacy, and language of employees? <b>[7.8(h)]</b>				



NJOSH – 300

## Log of Work-Related Injuries and Illnesses

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (NIOSH 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call the Office of Public Employees Occupational Safety and Health for help.

**IWD**  
**N.J. Department of Labor & Workforce Development**  
 Public Employees Occupational Safety and Health

Year 20 \_\_\_\_\_

Public Employer: \_\_\_\_\_

State \_\_\_\_\_

County: \_\_\_\_\_

Other \_\_\_\_\_

### Identify the person

(A) Case no. \_\_\_\_\_

(B) Employee's name \_\_\_\_\_

(C) Job title (e.g., Welder) \_\_\_\_\_

### Describe the case

(D) Date of injury or onset of illness (month/day) \_\_\_\_\_

(E) Where the event occurred (e.g. Loading dock north end) \_\_\_\_\_

(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burns on right forearm from acetylene torch) \_\_\_\_\_

### Classify the case CHECK ONLY ONE box for each case based on the most serious outcome for that case:

Remained at work

Days away from work (H)

Job transfer or restriction (I)

Other recordable cases (J)

Death (G)

On job transfer or restriction (days) (L) \_\_\_\_\_

Away from work (days) (K) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Other recordable cases (J) \_\_\_\_\_

Death (G) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Away from work (days) (K) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Other recordable cases (J) \_\_\_\_\_

Death (G) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Away from work (days) (K) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Other recordable cases (J) \_\_\_\_\_

Death (G) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Away from work (days) (K) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Other recordable cases (J) \_\_\_\_\_

Death (G) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Away from work (days) (K) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Other recordable cases (J) \_\_\_\_\_

Death (G) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Away from work (days) (K) \_\_\_\_\_

On job transfer or restriction (days) (L) \_\_\_\_\_

Other recordable cases (J) \_\_\_\_\_

Death (G) \_\_\_\_\_

Page total >

Be sure to transfer these totals to the Summary page (Form 300A) before you post it.

Public reporting burden for this collection of information is estimated to average 14 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Questions regarding this form should be directed to the Office of Public Employees Occupational Safety and Health, New Jersey Department of Labor and Workforce Development, PO Box 386, Trenton, New Jersey 08625.

Page \_\_\_\_\_ of \_\_\_\_\_

NJOSH – 300 (EXAMPLE of how to fill out)

Log of Work-Related Injuries and Illnesses

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (NIOSH 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call the Office of Public Employees Occupational Safety and Health for help.

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.



N.J. Department of Labor & Workforce Development  
Public Employees Occupational Safety and Health

Year 20

Public Employer:

State

County:

Other

Identify the person		Describe the case				Classify the case		Enter the number of days the injured or ill worker was:		Check the "injury" column or choose one type of illness:							
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Welder)	(D) Date of injury or illness (month/day)	(E) Where the event occurred (e.g., Loading dock north end)	(F) Describe injury or illness, parts of body injured or made person ill (e.g., Second degree burns on right forearm from acetylene torch)	(G) Death	(H) Days away from work	(I) Job transfer or restriction	(J) Other recordable cases	(K) Away from work (days)	(L) On job transfer or restriction (days)	(1) Injury	(2) Skin Disorder	(3) Respiratory condition	(4) Poisoning	(5) Hearing loss	(6) All other illnesses
1	Mark Bagin	Welder	5/25	Basement	Fracture, left arm and left leg, fell from ladder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12	15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Shana Alexander	Foundry man	7/2	Pouring deck	Poisoning from lead fumes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Sam Sander	Electrician	8/5	2 <sup>nd</sup> floor storeroom	Broken left foot, fell over box	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7	30	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Ralph Boccella	Laborer	9/12	Packaging dept.	Back strain, lifting boxes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Jarod Daniels	Machine Opr.	10/23	Production floor	Dust in eye	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Page total >						<input type="checkbox"/>	1	0	2	14	76	4	0	0	1	0	0

Note whether the case involves an injury to illness.

Be as specific as possible. You can use two lines if you need more room.

Revise the log if the injury or illness progresses and the outcome is more serious than you originally recorded for the case. Cross out, erase, or white-out the original entry.

Choose ONE of these categories. Classify case by recording most serious outcome of the case with column J (Other recordable cases) being the least serious and column G (Death) being the most serious.

Be sure to transfer these totals to the Summary page (Form 300A) before you post it.

For a clear copy of this form, go to <http://www.state.nj.us/health/workplacehealthandsafety/documents/peosh/njosh300.pdf>



NJEA Health & Safety Manual



NJOSH – 300A

**Summary of Work-Related Injuries and Illnesses**

All establishments covered by Part 1904 must complete this Summary page, even if no injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing the summary. Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0".

Employers, former employees and their representatives have the right to review the NJOSH Form 300 in its entirety. They also have limited access to the NJOSH Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's Recordkeeping rule, for further details on the access provisions for these forms.

**Number of Cases**

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
(G) _____	(H) _____	(I) _____	(J) _____

**Number of Days**

Total number of days of job transfer or restriction	Total number of days away from work
(K) _____	(L) _____

**Injury and Illness Types**

Total number of... (M)	(4) Poisonings
(1) Injuries _____	_____
(2) Skin disorders _____	(5) Hearing loss _____
(3) Respiratory conditions _____	(6) All other illnesses _____

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 50 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Comments regarding this form should be sent to the Office of Public Employees Occupational Safety and Health, NJ Department of Labor and Workforce Development, PO Box 386, Trenton, NJ 08625.

**Public Employer**  
 Department or Agency \_\_\_\_\_  
 Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Industry description (e.g. Police, DPW, Sewerage Treatment, School) \_\_\_\_\_  
 Standard Classification (SIC), if known (e.g., 3715) \_\_\_\_\_  
 OR \_\_\_\_\_  
 North American Industrial Classification (NAICS), if known (e.g., 336212) \_\_\_\_\_

**Employment Information**  
 Annual average number of employees \_\_\_\_\_  
 Total hours worked by all employees last year \_\_\_\_\_

**Sign Here**  
 Knowingly falsifying this document may result in a fine.  
 I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Public Employer Management Representative \_\_\_\_\_ Title \_\_\_\_\_  
 ( ) Phone \_\_\_\_\_ Date \_\_\_\_\_

# OSHA's Form 301 Injuries and Illnesses Incident Report

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.



U.S. Department of Labor  
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

Completed by _____
Title _____
Phone _____ Date _____

## Information about the employee

- 1) Full Name \_\_\_\_\_
- 2) Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
- 3) Date of birth \_\_\_\_\_
- 4) Date hired \_\_\_\_\_
- 5)  Male  Female

## Information about the physician or other health care professional

- 6) Name of physician or other health care professional \_\_\_\_\_  
\_\_\_\_\_

- 7) If treatment was given away from the worksite, where was it given?  
Facility \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

- 8) Was employee treated in an emergency room?  
 Yes  No
- 9) Was employee hospitalized overnight as an in-patient?  
 Yes  No

## Information about the case

- 10) Case number from the Log \_\_\_\_\_ (Transfer the case number from the Log after you record the case.)
- 11) Date of injury or illness \_\_\_\_\_
- 12) Time employee began work \_\_\_\_\_ AM/PM
- 13) Time of event \_\_\_\_\_ AM/PM  Check if time cannot be determined
- 14) **What was the employee doing just before the incident occurred?** Describe the activity, as well as the tools, equipment or material the employee was using. Be specific. Examples: "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."

- 15) **What happened?** Tell us how the injury occurred. Examples: "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."

- 16) **What was the injury or illness?** Tell us the part of the body that was affected and how it was affected; be more specific than "hurt", "pain", or "sore." Examples: "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."

- 17) **What object or substance directly harmed the employee?** Examples: "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.

- 18) **If the employee died, when did death occur?** Date of death \_\_\_\_\_

Public reporting burden for this collection of information is estimated to average 22 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a current valid OMB control number. If you have any comments about this estimate or any other aspects of this data collection, including suggestions for reducing this burden, contact: US Department of Labor, OSHA Office of Statistics, Room N-3644, 200 Constitution Ave, NW, Washington, DC 20210. Do not send the completed forms to this office.

For a clear copy of this form, go to <https://www.osha.gov/recordkeeping/forms>



NJEA  
Health &  
Safety  
Manual

70



Name of Local Association \_\_\_\_\_

## Work-related Health Problem Report

**This report is confidential** – Please print clearly and attach any additional pages if necessary

Name \_\_\_\_\_ Date \_\_\_\_\_

Job title \_\_\_\_\_ Work area \_\_\_\_\_

Home or cell phone (\_\_\_\_\_) \_\_\_\_\_ Work phone (\_\_\_\_\_) \_\_\_\_\_

Started Current Job (month/year) \_\_\_\_\_ Begin shift \_\_\_\_\_ End Shift \_\_\_\_\_

1. Have you experienced any health problems that you feel may have been caused or made worse by your job?  Yes  No

*Symptoms of work-related health problems may include pain or discomfort in any part of the body or a change in bodily function. Examples include irritation of the eyes, nose, or throat; hoarseness or change in voice; cough; shortness of breath; burning, heaviness or tightness in the chest; skin irritation, itching, redness, rash; chills, indigestion, nausea, vomiting, weight loss; bleeding; headaches, light-headedness, fainting, confusion, fatigue, drowsiness, reduced memory, muscle weakness, poor coordination, numbness, pins-and-needles feeling, tremors, seizures, swelling.*

**If you answered "YES," go to Question 2 and complete thru 11. If "No," stop here.**

2. Please describe your health problem(s).

3. When did problem(s) begin or begin to occur more often than normal?

Month: \_\_\_\_\_ Year \_\_\_\_\_

4. Does the problem(s) get better during:

Daily non-work time  Yes  No

Days off  Yes  No

Vacations  Yes  No

5. Have you had to leave work early because of these problems?  Yes  No

Number of time in the past year? \_\_\_\_\_

6. Have you missed days of work because of these health problems?  Yes  No

Number of time in the past year? \_\_\_\_\_

7. Have you sought medical treatment for any of these health problems?  Yes  No

Number of time in the past year? \_\_\_\_\_

8. What does your health care provider say about these problems?

9. Have you filed for Workers' Compensation for any of these problems?  Yes  No  
If yes, which problems?

If yes, were you awarded Workers' Compensation?

10. What do you think caused your health problems?

11. What do you think would help lessen your health problems?

**Place in a sealed envelope and return to:**

Local Education Association: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_





Name of Local Association \_\_\_\_\_

## Indoor Air Quality (IAQ) Occupant Survey

This report is confidential – Please print clearly and attach any additional pages if necessary

Name \_\_\_\_\_ Date \_\_\_\_\_

School or building \_\_\_\_\_ Classroom \_\_\_\_\_

### Type of heating and cooling?

Check all that apply. Note any problems here:

- AC units in windows or walls \_\_\_\_\_
- Central fair conditioning \_\_\_\_\_
- Central forced air heat \_\_\_\_\_
- Radiators \_\_\_\_\_
- Unit ventilator \_\_\_\_\_
- Windows that open \_\_\_\_\_

### Any of these a problem in your work area?

Check all that apply. Note any details here:

- Air vents blocked \_\_\_\_\_
  - Cleaning product or air freshener odor \_\_\_\_\_
  - Copier fumes \_\_\_\_\_
  - Damp, musty, moldy smell \_\_\_\_\_
  - Dirty carpeting \_\_\_\_\_
  - Disturbed asbestos, fiberglass, lead paint \_\_\_\_\_
  - Drafty \_\_\_\_\_
  - Lack of fresh outdoor air supply \_\_\_\_\_
  - No window shades or blinds \_\_\_\_\_
  - Noise \_\_\_\_\_
  - Pesticide odor \_\_\_\_\_
  - Poor housekeeping \_\_\_\_\_
  - Renovations/construction \_\_\_\_\_
  - Signs of insect, animal, or bird infestation \_\_\_\_\_
  - Temperature too hot or too cold \_\_\_\_\_
  - Vehicle exhaust odor \_\_\_\_\_
  - Visible mold \_\_\_\_\_
  - Wet ceilings, floors, carpets, books, furniture \_\_\_\_\_
  - Windows do not open \_\_\_\_\_
- Other, specify: \_\_\_\_\_

Are you experiencing symptoms or discomfort in your workplace?  Yes  No

If yes, what are your symptoms?

Where are you working when you experience the symptoms or discomfort?

Are you aware of co-workers with similar symptoms or discomfort?  Yes  No

If yes, what are their work locations?

Have you noticed any events (such as type of temperature, weather, or humidity changes, or activities in the building) that tend to occur around the same time as your symptoms?  Yes  No

If yes, please describe:

Do you have any health conditions that may make you more likely to react to environmental problems?

Check all that apply.

- allergies  cardiovascular disease
- chronic neurological problems
- chronic respiratory disease
- suppressed immune system
- undergoing chemotherapy or radiation therapy

Please write any other comments you have on the indoor air quality situation.

### Place in a sealed envelope and return to:

Local Education Association: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

# NJEA School Health and Safety Checklist Comprehensive Walkthrough

Every school employee and student has the right to a safe and healthy learning environment. Use this checklist to evaluate overall health and safety in your school.

School: \_\_\_\_\_

Date: \_\_\_\_\_ Conducted by: \_\_\_\_\_

*Check item if attention is needed. Note locations of problems*

## Health & Safety Procedures

- District commitment to prevention and control of school hazards, including staff and student training
- Procedures to respond quickly and fairly to questions, concerns, complaints, incidents or reports of illnesses or injuries
- Joint labor-management health and safety committee
- Public Employee Occupational Safety and Health (PEOSH) poster displayed; PEOSH injury and illness records maintained

## Ventilation & Temperature

- Ventilation on, air flowing
- Interior air vents open, clean, clear of boxes, books, papers, furniture and other obstructions
- Exterior air vents open, clean, clear of debris; no contamination with pesticides or herbicides
- Filters fit properly, changed regularly, drain pans cleaned, other maintenance performed
- Windows, window shades operable
- No recirculation of air from kitchen, cafeteria, gyms, locker rooms
- Temperature 69 to 78 degrees Fahrenheit
- An individual responsible for compliance with the PEOSH Indoor Air Quality (IAQ) Standard has been designated by the district

## Toxic Materials

- Safety Data Sheets (SDSs), describing toxic properties of all chemically based products, are available for review
- Toxic markers, art materials replaced with least toxic and least odorous

- Personal Protective Equipment (goggles, gloves, aprons) available in variety of sizes
- Additional local exhaust ventilation in place where chemicals are used – shops, labs, darkrooms, art rooms, print shops, duplication areas
- Visual inspection shows no peeling or flaking lead paint, or damaged asbestos
- Tests show no radon hazard
- Written Hazard Communication (“right to know”) plan and training in place
- Written Chemical Hygiene Plan in place for laboratories
- Treated wood in playgrounds sealed to prevent leeching pesticides

## Biohazards

- Fish tanks, animal cages clean, located away from air vents
- Bird and animal droppings cleaned up promptly and safely
- Hepatitis B vaccinations given to those possibly exposed to blood or other potentially infectious materials
- Written bloodborne pathogens employee exposure control plan in place, practiced

## Mold & Moisture

- Roof free of debris and standing water
- Roof and plumbing leaks repaired
- Downspouts drain away from building; ground sloped so rain runs away from building
- Water intrusion through foundation, walls corrected
- Water-damaged carpet, ceiling tiles, books, and furniture discarded
- No damp, musty smell





## Housekeeping

- Building is clean; regular cleaning schedule
- Barrier walk-off mats at all outside doorways, vacuumed daily
- Least toxic cleaning materials, floor strippers, finishes
- High-efficiency vacuum cleaners or bags used; changed regularly

## Pest Control

- Written Integrated Pest Management (IPM) Policy in place and practiced
- No routine use of pesticides or herbicides
- No food scraps, dirty lunch boxes left overnight
- Trash cans large enough, placed everywhere needed
- Baseboards intact without gaps; no structural gaps; no broken windows
- No signs of insect, animal, or bird infestation
- Playing fields and grounds maintained without herbicides
- Staff, students, parents prenotified of any pesticide, herbicide applications

## Sanitation

- Sinks, fountains, toilets in working order, no leaks, drain quickly
- Soap, paper towels, toilet paper, warm water available at all times
- Drain traps filled with water monthly to prevent sewer gas entry
- Bathrooms have operating exhaust fan

## Electrical Safety

- Refrigerators, microwaves, water coolers, computers, printers, copiers, portable tools have three-prong grounded plug and grounded receptacle
- Extension cords are heavy-duty type, do not run under rugs, carpeting

## Lighting

- Fixtures intact, working
- Blinking fluorescent tubes replaced

## Emergency Preparedness

- Written emergency response plan in place and practiced quarterly
- Fire exits marked, not blocked, provided with emergency lighting
- Fire extinguishers, smoke detectors, sprinkler systems inspected, maintained
- Proper storage of combustible and flammable materials

## Safety

- Railings, shelving, blackboards securely fastened
- Steps have no-skid surfaces
- Loose carpeting, tiles, and floor boards repaired
- Guards on dangerous machinery

# NJEA School Health and Safety Checklist

## Mold Walkthrough

**Mold thrives where water and moisture are present.  
Mold can be visible or hidden. Certain factors raise the risk of mold growth.  
Use this checklist to evaluate mold in your school.**

School: \_\_\_\_\_

Date: \_\_\_\_\_ Conducted by: \_\_\_\_\_

*Check item if attention is needed. Note locations of problems*

### Sources of Water and Moisture

- High outdoor humidity (5 months a year in NJ) \_\_\_\_\_
- Roof leaks \_\_\_\_\_
- Plumbing leaks \_\_\_\_\_
- Overflowed toilets \_\_\_\_\_
- Overflow water fountains \_\_\_\_\_
- Shower rooms \_\_\_\_\_
- Swimming pools \_\_\_\_\_
- Carpet cleaning \_\_\_\_\_
- Foundation leaks \_\_\_\_\_
- Standing water around foundation \_\_\_\_\_
- Walls leaks \_\_\_\_\_
- Window leaks \_\_\_\_\_
- Condensation on cold pipes \_\_\_\_\_
- Spills \_\_\_\_\_

### Dampness, Water Stains, Discoloration

- Ceilings \_\_\_\_\_
- Ceiling tiles (bowing indicates dampness) \_\_\_\_\_
- Walls (bubbling paint, peeling wallpaper) \_\_\_\_\_
- Window sills \_\_\_\_\_
- Wood floors \_\_\_\_\_
- Tile floors \_\_\_\_\_
- Carpeting \_\_\_\_\_

### Presence of Risk Factors

- Carpet cleaning before period of closure \_\_\_\_\_
- No ventilation during period of closure \_\_\_\_\_
- Variable Air volume (VAV) ventilation system that provides ventilation only when temperature is out of range \_\_\_\_\_
- No air conditioning \_\_\_\_\_
- Flat roof \_\_\_\_\_
- Standing water on roof \_\_\_\_\_
- Downspouts that do not direct water away from building \_\_\_\_\_
- Grading around foundation that does not direct water away from building \_\_\_\_\_
- High water table \_\_\_\_\_
- Underground streams \_\_\_\_\_
- Damp basement \_\_\_\_\_
- Damp slab \_\_\_\_\_
- Insulation inside ventilation ductwork \_\_\_\_\_
- Pipe insulation that lacks a nonporous vapor barrier \_\_\_\_\_
- Carpeting, curtains, upholstered furniture, other porous surfaces \_\_\_\_\_
- Cellulose ceiling tiles \_\_\_\_\_
- Bowed ceiling tiles \_\_\_\_\_





### Odors

- Damp \_\_\_\_\_
- Earthy \_\_\_\_\_
- Musty \_\_\_\_\_
- Moldy \_\_\_\_\_

### Visible Mold

- Ceilings \_\_\_\_\_
- Ceiling tiles \_\_\_\_\_
- Walls \_\_\_\_\_
- Window sills \_\_\_\_\_
- Wood floors \_\_\_\_\_
- Tile floors \_\_\_\_\_
- Carpeting \_\_\_\_\_

### Hidden Mold

- Behind walls \_\_\_\_\_
- Above ceilings \_\_\_\_\_
- Carpet backing, padding \_\_\_\_\_
- Undersides of desks \_\_\_\_\_
- In books and papers \_\_\_\_\_
- In files, file cabinets \_\_\_\_\_
- Inside ventilation ductwork, mixing chambers, drip pans, on filters \_\_\_\_\_
- In mechanical room \_\_\_\_\_
- In basement \_\_\_\_\_
- On roof \_\_\_\_\_
- Under sinks \_\_\_\_\_
- In window wells \_\_\_\_\_
- In crawl spaces \_\_\_\_\_

# NJEA School Health and Safety Checklist

## Indoor Air Quality (IAQ) Walkthrough

The IAQ walkthrough should include both an exterior and interior inspection. Use this checklist to look for the five essential criteria of good IAQ: dryness, cleanliness, comfortable temperature, pollutant control, and adequate ventilation.

School: \_\_\_\_\_

Date: \_\_\_\_\_ Conducted by: \_\_\_\_\_

*Check item if attention is needed. Note locations of problems*

### Dryness

- Visible mold \_\_\_\_\_
- Damp, moldy, musty smell \_\_\_\_\_
- Wet ceilings, carpet, books, furniture  
\_\_\_\_\_
- Dripping pipes \_\_\_\_\_
- Condensation on cold pipes, ducts, surfaces \_\_\_\_\_
- Condition of roof; standing water  
\_\_\_\_\_
- Downspouts discharge away from building \_\_\_\_\_
- Landscaping slopes away from building \_\_\_\_\_
- Dampness in crawlspaces \_\_\_\_\_
- Exhaust ventilation in mold-prone areas such as swimming pools, locker rooms, showers, and kitchens  
\_\_\_\_\_
- Mold-friendly building materials like carpeting, acoustical ceiling tiles, or wallboard subject to water damage  
\_\_\_\_\_

### Cleanliness

- Level of cleanliness \_\_\_\_\_
- Walk-off mats at all entryways \_\_\_\_\_
- High-efficiency vacuum cleaners; bags changed regularly \_\_\_\_\_
- Wet or static dusting and mopping instead of dry \_\_\_\_\_
- Signs of insect, animal, or bird infestation

### Comfortable temperature

- Type, age, condition of heating systems \_\_\_\_\_

- Staff temperature logs \_\_\_\_\_
- Type, age, condition of air conditioning systems \_\_\_\_\_
- If present, can radiators be controlled  
\_\_\_\_\_
- Thermostats read 68 to 78 degrees Fahrenheit \_\_\_\_\_
- Window shades \_\_\_\_\_

### Pollutant control

- Chemical smells \_\_\_\_\_
- Least toxic pest control \_\_\_\_\_
- Least toxic cleaning chemicals  
\_\_\_\_\_
- Excessive lab chemicals \_\_\_\_\_
- Disturbed asbestos, fiberglass, lead paint
- Toxic construction products (paints, coatings, adhesives, carpeting, roofing materials) \_\_\_\_\_
- Sewer gas traps filled with water  
\_\_\_\_\_
- Pollution sources near outdoor air intakes
- Vehicles on school grounds  
\_\_\_\_\_

### Adequate ventilation

- Air flowing from supply vents  
\_\_\_\_\_
- Air flowing into return vents  
\_\_\_\_\_
- Blockage of vents \_\_\_\_\_
- Windows operable \_\_\_\_\_
- Air flow from clean to dirty (kitchen, cafeteria, gyms, locker rooms) areas  
\_\_\_\_\_





## NJEA School Health and Safety Checklist Construction & Renovation

Construction, demolition, and renovation work is disruptive, dusty, noisy, smelly, and potentially dangerous. And learning and construction do not co-exist comfortably. Use this checklist to evaluate construction and renovation safety and health issues in your school.

School: \_\_\_\_\_

Date: \_\_\_\_\_ Conducted by: \_\_\_\_\_

*Check item if attention is needed. Note locations of problems*

### Information Flow

To get a full picture of construction and renovation activities, you should ...

- Identify the players: Schools Development Authority (SDA) Regional Director and Project Officers, Project Management Firm (PMF), General Contractor (GC), subcontractors, and those in district responsible for managing construction
- Obtain plans for free-standing new schools, new additions, and rehabilitations/renovations of existing schools
- Obtain timetables for the beginning, end, and major steps in each project
- Request an initial meeting with all parties before projects begin, followed by update meetings

### Resolving Complaints

Negotiate with school administration for:

- A formal procedure to notify staff, parents, and students about how and where to report problems
- Adoption of a complaint form
- Designation of district staff to receive complaints
- An up-to-date complaint log, with dates, investigation records, and outcomes
- Investigation of complaints promptly with an onsite inspection and by talking with staff
- Documentation of findings and recommendations
- Request that potentially dangerous projects be scheduled when school is not in session
- Construction In, Students, and Staff Out

### Quality Temporary Space

Temporary "swing" space to house staff and students – whether in a school, commercial building, or Temporary Classroom Unit (TCUs, which are buildings pre-manufactured in factories) – should:

- Be free of asbestos, lead, mold, bird or animal droppings, formaldehyde or other toxic substances.
- Feature a mechanical heating, ventilation, air conditioning (HVAC) system that provides 15 cfm of fresh air per person and maintains temperatures in the range of 69 to 78 degrees Fahrenheit.
- Be located as far from construction activities as possible to safeguard children and staff who suffer from asthma, allergies, or other special health concerns.

### Isolate Hazardous Work

- There should be fencing or other secure physical barriers between construction areas and areas used by the school population.
- Open gates should be guarded.
- Construction areas should be well-marked with signs and color-coding.
- A specific stairwell and/or elevator should be assigned for construction workers to use.
- No construction traffic should be allowed during arrival and dismissal.
- Tools and machinery should be secured when not in use.

## Asbestos, Lead and Other Hazardous Substances

- ❑ Asbestos, lead, mold, bird/animal droppings, and other hazardous substances should be identified and removed from buildings undergoing renovations before they are disturbed.
- ❑ Removal should be isolated so no dust can escape.
- ❑ State and federal regulations for removal and re-entry should be complied with for lead and asbestos and guidelines followed for mold and bird/animal droppings.

## Dust Control

- ❑ All dusty work should be performed either by wetting or with local exhaust ventilation that captures dust at the point where it is produced.
- ❑ All dusty work should be isolated with floor to ceiling plastic sheeting and dust and debris confined to those areas.
- ❑ Central ventilation systems should be shut down and vents covered to prevent spreading dust.
- ❑ All dust should be thoroughly cleaned up using vacuuming and wet mopping/wiping before staff and students reoccupy any area.

## Toxic Vapors and Gases

- ❑ Use least toxic paint, varnish, thinners, caulk, sealants, carpet, carpet adhesive, furnishings, and partitions specified and used.
- ❑ Store liquids outdoors.
- ❑ Clean spills immediately.
- ❑ Avoid use of combustion equipment indoors.
- ❑ Safety Data Sheets (SDSs) – providing information about chemicals used in products, as well as health effects and safety information – should be maintained at the site and available for review and copying.

- ❑ New materials that may give off toxic gases should be “aired out” before installation.

## Fires and Emergencies

- ❑ Proper operation of fire alarms, extinguishers, and smoke/fire detection equipment should be ensured during construction.
- ❑ Review emergency plans to address construction-related emergencies such as fire, explosion, structural collapse, spill or other unplanned chemical release, or serious injury or illness.
- ❑ Drills should be held to familiarize staff and students with any temporary exits and revised emergency procedures.

## Preoccupancy and Occupancy

- ❑ Newly renovated/constructed areas should be “flushed-out” for 14 days before occupancy and the outdoor air supply increased for the initial 60 days of occupancy to minimize harmful vapors.
- ❑ Engineers should test building performance before occupancy to ensure that the building is constructed well and performs as designed.
- ❑ Each ventilation system should be tested, balanced, and verified for each mode of operation.
- ❑ Staff and parents should have the opportunity for a walk-through inspection to confirm that new and renovated areas are clean, odor-free, and that ventilation, heating and cooling, plumbing, lighting, electrical, security, and fire protection systems are all working properly.
- ❑ Be alert to problems that may occupancy



## Sample request letters



### PEOSH 300 – Log of Injuries and Illnesses

To administration from local association

Date:

Administration Official

Administration

Address

RE: PEOSH 300 Log

Dear (name of administration representative):

As an authorized employee representative of \_\_\_\_\_  
and in accordance with PEOSH regulation 1904.35, I am requesting a complete up-to-date copy of the  
PEOSH 300 Log of Work-Related Injuries and Illnesses for the entire district for this current calendar  
year (and for previous calendar years including \_\_\_\_\_).

These copies are to be provided to me by the end of the next business day from the date of this request as  
required by 1904.35. Except as permitted by 1904.29 for certain privacy concern cases, the names of the  
employees shall remain on the copies of the 300 Log(s) that I am requesting. As this is the first time that I  
have asked for copies of these records, they shall be provided to me at no cost.

Sincerely,

Name/Signature

Local Association Representative

Address

Phone

# PEOSH Inspection Records

To PEOSH from local association

Date:

New Jersey Department of Labor and Workforce Development  
Office of Public Employees Safety  
PO Box 386  
Trenton, NJ 08625-0386

RE: OPRA Request

Dear PEOSH Program:

As an authorized employee representative of \_\_\_\_\_  
and in accordance with the Open Public Records Act (OPRA), I am requesting a complete copy of the  
PEOSH files on any inspections conducted in the past five years at the following school district premises:

District \_\_\_\_\_

Schools \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The official OPRA request form is attached.

[You must complete and attach the official OPRA form, including payment information. Print from  
<https://www.nj.gov/dep/opra/opraform.html> or call 609-777-0249].

Sincerely,

Name/Signature

Local Association Representative

Address

Phone



NJEA  
Health &  
Safety  
Manual

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## PEOSH 301 – Incident Reports

To administration from local association

Date:

Administration Official

Administration

Address

RE: PEOSH 301 Incident Reports

Dear (name of administration representative):

As an authorized employee representative of \_\_\_\_\_  
and in accordance with PEOSH regulation 1904.35, I am requesting copies of all PEOSH 301 Injury and  
Illness Incident Reports for all employees in the entire district for the current calendar year (and for all  
employees during the previous calendar years including \_\_\_\_\_).

Under PEOSH recordkeeping regulations, these copies are required to be provided to me within seven  
calendar days from the date of this request. As this is the first time that I have asked for copies of these  
records, they shall be provided to me at no cost. I understand that I am only to receive that portion of the  
Form 301 containing “information about the case.”

Sincerely,

Name/Signature

Local Association Representative

Address

Phone

**Right-to-Know Survey**  
**To administration from local association**

Date:

New Jersey Dept. of Health  
Right to Know Program  
PO Box 368  
Trenton, NJ 08625-0368

Dear Right to Know Program,

As an authorized employee representative of \_\_\_\_\_  
and in accordance with New Jersey Community and Right to Know regulations, I request copies of the  
most recent Right to Know Surveys and all subsequent annual updates at the following school district  
premises:

District \_\_\_\_\_

Schools \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I request waiver of any fees, since this information is requested in the public interest. The information  
will not be used for commercial gain.

Please provide the requested information within 30 days. Thank you.

Sincerely,

Name/Signature

Local Association Representative

Address

Phone



# Glossary of Health & Safety Terms



**ASHRAE – American Society of Heating, Refrigerating, and Air-Conditioning Engineers.** A society of engineers that writes national voluntary standards that are the consensus of those participating in the writing.

**Abrasions** – The wearing, grinding, or rubbing away by friction, such as on the skin.

**Acute exposure** – Exposure to a toxic substance that results in severe biological harm or death. Acute exposure is usually characterized as lasting no longer than a day.

**Asbestos** – A mineral fiber that can pollute air or water and cause cancer or asbestosis when inhaled. The Environmental Protection Agency has banned or severely restricted its use in manufacturing and construction.

**Carcinogen** – A substance that causes cancer. A cancer is characterized by the growth of abnormal cells, sometimes in the form of a tumor. Examples of carcinogens include asbestos, vinyl chloride, and benzene. Substances regulated by OSHA as carcinogens would be found in 29 CFR Subpart Z.

**Carcinogenic** – Cancer-producing.

**Caustic** – Capable of destroying or eating away by chemical action; corrosive.

**Chemical** – According to OSHA, “any element, chemical compound, or mixture of elements and/or compounds.”

**Chemical-protective clothing** – Clothing that may be resistant to chemical permeation, penetration, or degradation.

**Chronic** – A human health problem whose symptoms develop slowly over a long period of time or frequently recur. Chronic effects are the result of long-term exposure and are long-lasting.

**Compliance** – Meeting all the requirements of the law.

**Conductive** – Having the quality or power to conduct or transmit electricity, heat, sound, or light.

**Container (OSHA)** – “Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this

section, pipes and piping systems are not considered to be containers.” Note that some state right-to-know laws consider pipes to be containers.

**Contaminate** – To soil, stain, corrupt, or infect by contact or association.

**Corrosive** – A chemical that causes the destruction of living tissue by chemical action at the site of contact.

**CTDs – Cumulative trauma disorders.** Painful occupational illnesses that develop over time. Caused by constant repetitive motion causing damage to the muscles, tendons, and/or nerves in the hands, wrists, elbows, back, neck, and/or shoulders. Most common CTDs include tendonitis, carpal tunnel syndrome, Reynaud’s syndrome, and tenosynovitis.

**Decontaminate** – The freeing of a person or object of some contaminating substance (such as radioactive material, organisms, chemicals, soil, etc.)

**Disinfectant** – An agent or chemical that destroys harmful microorganisms and eliminates infection.

**Earmuffs** – Padded cushions on a headband that cover the ears used to protect your ears from excessive noise.

**Earplugs** – Foam or other molded plugs that fit into the ear canal used to protect your ears from excessive noise.

**Electrical shock** – Electrical current that enters the human body which can cause bodily harm/damage (i.e., pain, internal bleeding, damage to muscles, nerves, or tissues, cardiac arrest, or death.)

**Exposure** – The condition of being subject to some effect or influence.

**Eye hazards** – Hazards that pose a risk to the eye or ability to see.

**Face shield** – Clear window attached to a frame that fits over the face for protection.

**Flameproof** – Resistant to damage or burning on contact with flame.

**Flammable** – Capable of being easily ignited and of burning quickly.

**Flame-resistant/flame-retardant** – Clothing treated to resist burning.

**Goggles** – Eye coverings that seal around the eyes and are held securely to the head with a strap or headband.

**Hardhat** – A protective hat made of rigid material, such as metal or fiberglass, that protects the head from injury.

**Hazard communication** – The process of informing workers about workplace hazards, accurate labeling of hazards, and effective training of employees about proper handling and use of those hazardous materials in the workplace. The OSHA Hazard Communication Standard describes how employers are to inform employees of workplace chemical hazards. The purpose is to reduce and eliminate adverse health effects due to unnecessary exposures to hazardous materials.

**Hazard warning (OSHA)** – “Means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazards of the chemical(s) in the container(s). A hazard warning is one of the types of information required on a container. See also “Label.”

**Hazardous chemical (OSHA)** – “Means any chemical which is a physical hazard or a health hazard.” See also Health hazard; Physical hazard.

**Hazardous substance** – Any material that poses a threat to human health and/ or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive, or chemically reactive.

**HazCom** – Hazard Communication Standard Developed by the federal OSHA for employers on how to inform employees of workplace chemical hazards.

**Health hazard (OSHA)** – “Means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees.”

**IDLH** – Immediately dangerous to life and health.

**Impervious** – Unable to be penetrated (e.g., by a chemical.)

**Ingest** – To take in, as if for digestion.

**Inhalation** – Chemicals that enter the body by breathing in and that may have local effects and/or may be absorbed into the bloodstream through the lungs.

**Label (OSHA)** – “any written, printed, or graphic materials displayed on or affixed to containers of hazardous chemicals.”

**Leggings** – Protective coverings worn over the leg from the knee to the ankle.

**Lockout** – Procedure where the electrical power source and operating controls are disconnected with a lock that holds the control in the “off” position.

**Machine guards** – Safety devices used on or around machinery to help prevent injury to employees.

**SDS – Material safety data sheet.** A compilation of information required under the OSHA Hazard Communication Standard that outlines the identity of hazardous chemicals, health and physical hazards, exposure limits, and storage and handling precautions.

**Neoprene** – A synthetic rubber characterized by superior resistance.

**NIOSH – National Institute for Occupational Safety and Health.**

**Nonconductive** – The inability to conduct or transmit electricity, heat, sound, or light.

**OSHA – Occupational Safety and Health Administration.** The federal agency responsible for developing and enforcing workplace safety and health regulations.

**OSHA Standards** – OSHA standards are regulations that employers have a legal obligation to follow. There is a set of standards for construction work found in 29 CFR, Part 1926. There is another set of regulations for General Industry, which apply to all other covered workplaces. They are found in 29 CFR, Part 1910. There are also recordkeeping standards in 29 CFR, Part 1904. OSHA standards are found at [www.osha.gov](http://www.osha.gov). CFR is the Code of Federal Regulations and Part 29 contains regulations promulgated by the U.S. Department of Labor.





**PEOSH Act – Public Employees Occupational Safety and Health Act.** The state law creating agencies responsible for enforcing safety and health regulations in public workplaces in New Jersey. NJSA 34:6A-25 et seq. NJSA stands for New Jersey Statutes Annotated.

**PEOSH Standards** – PEOSH standards are regulations that New Jersey public employers have a legal obligation to follow. Most PEOSH standards are identical to OSHA standards (see above). Additional PEOSH-only standards are found at <https://www.state.nj.us/health/workplacehealthandsafety/peosh/peosh-health-standards/ff.shtml>. They include:

- ❖ Hazard Communication, NJAC 12:100-7
- ❖ Indoor Air Quality, NJAC 12:100-13
- ❖ Firefighters, NJAC 12:100-8
- ❖ Firing Ranges, NJAC 12:100-10

**NJAC stands for New Jersey Administrative Code.** Chapter 100 is Safety and Health Standards for Public Employees.

**Penetration** – A chemical’s passage through an opening in a protective material.

**Permeation** – The passage of a chemical through a piece of clothing on a molecular level, even if the material has no visible holes.

**Personal Protective Equipment (PPE)** – Devices or clothing designed to protect against workplace hazards.

**Physical hazard (OSHA)** – “means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.” Any chemical that can be classified as a physical hazard is considered to be a hazardous chemical under the law. See also hazardous chemical.

**Puncture** – To pierce with a sharp point.

**Radiation** – Energy radiated in the form of rays, waves, or streams of energetic particles.

**Reactivity** – A measure of the tendency of a substance to undergo chemical reaction with the release of energy.

**Respirator** – Device designed to protect the wearer from inhaling harmful contaminants.

**Respiratory system** – The system necessary for breathing and the channels by which they

connect with the outer air.

**Right to Know (RTK)** – A term applied to a variety of laws and regulations enacted by municipal, county, and state governments that provide for the availability of information on chemical hazards; also includes the OSHA Hazard Communication Standard. See also HazCom.

**SCBA** – Self-contained breathing apparatus respirator.

**Safety glasses** – Eye protectors with side pieces that fit over the ear.

**SEI – Safety Equipment Institute.**

**Shatterproof** – The inability of an object to break apart or disintegrate.

**Sideshields** – Sidepieces that are worn with safety glasses or goggles that prevent hazards from entering the eyes from the side.

**Stability** – The likelihood a material is to remain unchanged. Material is considered stable if it remains unchanged under normal conditions.

**Suspension** – The inner structure of a hard hat, consisting of the headband and straps, capable of absorbing and distributing impact experienced by a hit or blow.

**Tagout** – Procedure where a tag (generally accompanied by a lock) is placed on a disconnected electrical power source. The tag states that only authorized personnel can reconnect the power, operate the controls, or remove the tag.

**Toe cap** – Metal reinforcement added to the toes of safety shoes to prevent injuries.

**Toxic substance** – A chemical or substance that may present an unreasonable risk of injury to health or the environment.

**Vapor** – The gaseous phase of a substance.

**Vinyl chloride** – A chemical compound, used in producing some plastics, that is believed to be carcinogenic.

# Ten Steps to School Health & Safety

Local associations that want better working conditions in the areas of health and safety need to organize. Organizing has proven to be the only practice that works in dealing with the unreliability of waiting for school districts and government agencies to do the right thing.

**COMMIT:** Make membership health and safety a priority. Enlist the assistance of your UniServ field representative.

**ORGANIZE:** Form a local association health and safety committee. Establish a process to receive and respond to hazards and health problems.

**RESEARCH:** Examine district injury and illness logs. Review district health and safety procedures. Check whether the district is in compliance with Public Employees Occupational Safety and Health (PEOSH) requirements.

**DOCUMENT:** Survey members. Conduct walk through evaluations. Take photos or videos. Use checklists.

**EDUCATE:** Use the NJEA Health and Safety Manual. Distribute NJEA fact sheets. Hold training sessions. Show videos. Keep the membership informed and involved.

**PROBLEM SOLVE:** Prioritize problems and identify solutions. Pick winnable issues. Ask the district to implement solutions. Follow up to make sure changes are made.

Here is the NJEA 10-step organizing approach for effective local association health and safety programs.

**ASSIST:** Assist sick and injured workers with treatment and compensation.

**MOBILIZE:** Enlist the help of parents, students, community groups, elected officials, activist groups, the media, etc.

**NEGOTIATE:** Negotiate and enforce contract language on health and safety.

**USE PEOSH:** File PEOSH complaints when necessary. Know what is regulated and what is not. Participate in inspections.

**NEW JERSEY EDUCATION ASSOCIATION**

180 WEST STATE STREET • PO BOX 1211  
TRENTON NEW JERSEY 08607-1211

609.599.4561 • [njea.org](http://njea.org)  
3548 – 10/2022