

54 N.J.R. 86(a)

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RULE ADOPTIONS

Reporter

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Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS

Administrative Code Citation

Adopted New Rule: N.J.A.C. 13:32A-1.4

Text

In-Duct Smoke Detectors

Proposed: March 15, 2021, at 53 N.J.R. 409(a).

Adopted: June 8, 2021, by Michael Maloney, President, State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors.

Filed: December 1, 2021, as R.2022 d.002, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:16A-4.

Effective Date: January 3, 2022.

Expiration Date: February 4, 2027.

Summary of Public Comments and Agency Responses:

The official comment period ended May 14, 2021. The Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors (Board) received comments from the following individuals:

1. Mitch Malec

2. Dan O'Gorman

1. COMMENT: A commenter supports the new rule. The commenter recommends that the rule be amended to add the following phrase: "Except in replacement cases described in the definition of 'heating, ventilating, air conditioning, and refrigeration,' a master HVACR contractor shall not perform any electrical work with a potential of more than 30 volts, in any structures, as defined by International Building Code Group Occupancy Classifications, as amended by N.J.A.C. 5:23-3.14."

RESPONSE: The Board thanks the commenter for his support. The Board points out that N.J.A.C. 13:32A-1.3 sets forth limitations on the electrical work a licensed master heating, ventilating, air conditioning, refrigeration (HVACR) contractor may perform. The Board has separately proposed amendments to N.J.A.C. 13:32A-1.3 that would impose the same requirements recommended by the commenter and it is unnecessary to change N.J.A.C. 13:32A-1.4 as the commenter recommends.

2. COMMENT: A commenter asks why provisions regarding in-duct smoke detectors were codified at new N.J.A.C. 13:32A-1.4 and not included as part of the definition of HVACR at N.J.A.C. 13:32A-1.2.

RESPONSE: The definition of "HVACR" at N.J.A.C. 13:32A-1.2 is taken from N.J.S.A. 45:16A-2. It would not be appropriate to change this statutory definition. By adopting new N.J.A.C. 13:32A-1.4, the Board was able to recognize that the installation and wiring of in-duct smoke detectors is within the scope of practice of licensed master HVACR contractors without having to change the definition of "HVACR."

3. COMMENT: A commenter points out that there are many types of air duct smoke detectors, including those mounted outside the duct utilizing sampling tubes, area smoke detectors listed for in-duct or partial in-duct mounting, a light beam detector consisting of projector and receiver mounted within the duct, and air sampling type detectors. The commenter asks why new N.J.A.C. 13:32-1.4 only addresses in-duct smoke detectors.

RESPONSE: The smoke detectors identified by the commenter are in-duct smoke detectors covered at N.J.A.C. 13:32A-1.4. The Board points out that the installation of smoke detectors that are not related to duct work would be within the scope of practice of an individual licensed by the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee.

4. COMMENT: A commenter asks if N.J.A.C. 13:32A-1.4 reserves installation and wiring of in-duct smoke detectors to licensed master HVACR contractors or if apprentices and journeypersons may also provide this service.

RESPONSE: The installation and wiring of in-duct smoke detectors is within the scope of practice of a licensed master HVACR contractor. Pursuant to the definitions of "HVACR apprentice" and "HVACR journeyperson" at N.J.A.C. 13:32A-1.2, anything within scope of practice of a licensed master HVACR contractor may be performed by an HVACR apprentice or HVACR journeyperson, as long as the apprentice or journeyperson is properly supervised by a licensed master HVACR contractor.

5. COMMENT: A commenter points out that N.J.A.C. 13:32A-1.4 addresses installation and wiring of in-duct smoke detectors but does not mention servicing, repairing, or maintaining in-duct smoke detectors. The commenter recommends that the rule be amended to permit licensed master HVACR contractors to service, repair, and maintain in-duct smoke detectors.

RESPONSE: The Board agrees that licensed master HVACR contractors should be able to service, repair, and maintain in-duct smoke detectors and has changed N.J.A.C. 13:32A-1.4 to clarify that such work can be performed by licensed master HVACR contractors, which is a benefit to the public and all licensees.

6. COMMENT: A commenter believes that N.J.A.C. 13:32A-1.4 conflicts with N.J.A.C. 13:32A-1.3 and N.J.S.A. 45:16A-28 as the rule does not state a voltage limitation. The commenter contends that there are no Class III structure smoke detectors that are 10 volts or less.

RESPONSE: N.J.A.C. 13:32A-1.4 does not conflict with N.J.A.C. 13:32A-1.3 or N.J.S.A. 45:16A-28. These provisions establish the electrical work that a licensed master HVACR contractor may perform, including electrical work associated with the installation of in-duct smoke detectors. N.J.A.C. 13:32A-1.3 states that licensed master HVACR contractors may not perform electrical work with a potential of more than 10 volts unless they are working in a class III structure, where the limitation is no more than 30 volts. A smoke detector in a Class III [page=87] structure need not be 10 volts or less in order for a licensed master HVACR contractor to perform the electrical work associated with such a smoke detector. The Board points out that it has recently proposed amendments at N.J.A.C. 13:32A-1.3 that would remove reference to electrical work with a potential of 10 volts or less. Under the proposed amendments, licensed master HVACR contractors would be able to perform electrical work that has a potential of 30 volts or less in any structure.

7. COMMENT: A commenter points out that the Summary of N.J.A.C. 13:32A-1.4 states that the new rule does not authorize licensed master HVACR contractors to hard wire in-duct smoke detectors to an alarm panel. The commenter believes that the summary language prohibits a licensed master HVACR contractor from connecting to a fire alarm panel or system but allows connection to a remote station. The commenter recommends that N.J.A.C. 13:32A-1.4 be amended to state this and to add a definition for the term "remote station."

RESPONSE: N.J.A.C. 13:32A-1.4 states that a licensed master HVACR contractor may wire an in-duct smoke detector to a remote station. The commenter is correct that a licensed master HVACR contractor may not wire an in-duct smoke detector to an alarm panel. The Board believes that this term is easily understood by the industry and that it is not necessary to amend N.J.A.C. 13:32A-1.4 to define "remote station" or to distinguish it from an alarm panel.

8. COMMENT: A commenter contends that the phrase "to HVACR equipment or a remote station" should be amended to "to HVACR equipment and remote stations." The commenter believes that the existing language permits a licensed master HVACR contractor to wire in-duct smoke detectors either to HVACR equipment or to remote stations, but not both. The commenter believes that licensed master HVACR contractors should be permitted to do both.

RESPONSE: The Board believes that N.J.A.C. 13:32A-1.4 indicates that a licensed master HVACR contractor may wire in-duct smoke detectors to both HVACR equipment and remote stations; however, in order to address any possible confusion, the Board has changed N.J.A.C. 13:32A-1.4 upon adoption to add the word "and" to clarify that a licensed master HVACR contractor may wire in-duct smoke detectors to both HVACR equipment and to remote stations.

9. COMMENT: A commenter asks why a fire alarm system contractor would allow devices such as in-duct smoke detectors that are installed by licensed master HVACR contractors to be connected to their

system. The commenter also posits that fire alarm companies may want their own brand of detector and could request the removal of in-duct smoke detectors installed by licensed master HVACR contractors. The commenter asks if in-duct smoke detectors installed by a licensed master HVACR contractor are the responsibility of the licensed master HVACR contractor even if they are maintained by a fire alarm company.

RESPONSE: The Board cannot comment on the business decision of fire alarm system contractors. New N.J.A.C. 13:32A-1.4 recognizes that the installation of in-duct smoke detectors is within the scope of practice of licensed master HVACR contractors. As with any work performed by a licensed master HVACR contractor, when a licensed master HVACR contractor installs an in-duct smoke detector, the licensed master HVACR contractor is responsible for the proper installation of the in-duct smoke detector.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted new rule.

Full text of the adopted new rule follows (additions to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS

13:32A-1.4 In-duct smoke detectors

In addition to the services provided as part of HVACR, as defined at N.J.A.C. 13:32A-1.2, a licensed master HVACR contractor shall be permitted to install and wire in-duct smoke detectors to HVACR equipment ***[or]*** ***and/or*** a remote station ***and to service, repair, and maintain in-duct smoke detectors***.

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